



# Federal Register

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**Monday,  
December 22, 2003**

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**Part XI**

**Department of the  
Interior**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF THE INTERIOR (DOI)**

**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**25 CFR Ch. I**

**30 CFR Chs. II and VII**

**36 CFR Ch. I**

**43 CFR Subtitle A, Chs. I and II**

**48 CFR Ch. 14**

**50 CFR Chs. I and IV**

**Semiannual Regulatory Agenda**

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This notice provides the semiannual agenda of rules scheduled for review or development between fall

2003 and spring 2004. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

**ADDRESSES:** Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** You should direct all comments and inquiries with regard to these rules to the appropriate agency contact. You should direct general comments relating to the agenda to the Office of Executive Secretariat, Department of the Interior, at the address above or on 202-208-5257 or 202-208-3071.

**SUPPLEMENTARY INFORMATION:** With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects.

For this edition of the Department's regulatory agenda, we have included the most important significant regulatory actions in the Regulatory Plan, which appears in part II of today's **Federal Register**. The table of contents below lists the Regulatory Plan entries and denotes them by a bracketed bold reference that directs the reader to the appropriate Sequence Number in part II.

**Date:** September 23, 2003.

**Richard A. Stephan,**  
*Federal Register Liaison Officer.*

**Assistant Secretary for Policy, Management and Budget—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
1627	Natural Resource Damage Assessments: Type B Procedures .....	1090-AA29
1628	Department Hearings and Appeals; Special Rules Applicable to Public Land Hearings and Appeals .....	1090-AA68
1629	Department Hearings and Appeals; Procedures Applicable in Adjudications Before the Hearings Division .....	1090-AA73
1630	Amendment of Authority to Grant Stays of BLM Grazing Decisions .....	1090-AA84
1631	Mandatory Conditions Review Process .....	1090-AA91
1632	Special Rules Applicable to Surface Coal Mining Hearings and Appeals .....	1090-AA92

**Assistant Secretary for Policy, Management and Budget—Completed Actions**

Sequence Number	Title	Regulation Identification Number
1633	Nondiscrimination in Federally Assisted Programs of the Department of the Interior on the Basis of Race, Color, National Origin, Handicap, or Age .....	1090-AA77
1634	Nonprocurement Suspension and Debarment; Drug-Free Workplace Grant Requirements .....	1090-AA79
1635	Amendment of Authority To Grant Stays of Grazing Decisions .....	1090-AA83

**United States Fish and Wildlife Service—Prerule Stage**

Sequence Number	Title	Regulation Identification Number
1636	Partners for Fish and Wildlife Program .....	1018-AH98
1637	Release of Captive-Reared Mallards .....	1018-AI05
1638	North American Wetlands Conservation Act and Neotropical Migratory Bird Conservation Act Grant Administration Policies .....	1018-AI13
1639	Migratory Bird Permits; Regulations Governing Possession of Migratory Birds for Educational Purposes .....	1018-AI97
1640	Humane and Healthful Transport of Wild Mammals, Birds, Reptiles, and Amphibians to the United States .....	1018-AJ24
1641	Injurious Wildlife Species; Boiga Snakes .....	1018-AT28
1642	Migratory Bird Hunting; Approval of Hevi-Steel as a Nontoxic Shot Material for Waterfowl Hunting .....	1018-AT32
1643	Injurious Wildlife; Bighead Carp ( <i>Hypophthalmichthys Nobilis</i> ) .....	1018-AT49

## DOI

## United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1644	Seizure and Forfeiture Procedures—50 CFR Part 12 .....	1018-AC89
1645	Convention on International Trade in Endangered Species (CITES) .....	1018-AD87
1646	Migratory Bird Permits: Scientific Collecting Permits .....	1018-AE63
1647	U.S. Proposals for CITES Appendix III; American Eel .....	1018-AF09
1648	Humane and Healthful Transport of Wild Mammals, Birds, Reptiles, and Amphibians to the United States .....	1018-AF27
1649	Importation, Exportation, and Transportation of Wildlife, 50 CFR Part 14 .....	1018-AF46
1650	Endangered and Threatened Wildlife and Plants; Tibetan Antelope .....	1018-AF49
1651	Injurious Wildlife; Addition of the Asian Swamp Eel .....	1018-AF53
1652	Endangered and Threatened Wildlife and Plants; Proposed Reclassification of the Straight-Horned Markhor Population of the Torghar Region of Baluchistan, Pakistan, From Endangered to Threatened .....	1018-AG00
1653	Federal Falconry Standards and Falconry Permitting .....	1018-AG11
1654	Endangered and Threatened Wildlife and Plants; Delisting the Gulf Coast Distinct Population Segment of the Brown Pelican Population in the Southeastern United States .....	1018-AG40
1655	Wild Bird Conservation Act: Review of Approved List of Captive-Bred Species .....	1018-AG64
1656	Injurious Wildlife—Addition of Black Carp .....	1018-AG70
1657	Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population for the Boulder Darter and the Spottfin Chub in Shoal Creek, Alabama and Tennessee .....	1018-AH44
1658	Endangered and Threatened Wildlife and Plants; Proposed Reclassification of the Gila Trout From Endangered to Threatened .....	1018-AH57
1659	Export of Live Alligators .....	1018-AH65
1660	Eagle Permits: New Definitions, Permits for Incidental Taking of Bald Eagles Necessary To Protect Other Interests in Any Particular Locality .....	1018-AH74
1661	Endangered and Threatened Wildlife and Plants; Revisions to the Regulations Applicable to Permits Issued Under the Endangered Species Act .....	1018-AH93
1662	Endangered and Threatened Wildlife and Plants; Removal of Two Australian Parakeets From the List of Endangered and Threatened Species .....	1018-AI04
1663	Subsistence Management Regulations for Public Lands in Alaska, Subpart C—Nonrural Determinations .....	1018-AI38
1664	Endangered and Threatened Wildlife and Plants; Proposed Reclassification of the American Crocodile From Endangered to Threatened .....	1018-AI41
1665	Endangered and Threatened Wildlife and Plants; Listing the Southwest Alaskan Distinct Population Segment of the Northern Sea Otter .....	1018-AI44
1666	Migratory Bird Permits; Eiderdown From Iceland .....	1018-AI64
1667	Import of Polar Bear Trophies From Canada; Finding for the Gulf of Boothia Population .....	1018-AI65
1668	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Appalachian Mussels .....	1018-AI76
1669	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for a Plant, the Lane Mountain Milkvetch .....	1018-AI78
1670	Endangered and Threatened Wildlife and Plants; Delisting of a Plant, the Arizona Agave .....	1018-AI79
1671	Endangered and Threatened Wildlife and Plants; Proposed Nonessential Experimental Population of the Northern Aplomado Falcon .....	1018-AI80
1672	Endangered and Threatened Wildlife and Plants; Downlisting the Wood Bison From Endangered to Threatened .....	1018-AI83
1673	Safe Harbor Agreements and Candidate Conservation Agreements With Assurances; Revisions to the Regulations .....	1018-AI85
1674	U.S. Proposals for CITES Appendix III; Black Cohosh .....	1018-AI91
1675	Migratory Bird Permits; Military Readiness Exemption .....	1018-AI92
1676	Endangered Species and Pesticide Regulation ( <b>Reg Plan Seq No. 72</b> ) .....	1018-AI95
1677	Revision of Migratory Bird Hunting Regulations .....	1018-AI98
1678	Revision of the Regulations Governing the Transport of Eagle Feathers .....	1018-AJ00
1679	Endangered and Threatened Wildlife and Plants; Delisting the Eastern Distinct Population Segment of the Gray Wolf .....	1018-AJ03
1680	Endangered and Threatened Wildlife and Plants; Delisting of the Western Distinct Population Segment of the Gray Wolf .....	1018-AJ04
1681	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Colorado Butterfly Plant .....	1018-AJ07
1682	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Fish Slough Milk Vetch .....	1018-AJ09
1683	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Munz's Onion .....	1018-AJ10
1684	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Coastal-Puget Sound, St. Mary-Belly River, and Jarbidge River Population Segments of Bull Trout .....	1018-AJ12
1685	Endangered and Threatened Wildlife and Plants; Listing the Salt Creek Tiger Beetle .....	1018-AJ13
1686	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Mexican Spotted Owl .....	1018-AJ15
1687	Endangered and Threatened Wildlife and Plants; Removal of the Eggert's Sunflower From the List of Endangered and Threatened Species .....	1018-AJ17

## DOI

## United States Fish and Wildlife Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1688	Endangered and Threatened Wildlife and Plants; De-designation of Manatee Protection Areas in Florida .....	1018-AJ23
1689	Injurious Wildlife; Silver Carp ( <i>Hypophthalmichthys Molitrix</i> ) .....	1018-AT29
1690	Wild Bird Conservation Act; Review of Regulations To Allow Imports of Exotic Wild Birds .....	1018-AT30
1691	Endangered and Threatened Wildlife and Plants; Delisting of Mexican Bobcat from List of Endangered Species .....	1018-AT31
1692	Endangered and Threatened Wildlife and Plants; Removal of the Virginia Roundleaf From the List of Endangered and Threatened Species .....	1018-AT33
1693	Endangered and Threatened Wildlife and Plants; Proposed Termination of the Southern Sea Otter Translocation Program .....	1018-AT34
1694	Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Downlisting of the Pahump Poolfish From the List of Endangered and Threatened Species .....	1018-AT35
1695	Endangered and Threatened Wildlife and Plants; Proposed Reclassification of the Virginia Northern Flying Squirrel From Endangered to Threatened .....	1018-AT37
1696	Endangered and Threatened Wildlife and Plants; Proposed Removal of the Yellowstone Grizzly Bear Population From the List of Endangered and Threatened Species .....	1018-AT38
1697	2004–2005 Refuge-Specific Hunting and Sport Fishing Regulations .....	1018-AT40
1698	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Arroyo Toad .....	1018-AT42
1699	Endangered and Threatened Wildlife and Plants; Listing the Boreal Toad .....	1018-AT43
1700	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander Santa Barbara County Distinct Population Segment .....	1018-AT44
1701	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Riverside Fairy Shrimp .....	1018-AT45
1702	Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D; 2005–2006 Subsistence Taking of Fish and Shellfish Regulations .....	1018-AT46
1703	Marine Mammals: Revised Definition of “Authentic Native Articles of Handicrafts and Clothing” .....	1018-AT48
1704	Revised Definition of “Destruction or Adverse Modification” for Endangered Species Act Section 7 Consultations ..	1018-AT50
1705	Listing the Miami Blue Butterfly as Endangered; Listing the Cassius Blue, Ceraunus Blue, and Nickerbean (Ammon) Blue Butterflies as Threatened Due to Similarity of Appearance to the Miami Blue .....	1018-AT51
1706	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Mexican Spotted Owl .....	1018-AT52

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1707	List of Migratory Birds .....	1018-AB72
1708	General Provisions and General Permit Procedures—50 CFR Part 13 .....	1018-AC57
1709	Endangered and Threatened Wildlife and Plants; Removal of the Bald Eagle Throughout the Lower 48 States From the List of Endangered and Threatened Species .....	1018-AF21
1710	Importation of Captive-Bred Exotic Birds Into the United States From Breeding Facilities in Other Countries .....	1018-AF44
1711	Policy on General Conservation Permits .....	1018-AF63
1712	U.S. Proposals for CITES Appendix III; Certain Turtle Species .....	1018-AF69
1713	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Three Plants From the Mariana Islands and Guam .....	1018-AG09
1714	Endangered and Threatened Wildlife and Plants; Endangered Status for 12 Species of Picture-Wing Flies From the Hawaiian Islands .....	1018-AG23
1715	Endangered and Threatened Wildlife and Plants; Delisting the Hoover’s Woolly-Star From the List of Endangered and Threatened Species .....	1018-AG41
1716	National Wildlife Refuge System; Mission, Goals, and Purposes .....	1018-AG46
1717	Endangered and Threatened Wildlife and Plants; Critical Habitat for Three Coastal California Plants .....	1018-AG88
1718	Endangered and Threatened Wildlife and Plants; Removal of the Truckee Barberry From the List of Endangered and Threatened Species .....	1018-AH47
1719	Endangered and Threatened Wildlife and Plants; Removal of the Guam Broadbill and Mariana Mallard From the List of Endangered and Threatened Species .....	1018-AH50
1720	Endangered and Threatened Wildlife and Plants; Removal of the Johnston’s Frankenia From the List of Endangered and Threatened Species .....	1018-AH53
1721	Endangered and Threatened Plants; Reclassification of the Missouri Bladderpod From Endangered to Threatened .....	1018-AH59
1722	Addition of the Great White Shark and the Cape Stag Beetles to Appendix III Under CITES .....	1018-AH66
1723	Audit Resolution Policy .....	1018-AH69

## DOI

## United States Fish and Wildlife Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1724	Migratory Bird Permits; Regulations Governing Rehabilitation Activities .....	1018-AH87
1725	Importation of Exotic Wild Birds Into the United States; Adding Blue-Fronted Amazon Parrots From Argentina's Approved Sustainable Use Management Plan to the Approved List of Non-Captive Bred Species .....	1018-AH89
1726	Marine Mammals: Incidental Take During Specified Activities (Beaufort Sea Polar Bear and Walrus) .....	1018-AH92
1727	Public Notice for CITES Appendix III Listing of Spanish Cedar and Bigleaf Mahogany by the Government of Peru .....	1018-AH99
1728	Migratory Bird Hunting and Permits; Regulations for Managing Harvest of Light Goose Populations .....	1018-AI07
1729	Addition by Indonesia of Ramin to Appendix III Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora .....	1018-AI08
1730	Endangered and Threatened Wildlife and Plants; Beluga Sturgeon .....	1018-AI11
1731	Endangered and Threatened Wildlife and Plants; Removal of the Tinian Monarch Flycatcher From the List of Endangered and Threatened Species .....	1018-AI14
1732	Endangered and Threatened Wildlife and Plants; Listing and Designation of Critical Habitat for Three Snails and One Amphipod .....	1018-AI15
1733	Endangered and Threatened Wildlife and Plants; Listing of the Rota Bridled White-Eye .....	1018-AI16
1734	Endangered and Threatened Wildlife and Plants; Critical Habitat for the Topeka Shiner .....	1018-AI20
1735	Endangered and Threatened Wildlife and Plants; Critical Habitat for the Ventura Marsh Milkvetch .....	1018-AI21
1736	Migratory Bird Permits; Regulations for Managing Resident Canada Geese Populations .....	1018-AI32
1737	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cactus Ferruginous Pygmy Owl .....	1018-AI48
1738	Endangered and Threatened Wildlife and Plants; Listing the Slickspot Peppergrass .....	1018-AI50
1739	Endangered and Threatened Wildlife and Plants; Listing of the Central California Distinct Population Segment of the California Tiger Salamander; Reclassification of the Sonoma County and Santa Barbara .....	1018-AI68
1740	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Desert Yellowhead .....	1018-AI69
1741	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the San Diego Fairy Shrimp .....	1018-AI71
1742	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Gnatcatcher .....	1018-AI72
1743	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for 11 Mobile River Basin Freshwater Mussels .....	1018-AI73
1744	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Braun's Rockcress .....	1018-AI74
1745	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for a Plant, the Pierson's Milkvetch .....	1018-AI77
1746	Endangered and Threatened Wildlife and Plants; Endangered Status for the Dugong in the Republic of Palau .....	1018-AI81
1747	Endangered and Threatened Wildlife and Plants; Endangered Status for the Scimitar-Horned Oryx, Addax, and Dama Gazelle .....	1018-AI82
1748	Subsistence Management Regulations for Public Lands in Alaska, Subparts C and D; 2004–2005 Subsistence Taking of Fish and Shellfish .....	1018-AI89
1749	Changes in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora .....	1018-AI90
1750	Endangered Species Act Counterpart Section 7 Consultation Regulations for Implementing the National Fire Plan .....	1018-AJ02
1751	Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2004–2005 Subsistence Taking of Fish and Wildlife .....	1018-AJ25
1752	Proposal To Extend Existing Amended 4(d) Rule for Preble's Meadow Jumping Mouse in Colorado and Wyoming .....	1018-AJ26
1753	Migratory Bird Subsistence Harvest in Alaska; Proposed Spring/Summer Subsistence Annual Harvest Regulations for Migratory Birds in Alaska During the 2004 Subsistence Season .....	1018-AJ27
1754	Endangered and Threatened Wildlife and Plants; Amendment To Manatee Protection Areas in Florida (Barge Canal Exception) .....	1018-AT39

## United States Fish and Wildlife Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1755	Implementation of the 1994 Amendments to the Marine Mammal Protection Act .....	1018-AE72
1756	Taking of Marine Mammals by Level B Harassment; Issuance of General Authorization for Scientific Research and Permits for Photography, Educational, and Commercial Purposes .....	1018-AF26
1757	Endangered and Threatened Wildlife and Plants; Determination of Endangered Status and Designation of Critical Habitat for the Gila Chub .....	1018-AG16
1758	Endangered and Threatened Wildlife and Plants; Listing of the Miami Blue Butterfly .....	1018-AH30
1759	Interagency Guidance for the Prescription of Fishways Pursuant to Section 18 of the Federal Power Act .....	1018-AH42

## DOI

## United States Fish and Wildlife Service—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
1760	Endangered and Threatened Wildlife; Reclassification of the Marianna Fruit Bat on Guam From Endangered to Threatened .....	1018-AH55
1761	Endangered and Threatened Wildlife and Plants; Listing the Dolly Varden as a Threatened Species in Washington Due to Similarity of Appearance to Bull Trout .....	1018-AH68
1762	Corrections to Rights-of-Way Regulations .....	1018-AI12
1763	Endangered and Threatened Wildlife and Plants; Critical Habitat for 6 Guam Species .....	1018-AI25
1764	Endangered and Threatened Wildlife and Plants; Listing of the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox .....	1018-AI28
1765	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Columbia-Klamath Distinct Population Segment of the Bull Trout .....	1018-AI52
1766	Endangered and Threatened Wildlife and Plants; Conservation Education; 50 CFR 17.21 .....	1018-AI66
1767	Endangered and Threatened Wildlife and Plants; Permits for Foreign Listed Species .....	1018-AI67
1768	Migratory Bird Permits; Revisions to General Exceptions .....	1018-AI96
1769	Endangered and Threatened Wildlife and Plants; Prudency Determination and Designation of Critical Habitat for Eggert's Sunflower .....	1018-AJ08
1770	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Spreading Navarretia and the San Jacinto Valley Crownscale .....	1018-AJ11
1771	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Red-legged Frog .....	1018-AJ16
1772	Endangered and Threatened Wildlife and Plants; Proposed Amendment to the Nonessential Experimental Population Rule for the Mexican Gray Wolf .....	1018-AT36
1773	Land Conservation Planning (Refuge Manual Chapter 602 FW 2) .....	1018-AT41
1774	Subsistence Management Regulations for Public Lands in Alaska, Subpart A and Subpart B .....	1018-AT47

## United States Fish and Wildlife Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
1775	Endangered and Threatened Wildlife and Plants; Removal of the Douglas County, Oregon, Population of the Columbia White-Tailed Deer From the List of Endangered and Threatened Species .....	1018-AF43
1776	Endangered and Threatened Wildlife and Plants; Critical Habitat for 47 Plants in Hawaii .....	1018-AH02
1777	Endangered and Threatened Wildlife and Plants; Critical Habitat for Plants of the Northwest Islands, Hawaii .....	1018-AH09
1778	Endangered and Threatened Wildlife and Plants; Listing of the Sacramento Mountains Checkerspot Butterfly and Proposed Designation of Critical Habitat .....	1018-AH40
1779	Endangered and Threatened Wildlife; Removal of the San Marcos Gambusia From the List of Endangered and Threatened Species .....	1018-AH52
1780	Endangered and Threatened Wildlife and Plants: Reproposed Determinations of Prudency and Proposed Designations of Critical Habitat for Plants From Maui and Kahoolawe, Hawaii .....	1018-AH70
1781	Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on the Threatened Status of the Sacramento Splittail ( <i>Pogonichthys Macrolepidotis</i> ) .....	1018-AH73
1782	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Blackburn's Sphinx Moth .....	1018-AH94
1783	Civil Procedures; 50 CFR Part 11 .....	1018-AH97
1784	Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Grizzly Bears in the Bitterroot Area of Idaho and Montana; Removal of Regulations .....	1018-AI03
1785	Endangered and Threatened Wildlife and Plants; Critical Habitat for 103 Oahu, Hawaii, Plants .....	1018-AI24
1786	Endangered and Threatened Wildlife and Plants; Critical Habitat for Four Fairy Shrimp and 11 Plants in California .....	1018-AI26
1787	Migratory Bird Permits; Regulations for Managing Double-Crested Cormorant Damages .....	1018-AI39
1788	Endangered and Threatened Wildlife and Plants; Reclassification of the Gray Bat From Endangered to Threatened .....	1018-AI40
1789	Endangered and Threatened Wildlife and Plants; Listing the Mountain Plover With a Special Rule .....	1018-AI45
1790	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Preble's Meadow Jumping Mouse .....	1018-AI46
1791	Tribal Wildlife Grants Program Implementation Guidelines for Fiscal Year (FY) 2002 .....	1018-AI58
1792	Tribal Landowner Incentive Program (T-LIP) Implementation Guidelines for Fiscal Year (FY) 2002 .....	1018-AI59
1793	Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of the Black-Footed Ferret in South-Central South Dakota .....	1018-AI60
1794	Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2003–2004 Subsistence Taking of Wildlife Regulations .....	1018-AI62
1795	2003–2004 Refuge Specific Hunting and Sport Fishing Regulations .....	1018-AI63

## DOI

## United States Fish and Wildlife Service—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
1796	Migratory Bird Subsistence Harvest in Alaska; Regulations for the Spring and Summer 2003 Season .....	1018-AI84
1797	Migratory Bird Hunting; Proposed 2003–2004 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals .....	1018-AI93
1798	Endangered and Threatened Wildlife and Plants; Removal of the Water Howellia (Howellia aquatilis) From the List of Endangered and Threatened Species .....	1018-AI94
1799	Revision of Airborne Hunting Regulations .....	1018-AI99
1800	Fiscal Year 2004 Private Stewardship Grants Program; Program Implementation .....	1018-AJ01
1801	Endangered and Threatened Wildlife and Plants; Reclassification of the Cui-ui From the List of Endangered and Threatened Species and Establishment of a 4(d) Rule .....	1018-AJ05
1802	Endangered and Threatened Wildlife and Plants; Designation of Additional Manatee Protection Areas in Florida ....	1018-AJ06
1803	Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Black-Footed Ferret in Wyoming .....	1018-AJ18
1804	Endangered and Threatened Wildlife and Plants; Reclassification of the Uncompahgre Fritillary Butterfly From Endangered to Threatened .....	1018-AJ19
1805	Endangered and Threatened Wildlife and Plants; Removal of Arctic Russian Population of Spectacled Eiders From the List of Endangered and Threatened Species; Classification of U.S. Popul. as Threatened .....	1018-AJ20
1806	Guidance for the Establishment, Use, and Operation of Conservation Banks .....	1018-AJ22

## National Park Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1807	Big Thicket National Preserve; Personal Watercraft .....	1024-AC92
1808	Pictured Rocks National Lakeshore; Personal Watercraft .....	1024-AC93
1809	Fire Island National Seashore; Personal Watercraft .....	1024-AC94
1810	Gateway National Recreation Area; Personal Watercraft .....	1024-AC95
1811	Bighorn Canyon National Recreation Area; Personal Watercraft .....	1024-AC96
1812	Lake Meredith Recreation Area; Personal Watercraft .....	1024-AC97
1813	Chickasaw Recreation Area; Personal Watercraft .....	1024-AC98
1814	Curecanti Recreation Area; Personal Watercraft .....	1024-AC99
1815	Amistad Recreation Area; Personal Watercraft .....	1024-AD00
1816	Lake Roosevelt Recreation Area; Personal Watercraft .....	1024-AD01
1817	Native American Graves Protection and Repatriation Act; Future Applicability .....	1024-AD05
1818	Boating and Water Use Activities .....	1024-AD07
1819	Alaska Park Units; Special Regulations .....	1024-AD13
1820	Delaware Water Gap NRA Commercial Vehicle Fees .....	1024-AD14
1821	Revisions to Right-of-Way Regulations .....	1024-AD16
1822	Cost Recovery for Special Park Uses .....	1024-AD18
1823	Ceremonies at First Division Monument .....	1024-AD19

## National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1824	Procedures for State, Tribal, and Local Government Historic Preservation Programs .....	1024-AC79
1825	Commercial Use Authorizations .....	1024-AC85
1826	Snowmobile Regulations for Yellowstone and Grand Teton National Parks and JDR Parkway ( <b>Reg Plan Seq No. 73</b> ) .....	1024-AD11
1827	Rocky Mountain National Park Snowmobile Use .....	1024-AD15
1828	Use of Service Animals in National Park Areas .....	1024-AD17

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## DOI

## National Park Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1829	Special Regulations of the National Park System; Religious Ceremonial Collection of Golden Eaglets in Wupatki National Monument .....	1024-AC86
1830	Golden Gate National Recreation Area; Special Regulations .....	1024-AD03

## National Park Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
1831	Vehicles and Traffic Safety; Operating Under the Influence of Alcohol or Drugs .....	1024-AC69
1832	Native American Graves Protection and Repatriation Act Regulations; Civil Penalties .....	1024-AC84
1833	Virgin Islands Coral Reef National Monument; Special Regulations .....	1024-AC89
1834	Glen Canyon National Recreation Area; Personal Watercraft .....	1024-AC90
1835	Assateague Island National Seashore; Personal Watercraft .....	1024-AD02
1836	Saguaro National Monument Mountain Bike Special Regulations .....	1024-AD10
1837	Special Regulations; Areas of the National Park System; New River Gorge National River—Hunting .....	1024-AD12

## Bureau of Indian Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1838	Buy Indian Act Regulations .....	1076-AE07
1839	Tribal Revenue Allocation Plans .....	1076-AE24
1840	Indian Country Law Enforcement .....	1076-AE35
1841	Leases and Permits on Indian Trust and Restricted Lands .....	1076-AE36
1842	Reindeer in Alaska .....	1076-AE37
1843	Proclamation of Reservations .....	1076-AE40
1844	Loan Guaranty, Insurance, and Interest Subsidy .....	1076-AE42
1845	Use or Distribution of Indian Judgment Funds .....	1076-AE43
1846	Navajo Partitioned Lands Grazing Permits .....	1076-AE46
1847	Indian Highway Safety Program .....	1076-AE47
1848	Appeals from Administrative Actions .....	1076-AE48
1849	No Child Left Behind Act of 2001 .....	1076-AE49

## Bureau of Indian Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1850	Irrigation Projects and Systems .....	1076-AD44
1851	Certificates of Degree of Indian Blood .....	1076-AD97
1852	Alaska Resupply Operation .....	1076-AE04
1853	Indian Reservation Roads Program .....	1076-AE17

## Bureau of Indian Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1854	Indian Electric Power Utilities .....	1076-AD45
1855	Preparation of Rolls of Indians .....	1076-AE44
1856	Standards for Approving Tribal Per Capita Distributions .....	1076-AE45



## DOI

## Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
1857	Protection of Products of Indian Art and Craftsmanship .....	1076-AE16
1858	Amendment to the List of Courts of Indian Offenses .....	1076-AE41

## Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1859	Late and Overpayment Interest .....	1010-AC27
1860	Takes vs. Entitlements Reporting .....	1010-AC29
1861	Prepayment of Royalties .....	1010-AC31
1862	Incident Reporting .....	1010-AC57
1863	Royalty Relief Terms .....	1010-AC58
1864	Appeals of Minerals Management Service Orders .....	1010-AC80
1865	Reporting Amendments .....	1010-AC90
1866	Blowout Prevention for Production Tree Coiled Tubing Workover Operations .....	1010-AC96
1867	Data Release and Definitions .....	1010-AC99
1868	Valuation of Oil From Indian Leases .....	1010-AD00
1869	Reduction to Royalty Relief in Special Circumstances .....	1010-AD02
1870	Federal Oil Valuation .....	1010-AD04
1871	Federal Gas Valuation .....	1010-AD05
1872	Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf .....	1010-AD06

## Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1873	Accounting Relief for Marginal Properties .....	1010-AC30
1874	Plans and Information .....	1010-AC47
1875	Proprietary Terms and Data Disclosure .....	1010-AC81
1876	Documents Incorporated by Reference for Offshore Floating Production Facilities .....	1010-AC85
1877	Rights-of-Use and Easements and Pipeline Rights-of-Way .....	1010-AC91
1878	Document Incorporated by Reference—API 510—Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration .....	1010-AC95
1879	Relief or Reduction in Royalty Rates—Deep Gas Provisions ( <b>Reg Plan Seq No. 74</b> ) .....	1010-AD01

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
1880	Dealing With Sustained Casing Pressure .....	1010-AC83
1881	Definition of Control .....	1010-AC88
1882	Documents Incorporated by Reference—API RP 14F and API 510 .....	1010-AC89
1883	Fixed Platforms—Documents Incorporated by Reference .....	1010-AD03
1884	Increase in Maximum Daily Civil Penalty Amount .....	1010-AD07

## DOI

## Office of Surface Mining Reclamation and Enforcement—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1885	Abandoned Mine Reclamation Fees .....	1029-AC46

## Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1886	Abandoned Coal Refuse Sites .....	1029-AB70
1887	Revegetation .....	1029-AC02
1888	Placement of Excess Spoil .....	1029-AC04
1889	Financial Assurances .....	1029-AC05
1890	Processing State Program Amendments .....	1029-AC06
1891	Ownership and Control Settlement Rule .....	1029-AC08

## Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1892	Indian Lands .....	1029-AB83
1893	Financing Abandoned Mine Land Reclamation .....	1029-AC07

## Bureau of Reclamation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1894	Public Conduct on Reclamation Lands and Projects .....	1006-AA45

## Bureau of Reclamation—Completed Actions

Sequence Number	Title	Regulation Identification Number
1895	Trespass on Reclamation Lands and Facilities .....	1006-AA44
1896	Public Conduct on Bureau of Reclamation Lands and Projects; Removal of Expiration Date .....	1006-AA46

## Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1897	Sales—Federal Land Policy and Management Act .....	1004-AB77
1898	Desert Land Entries .....	1004-AC56
1899	Disposal of Reserved Minerals Under the Stock Raising Homestead Act .....	1004-AC59
1900	Mineral Patent Applications; Adverse Claims, Protests, and Conflicts .....	1004-AD32
1901	Grazing Administration—Exclusive of Alaska .....	1004-AD42
1902	Resource Management Planning .....	1004-AD57

## DOI

## Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1903	Indian Allotments .....	1004-AC77
1904	Permits for Recreation on Public Lands .....	1004-AD45
1905	Wilderness Management .....	1004-AD46
1906	Oil and Gas Leasing Operations; Bonding .....	1004-AD56

## Bureau of Land Management—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1907	Leases, Permits, and Easements .....	1004-AB51
1908	Coalbed Methane Development .....	1004-AC27
1909	Cost Recovery; Mineral Filings and Operations .....	1004-AC64
1910	Rights-of-Way, Principles and Procedures; Rights-of-Way Under the Mineral Leasing Act .....	1004-AC74
1911	Carey Act Grants .....	1004-AC80
1912	Oil and Gas Leasing and Operations .....	1004-AC94
1913	Appeals Procedures; Hearings Procedures .....	1004-AC99
1914	Conservation; Helium Leasing .....	1004-AD35
1915	Hazardous Materials Compliance .....	1004-AD38
1916	Supplementary Rules for Public Demonstrations at Grand Staircase-Escalante National Monument .....	1004-AD40
1917	Mining Claims Under the General Mining Laws; Surface Management .....	1004-AD53
1918	Wilderness Management .....	1004-AD54

## Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
1919	Location Recording and Maintenance of Mining Claims and Sites .....	1004-AD31
1920	Surface Management; Segregated or Withdrawn Lands .....	1004-AD51

## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
1921	Wild and Scenic Rivers .....	1093-AA08

## Department of the Interior (DOI)

## Proposed Rule Stage

## Assistant Secretary for Policy, Management and Budget (ASPMB)

**1627. NATURAL RESOURCE DAMAGE ASSESSMENTS: TYPE B PROCEDURES**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 9651(c)

**CFR Citation:** 43 CFR 11

**Legal Deadline:** None

**Abstract:** CERCLA and the Clean Water Act allow natural resource trustees to

bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance. CERCLA requires that natural resource damage assessment regulations be promulgated and that the regulations be reviewed, and revised as appropriate, every two years. This rulemaking is the biennial review of the administrative process for conducting assessments as well as the so-called type B procedures for

determining injury and damages through scientific and economic studies. This rulemaking will also address the calculation of lost non-use values of natural resources, in compliance with State of Ohio v. Department of the Interior, 880 F.2d 432 (D.C. Cir. 1989), which ordered the Department to allow for the assessment of all reliably calculated values lost as a result of a natural resource injury.

## DOI—BIA

## Long-Term Actions

## Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Daisy West, Tribal Relations Officer, Department of the Interior, Bureau of Indian Affairs, Room 4603 MIB, 1849 C Street NW., Washington, DC 20240  
Phone: 202 513-7626  
Fax: 202 219-2327

**RIN:** 1076-AE44**1856. ● STANDARDS FOR APPROVING TRIBAL PER CAPITA DISTRIBUTIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 25 USC 117c**CFR Citation:** 25 CFR 111**Legal Deadline:** None

**Abstract:** This rule will provide standards for the review and approval of tribal requests for the authority to make per capita distributions from tribal funds held in trust by the Secretary of the Interior under Public Law 98-164, 25 U.S.C. 117a and 117b.

## Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Tribal

**Agency Contact:** Daisy West, Tribal Relations Officer, Department of the Interior, Bureau of Indian Affairs, Room 4603 MIB, 1849 C Street NW., Washington, DC 20240  
Phone: 202 513-7626  
Fax: 202 219-2327

**RIN:** 1076-AE45Department of the Interior (DOI)  
Bureau of Indian Affairs (BIA)

## Completed Actions

**1857. PROTECTION OF PRODUCTS OF INDIAN ART AND CRAFTSMANSHIP****Priority:** Substantive, Nonsignificant**CFR Citation:** 25 CFR 309**Completed:**

Reason	Date	FR Cite
Final Action	06/12/03	68 FR 35164

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Meridith Stanton  
Phone: 202 208-3773

**RIN:** 1076-AE16**1858. ● AMENDMENT TO THE LIST OF COURTS OF INDIAN OFFENSES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 25 USC 2; 25 USC 9; 25 USC 13; 25 USC 200**CFR Citation:** 25 CFR 11**Legal Deadline:** None

**Abstract:** This rule removes the Paiute—Shoshone Indian tribe of the Fallon Reservation and Colony (Western Region, Nevada) from the listing of Courts of Indian offenses. The tribe reassumed tribal court functions and asked to be removed from the list.

## Timetable:

Action	Date	FR Cite
Final Action	07/30/03	68 FR 44614

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Tribal

**Agency Contact:** Ralph Gonzales, Housing Program Specialist, Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW., Washington, DC 20240  
Phone: 202 513-7629  
Fax: 202 208-5113

**RIN:** 1076-AE41**BILLING CODE** 4310-MR-SDepartment of the Interior (DOI)  
Minerals Management Service (MMS)

## Proposed Rule Stage

**1859. LATE AND OVERPAYMENT INTEREST****Priority:** Substantive, Nonsignificant

**Legal Authority:** 25 USC 1001 et seq; 25 USC 1301 et seq; 25 USC 1331 et seq; 25 USC 1701 et seq; 25 USC 1735; 25 USC 1801 et seq; 25 USC 181 et seq; 25 USC 2101 et seq; 25 USC 351 et seq; 25 USC 3716; 25 USC 3720a; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 9701; 5 USC 301 et seq

**CFR Citation:** 30 CFR 206; 30 CFR 218; 30 CFR 230**Legal Deadline:** None

**Abstract:** This rule allows MMS to pay interest on Federal onshore and offshore oil and gas royalty overpayments and makes interest charges more equitable between the payor and the recipient. Interest will be paid on overpayments related to royalty, rent and estimates resulting from sales of Federal onshore and offshore oil and gas production.

## Timetable:

Action	Date	FR Cite
NPRM	04/00/04	
NPRM Comment Period End	06/00/04	

**Regulatory Flexibility Analysis Required:** Yes**Government Levels Affected:** None

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, CO 80225-3211

## DOI—MMS

## Proposed Rule Stage

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 Fax: 303 231-3385  
 Email: sharron.gebhardt@mms.gov  
**RIN:** 1010-AC27

**1860. TAKES VS. ENTITLEMENTS REPORTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 1735**CFR Citation:** 30 CFR 205**Legal Deadline:** None

**Abstract:** This rule addresses reporting and payment requirements for production removed and sold from a Federal lease, unit participating area, or communitization agreement beginning September 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/04	
NPRM Comment Period End	06/00/04	

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** State

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, CO 80225-3211  
 Phone: 303 231-3211  
 Fax: 303 231-3385  
 Email: sharron.gebhardt@mms.gov

**RIN:** 1010-AC29**1861. PREPAYMENT OF ROYALTIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 1735**CFR Citation:** 30 CFR 204**Legal Deadline:** None

**Abstract:** This rule allows payors to prepay royalty in lieu of monthly royalty payments for their marginal properties with approval from the affected States. It will establish the criteria used by payors, States, and MMS to calculate, report, and monitor royalty prepayments.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/04	
NPRM Comment Period End	06/00/04	

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** State

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, CO 80225-3211

Phone: 303 231-3211

Fax: 303 231-3385

Email: sharron.gebhardt@mms.gov

**RIN:** 1010-AC31**1862. INCIDENT REPORTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** There continues to be rapid growth in offshore exploration and production activities in the Gulf of Mexico. Since safety is our top priority, we must upgrade our accident investigation functions. To do this we need accurate and timely information. This rule is the only way to require operators, lessees, and permit holders in the Outer Continental Shelf (OCS) to give us a written report about each OCS accident. It will also establish clearer guidelines for accident reporting thresholds and timing.

**Timetable:**

Action	Date	FR Cite
NPRM	07/08/03	68 FR 40585
NPRM Comment Period End	12/05/03	
Final Action	12/00/04	
Final Action Effective	01/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
 Phone: 703 787-1600  
 Fax: 703 787-1093  
 Email: kumkum.ray@mms.gov

**RIN:** 1010-AC57**1863. ROYALTY RELIEF TERMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 396 et seq**CFR Citation:** 30 CFR 203**Legal Deadline:** None

**Abstract:** This rule amends the circumstances that discontinue the

existing royalty relief for end-of-life oil and gas leases and also introduces a categorical royalty relief program for deep gas drilling on existing shallow water tracts.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/04	
NPRM Comment Period End	04/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
 Phone: 703 787-1600  
 Fax: 703 787-1093

Email: kumkum.ray@mms.gov

**RIN:** 1010-AC58**1864. APPEALS OF MINERALS MANAGEMENT SERVICE ORDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 242; 30 CFR 290; 43 CFR 4**Legal Deadline:** None

**Abstract:** This rule streamlines the appeals process to facilitate processing appeals within the 33-month deadline required by the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA). It also implements the requirements of OMB Circular A-25, which establishes guidelines for Federal agencies to assess fees to cover the costs of Government-provided services or benefits beyond those accruing to the general public.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Platte Clark, Senior Appeals Specialist, Department of the Interior, Minerals Management Service, 4230 MIB, 1849 C Street NW, Washington, DC 20240  
 Phone: 202 208-2394

**RIN:** 1010-AC80

## DOI—MMS

## Proposed Rule Stage

**1865. REPORTING AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 25 USC 2107; 25 USC 396; 30 USC 1023; 30 USC 1751(a); 30 USC 189; 30 USC 190; 30 USC 359; 31 USC 3716; 31 USC 9701; 43 USC 1334; 43 USC 1801; 44 USC 3506(a); 5 USC 301 et seq**CFR Citation:** 30 CFR 206; 30 CFR 210; 30 CFR 216; 30 CFR 218**Legal Deadline:** None**Abstract:** MMS is amending its regulations to: (1) update reporting instructions; (2) eliminate unnecessary report forms; (3) add approved information collections previously omitted; (4) remove the extended due date for production reports submitted electronically; (5) require production reporting on leases and agreements until all production has ceased and all inventory has been disposed of; and (6) eliminate certain reporting assessments and electronic reporting options.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	06/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, CO 80225-3211  
Phone: 303 231-3211  
Fax: 303 231-3385  
Email: sharron.gebhardt@mms.gov**RIN:** 1010-AC90**1866. BLOWOUT PREVENTION FOR PRODUCTION TREE COILED TUBING WORKOVER OPERATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None**Abstract:** The rule would upgrade blowout prevention requirements for well workover operations conducted using coiled tubing while the well-head production tree is in place.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/04	

Action	Date	FR Cite
NPRM Comment Period End	06/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
Phone: 703 787-1600  
Fax: 703 787-1093  
Email: kumkum.ray@mms.gov**RIN:** 1010-AC96**1867. DATA RELEASE AND DEFINITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331**CFR Citation:** 30 CFR 250 subpart A**Legal Deadline:** None**Abstract:** This rule will amend 30 CFR part 250 by adding a new definition revising the existing definition, clarifying or expanding certain requirements, and making administrative changes. We are adding a new section pertaining to notifying MMS on production status. We are reorganizing the forms data release table and adding entries for three new forms. We are expanding the requirements pertaining to submitting digital data. The proposed rule will provide additional time for exploration and development activities through the use of suspensions of operations for qualified leases in Alaska.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
Phone: 703 787-1600  
Fax: 703 787-1093  
Email: kumkum.ray@mms.gov**RIN:** 1010-AC99**1868. VALUATION OF OIL FROM INDIAN LEASES****Priority:** Other Significant**Legal Authority:** 25 USC 2101 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 351 et seq; 30 USC 181 et seq**CFR Citation:** 30 CFR 206**Legal Deadline:** None**Abstract:** This rule would modify the regulations that establish royalty value for oil produced from Indian leases and create a new form for collecting value and differential data. These changes would decrease reliance on oil posted prices and make Indian oil royalty valuation more consistent with the terms of Indian leases.**Timetable:**

Action	Date	FR Cite
ANPRM	12/20/95	60 FR 65610
NPRM	02/12/98	63 FR 7089
NPRM Comment Period Extended	04/09/98	
NPRM Comment Period End	05/13/98	
Supplementary NPRM	01/05/00	65 FR 10436
Supplementary NPRM Comment Period End	03/19/00	
NPRM Comment Period Extended	03/20/00	
NPRM Comment Period Extended	11/00/03	
Final Action	12/00/03	
Final Action Effective	01/00/04	

**Regulatory Flexibility Analysis****Required:** Yes**Government Levels Affected:** Tribal**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, CO 80225-3211  
Phone: 303 231-3211  
Fax: 303 231-3385  
Email: sharron.gebhardt@mms.gov**RIN:** 1010-AD00**1869. REDUCTION TO ROYALTY RELIEF IN SPECIAL CIRCUMSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 203**Legal Deadline:** None**Abstract:** The recently published final rule 1010-AC71 created a process for

## DOI—MMS

## Proposed Rule Stage

certain leases (those that are inadequately helped by our formal relief systems) to seek special royalty relief. However overly restrictive eligibility criteria may exclude some leases that fulfill statutory purposes while redundant criteria may include other leases that do not fit statutory purposes. This rule will refine the eligibility criteria to include marginal discoveries in the shallow water part of the Gulf of Mexico that may offer meaningful conservation or infrastructure preservation benefits. The revision will also disallow a royalty relief request by a lease or project that does not promote wider program goals or is only temporarily unable to benefit from a formal royalty relief program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
Phone: 703 787-1600  
Fax: 703 787-1093  
Email: kumkum.ray@mms.gov

**RIN:** 1010-AD02**1870. FEDERAL OIL VALUATION****Priority:** Other Significant

**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 30 USC 181 et seq; 30 USC 1001 et seq

**CFR Citation:** 30 CFR 206; 30 CFR 210**Legal Deadline:** None

**Abstract:** This rule would amend the existing rule governing valuation for royalty purposes of crude oil produced from Federal leases. These changes would refine several technical aspects of this rule relating to which published

market prices are most appropriate to value crude oil not sold at arm's length and what transportation deductions should be allowed.

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/03	68 FR 50087
NPRM Comment Period End	09/19/03	
NPRM Comment Period Reopened	09/26/03	68 FR 55556
NPRM Comment Period End	11/10/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, CO 80225-3211  
Phone: 303 231-3211  
Fax: 303 231-3385  
Email: sharron.gebhardt@mms.gov

**RIN:** 1010-AD04**1871. FEDERAL GAS VALUATION****Priority:** Other Significant

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2102 et seq

**CFR Citation:** 30 CFR 206**Legal Deadline:** None

**Abstract:** This rule would amend the existing rules governing valuation for royalty purposes of natural gas produced from Federal leases. In evaluating these rules, MMS has identified several issues that warrant further public comment. MMS is therefore proposing these amendments in an effort to improve the current rule and to correct some technical problems.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, CO 80225-3211  
Phone: 303 231-3211  
Fax: 303 231-3385  
Email: sharron.gebhardt@mms.gov

**RIN:** 1010-AD05**1872. • LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** This rulemaking will rewrite the existing rules at 30 CFR part 256 to make them clearer. The rule has been reorganized and streamlined to better reflect the 5-year and lease sale processes as they have evolved since the last rewrite in the 1980's. There are few substantive changes to the rule.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/04	
NPRM Comment Period End	05/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** Jane A. Roberts, Paralegal Specialist, Department of the Interior, Minerals Management Service, MS 623, 381 Elden Street, Herndon, VA 22070  
Phone: 703 787-1275

**RIN:** 1010-AD06

**Department of the Interior (DOI)**  
**Minerals Management Service (MMS)**

**Final Rule Stage**

**1873. ACCOUNTING RELIEF FOR MARGINAL PROPERTIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1735

**CFR Citation:** 30 CFR 204

**Legal Deadline:** None

**Abstract:** This rule allows reporters to seek accounting, reporting, and auditing relief for their marginal properties in accordance with section 117(c) of the Federal Oil and Gas Royalty Management Act of 1982 as amended by the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	01/21/99	64 FR 3360
NPRM Comment Period End	03/22/99	
Supplementary NPRM	03/31/03	68 FR 15390
NPRM Comment Period End	05/30/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** State

**Agency Contact:** Sharron Gebhardt, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, CO 80225-3211  
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 Fax: 303 231-3385  
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**RIN:** 1010-AC30

**1874. PLANS AND INFORMATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 25 CFR 250

**Legal Deadline:** None

**Abstract:** MMS requires companies to submit for approval their exploration and development plans for activities on the Outer Continental Shelf. The companies must submit these plans before they can begin any activities, except preliminary activities. This rule would rewrite the requirements into clearer language and organize them into discrete sections by topic, to make them easier to follow.

**Timetable:**

Action	Date	FR Cite
NPRM	05/17/02	67 FR 35372

Action	Date	FR Cite
Comment Period Extended	12/13/02	67 FR 46616
Final Action	02/00/04	
Final Action Effective	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 1010-AC47

**1875. PROPRIETARY TERMS AND DATA DISCLOSURE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1331

**CFR Citation:** 30 CFR 250; 30 CFR 251

**Legal Deadline:** None

**Abstract:** This rule would modify the proprietary terms for geophysical data and information and any of their derivatives that MMS acquires under 30 CFR part 251. We propose to change the beginning of the proprietary terms from the date of submission to MMS to the date MMS issues the permit. The rule would also allow selective disclosure of geological and geophysical data and information and allow selective disclosure of data and information generated on a lease to persons with a direct interest in issues concerning field determination and royalty relief eligibility.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/02	67 FR 46942
NPRM Comment Period End	09/18/02	
Final Action	02/00/04	
Final Action Effective	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 1010-AC81

**1876. DOCUMENTS INCORPORATED BY REFERENCE FOR OFFSHORE FLOATING PRODUCTION FACILITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1331

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** We are proposing to amend our regulations to better address floating offshore platforms that, until now, have not been expressly covered. This will require a complete rewrite of subpart I to include floating production systems. These systems are variously described as column-stabilized units; floating production, storage, and offloading facilities; tension-leg platforms; spars; etc. We are also incorporating into our regulations a body of industry standards pertaining to floating productions systems, and this will save the public the costs of developing government standards.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/01	66 FR 66851
Comment Period Extended to 3/27/2002	02/12/02	67 FR 6453
Comment Period Extended 5/28/2002	03/28/02	67 FR 14902
Final Action	02/00/04	
Final Action Effective	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 1010-AC85

**1877. RIGHTS-OF-USE AND EASEMENTS AND PIPELINE RIGHTS-OF-WAY**

**Priority:** Other Significant

**Legal Authority:** 43 USC 1331 et seq

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** MMS is proposing to modify requirements governing rights-of-use and easement and pipeline rights-of-way in the Outer Continental Shelf. These changes will increase rental rates for pipeline rights-of-way and establish



## DOI—MMS

## Final Rule Stage

rentals for rights-of-use and easements. The proposed rule will also allow MMS to charge additional payment when the right-of-use and easement or the pipeline right-of-way prevents MMS from making the area available to other companies for exploration and possible development and production. This change is needed because of requests by lessees and pipeline right-of-way holders to use large areas outside of the area covered by their lease and pipeline right-of-way for accessory structures.

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/03	68 FR 20091
NPRM Comment Period End	05/27/03	
Final Action	12/00/03	
Final Action Effective	01/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

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**RIN:** 1010-AC91

**1878. DOCUMENT INCORPORATED BY REFERENCE—API 510—PRESSURE VESSEL INSPECTION CODE: MAINTENANCE INSPECTION, RATING, REPAIR, AND ALTERATION**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

**Abstract:** This rule proposes adding a document to be incorporated by reference into MMS's regulations governing oil and gas and sulphur operations in the outer continental shelf (OCS). This revision will ensure that lessees use the best available and safest technologies while operating in the OCS. The new document, API 510, is titled Pressure Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/01	66 FR 66848
NPRM Comment Period End	02/25/02	
Final Action	12/00/03	
Final Action Effective	01/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

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**RIN:** 1010-AC95

**1879. RELIEF OR REDUCTION IN ROYALTY RATES—DEEP GAS PROVISIONS**

**Regulatory Plan:** This entry is Seq. No. 74 in part II of this issue of the **Federal Register**.

**RIN:** 1010-AD01

**Department of the Interior (DOI)  
Minerals Management Service (MMS)**

**Completed Actions**

**1880. DEALING WITH SUSTAINED CASING PRESSURE**

**Priority:** Substantive, Nonsignificant**CFR Citation:** 30 CFR 250**Completed:**

Reason	Date	FR Cite
Withdrawn	07/10/03	68 FR 41090

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

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**RIN:** 1010-AC83

**1881. DEFINITION OF CONTROL**

**Priority:** Substantive, Nonsignificant**CFR Citation:** 30 CFR 206**Completed:**

Reason	Date	FR Cite
Withdrawn	08/01/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

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**RIN:** 1010-AC88

**1882. DOCUMENTS INCORPORATED BY REFERENCE—API RP 14F AND API 510**

**Priority:** Substantive, Nonsignificant**CFR Citation:** 30 CFR 250**Completed:**

Reason	Date	FR Cite
Final Action	07/22/03	68 FR 43295
Final Action Effective	08/21/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

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**RIN:** 1010-AC89

**1883. FIXED PLATFORMS—DOCUMENTS INCORPORATED BY REFERENCE**

**Priority:** Info./Admin./Other**CFR Citation:** 30 CFR 250**Completed:**

Reason	Date	FR Cite
Final Action	04/21/03	68 FR 19352
Final Action Effective	05/21/03	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

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**RIN:** 1010-AD03

## DOI—MMS

## Completed Actions

**1884. • INCREASE IN MAXIMUM DAILY CIVIL PENALTY AMOUNT**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Pub L 101–380

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rule will adjust the maximum civil penalty per day per

violation from \$25,000 to \$30,000 due to inflation.

**Timetable:**

Action	Date	FR Cite
Final Action	10/29/03	68 FR 61622
Final Action Effective	11/28/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

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**RIN:** 1010–AD07

**BILLING CODE** 4310–05–S

## Department of the Interior (DOI)

## Prerule Stage

## Office of Surface Mining Reclamation and Enforcement (OSMRE)

**1885. • ABANDONED MINE RECLAMATION FEES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 30 USC 1232(b)

**CFR Citation:** 30 CFR 870

**Legal Deadline:** Final, Statutory, September 30, 2004, Final.

**Abstract:** The Surface Mining Control and Reclamation Act (SMCRA) created an abandoned mine land reclamation program funded by a fee assessed on each ton of coal produced. The fees are placed into a fund that is used to reclaim lands and waters adversely impacted by coal mining before enactment of SMCRA. The Energy Policy Act of 1992 requires OSM to transfer interest accumulating on the

fund to the United Mine Workers of America Combined Benefit Fund for use in paying health care benefits for former coal miners unassigned to a specific company. The Energy Policy Act extended the collection of reclamation fees through September 30, 2004, with a requirement that after that date the fee must be established at a rate adequate to continue to provide for these transfers. This rule will address that requirement, including what the transfer amount and new fees should be, what operations should pay those fees, how the fees should be assessed, and the interval at which the new rate structure should be evaluated.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Undetermined

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**RIN:** 1029–AC46

## Department of the Interior (DOI)

## Proposed Rule Stage

## Office of Surface Mining Reclamation and Enforcement (OSMRE)

**1886. ABANDONED COAL REFUSE SITES**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 785; 30 CFR 829; 30 CFR 830; 30 CFR 845; 30 CFR 870

**Legal Deadline:** None

**Abstract:** OSM intends to propose new rules governing permitting and performance standards for the recovery of coal from abandoned coal refuse piles. The rules are required to implement section 2503(e) of the Energy Policy Act of 1992.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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**RIN:** 1029–AB70

**1887. REVEGETATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1201 et seq

**CFR Citation:** 30 CFR 816

**Legal Deadline:** None

**Abstract:** This rule will revise the topsoil replacement and revegetation standards. The revisions will encourage species diversity on reclaimed lands, remove a possible impediment to the use of woody vegetation in revegetating mined land, and provide similar revegetation success standards in both areas of more than 26 inches of precipitation and in areas of less than 26 inches of precipitation.