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Federal Register / Vol. 55, No. 209 / Monday, October 29, 1990 / Unified Agenda

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Completed Actions

1447. ADMINISTRATION OF A PROGRAM OF EMPLOYMENT ASSISTANCE FOR ADULT INDIANS
Legal Authority: 25 USC 13**CFR Citation:** 25 CFR 28**Legal Deadline:** None

Abstract: The purpose of the rule is to combine the rules described in 25 CFR Part 26, Employment Assistance for Adult Indians, and 25 CFR Part 27, Vocational Training for Adult Indians, into a new 25 CFR Part 28. The application and selection process, financial assistance, program services, and employment as the objective are common to both Parts 26 and 27. Another purpose is to establish uniform procedures for administration of the employment assistance for adult Indians program and include requirements to improve the administrative efficiency of the program.

Timetable:

Action	Date	FR Cite
Withdrawn	07/16/90	
Awaiting clarification of court decisions		

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Deane Poleahla, Actg. Division Chief, Job Placement and Training, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-2721

RIN: 1078-AA04
1448. LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 228**Legal Deadline:** None

Abstract: The rules are being amended to strengthen the management of the Osage mineral estates and relieve the Osage oil lessees from basing the payment of royalties to the Osage Tribe on the offered or posted price of a major purchaser in the Kansas-Oklahoma area. These regulations will improve the management of the Osage mineral estate and will alleviate the economic hardship placed on the oil lessees.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38608
NPRM Comment Period End	11/16/87	52 FR 38608
Final Action	08/14/90	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Kim Snyder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-3607

RIN: 1078-AC09
1449. PREPARATION OF ROLLS OF INDIANS
Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; PL 100-139**CFR Citation:** 25 CFR 61**Legal Deadline:** Final, Statutory, October 28, 1988.

One year from date of enactment for completion of the tribal membership roll.

Abstract: This rulemaking action is being taken to amend the regulations contained in 25 CFR Part 61. Part 61 contains general enrollment procedures

which can be made specifically applicable in the preparation of a particular roll by the Secretary by amending section 61.4 to include the qualifications for enrollment for that particular roll. Under the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987, the Secretary has been directed to prepare certain rolls of Cow Creek Indians to be used in the implementation of the Act. The proposed amendment is, therefore, to make the procedures contained in Part 61 applicable to the preparation of the Cow Creek rolls by adding in section 61.4 the qualifications for enrollment for each of the rolls to be prepared.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20335
NPRM Comment Period End	07/05/88	53 FR 20335
Revised Proposed Rule Published	10/31/89	54 FR 45743
Second Comment Period End	11/30/89	
Withdrawn	03/02/90	55 FR 7492

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1849 C Street, NW., Washington, DC 20240, 202 208-3702

RIN: 1078-AC11**BILLING CODE** 4310-02-T
DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Prerule Stage

1450. RECOUPMENTS AND REFUNDS OF EXCESS PAYMENTS UNDER FEDERAL OFFSHORE MINERAL LEASES
Significance: Regulatory Program**Legal Authority:** 43 USC 1339**CFR Citation:** 30 CFR 230**Legal Deadline:** None

Abstract: This rulemaking is needed to add new regulations covering recoupment and refunds of excess payments made under Federal offshore mineral leases which are subject to section 10 of the Outer Continental Shelf Lands Act of 1953 (OCSLA), 43

USC 1339. This rule would establish requirements and guidelines for crediting (recouping) excess payments of royalties, rentals, bonuses, or other amounts against a current or future payment obligation or refunding such excess payment to any person lawfully entitled to receive a refund or credit for

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Prerule Stage

an overpayment made under an offshore lease. The new regulation is intended to lessen confusion on the part of payors, operators, and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB11

1451. ALLOWANCE FOR EXTRAORDINARY COSTS AND THRESHOLDS FOR TRANSPORTATION AND PROCESSING ALLOCATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1601 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: Sections 206.104, 206.157, 206.158, and 206.159 of Minerals Management Service's Oil and Gas Valuation regulations, which were effective March 1, 1988, allow deductions for transportation and processing costs, limited to "reasonable actual costs," with an MMS approval

threshold(s). Paragraph 206.158(d)(2) authorizes an additional allowance if the lessee incurs extraordinary costs for processing gas production and can demonstrate that the costs are "extraordinary, unusual, or unconventional." Amendments are needed to MMS's regulations to establish the criteria that must be met before any extraordinary gas processing cost allowance would be granted and to revise the MMS approval thresholds for transportation and processing allowances, if needed, based on actual experience since the effective date of the regulations. Amendments may also be needed to establish criteria for any extraordinary cost allowances that may be granted for other minerals such as oil, coal, and geothermal.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB43

1452. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; RULES OF PARTICULAR APPLICATION

Legal Authority: 43 USC 1334(a)(8)

CFR Citation: 30 CFR 250.47

Legal Deadline: None

Abstract: Pursuant to the Outer Continental Shelf Lands Act (OCSLA), the Secretary of the Interior is required to regulate air emissions from OCS oil and gas operations when they significantly affect the air quality of a State. To this end, MMS is developing regulations (RIN 1010-AA61), which will establish general, more stringent air emissions standards for OCS operations off the coast of California. However, there are significant technical and climatic barriers to attainment of good air quality in the area. To develop more effective protection of each air basin in California, MMS proposes to develop a separate mitigation fee program (e.g., local offsets) for each basin to be administered locally, and governed by "rules of particular application" that would be developed through separate rulemakings subsequent to adoption of the general rule. Each rule of particular application would address the following aspects of the proposed mitigation programs: administration, setting of fees, responsibilities of various governmental entities, coordination with the State Implementation Plan, selection of projects to be funded, performance audits, and modification processes.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB48

DEPARTMENT OF THE INTERIOR (DOI) Minerals Management Service (MMS)

Proposed Rule Stage

1453. AIR QUALITY - OFFSHORE CALIFORNIA

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.47

Legal Deadline: None

Abstract: Amendments to the DOI Air Quality regulation for oil and gas

operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. The costs have been determined to have a net present value of approximately \$25M to the regulated industry; the net benefits have not been quantified but would be

a reduction in any effect of emissions from OCS operations on the ozone levels in adjacent onshore areas. This may be expected to yield cost reductions in health services and other related areas. The DOI conducted a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory

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Proposed Rule Stage

program. However, the effort at a negotiated rulemaking was inconclusive. Consequently, DOI proposed a rule through the standard process. However, based on careful consideration of comments received, DOI has decided to reevaluate this proposal prior to repropounding this rule in the future.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM	03/08/85	
Comment Period End		
Begin Conflict Assessment Phase of Negotiated Rulemaking Process	04/15/86	
Determine Potential for Negotiated Agreement	07/30/86	
Complete Determination of Effects of Rules	05/18/88	
Reach Agreement on a Negotiated Rule or Begin Development of Rule Through Standard Process	12/19/88	
NPRM	01/17/89	54 FR 1846
NPRM Comment Period End	02/16/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1610

RIN: 1010-AA61

1454. AMENDMENT OF VALUATION BENCHMARKS IN GAS REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The existing regulations provide for the valuation of unprocessed gas, residue gas, or any gas plant product which is not sold pursuant to an arm's-length contract to be determined in accordance with a benchmark method. In the final regulations, MMS adopted as the first benchmark the lessee's gross proceeds received under its non-arm's-length transaction if they were equivalent to the gross proceeds received under comparable arm's-length contracts for like-quality production in the same field or area. The criteria to be considered in defining comparable contracts were also outlined. However, since the adoption of the revised regulations, numerous questions have been raised as to the interpretation of the first benchmark. These questions have identified the need to further clarify MMS's intention in this regard.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB29

1455. AUDIT PROCEDURES AND PAYOR REQUIREMENTS AND RESPONSIBILITIES DURING AUDITS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 217

Legal Deadline: None

Abstract: The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) requires that the Secretary of the Interior establish a comprehensive inspection and auditing system to provide the capability to accurately determine royalties, interest, fines, penalties, fees, deposits, and other payments owed on Federal or

Indian oil and gas leases. This responsibility has been delegated to MMS. However, performance of the required audits may be delegated to States or Indian tribes pursuant to sections 202 and 205 of FOGRMA or to independent certified public accountants under contract. The FOGRMA also requires the promulgation of regulations to establish audit standards and procedures, payor requirements and responsibilities, and authorities and responsibilities which may be delegated by MMS to a State, Indian tribe, or an independent certified public accountant. The purpose of this rulemaking action is to establish the regulations required by FOGRMA.

Timetable:

Action	Date	FR Cite
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NPRM 01/00/91

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB44

1456. RESPONSIBILITIES OF LESSEES, PAYORS AND ASSIGNEES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Responsibilities of Minerals Management Service include the collection of royalties, bonuses, rentals, and related revenues from Federal and Indian mineral leases. These monies are, for the most part, collected from the current designated payor on the lease. However, if MMS is unable to collect from the current payor, it must pursue collections from a prior payor(s), the lessee, or an assignee of the lease. Existing regulations are unclear as to the responsibilities and liabilities of the parties involved. Therefore, MMS is proposing to amend its regulations to clarify payor, lessee, and assignee requirements and responsibilities.

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Proposed Rule Stage

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB45

1457. AMENDMENTS TO 30 CFR 250.67 - HYDROGEN SULFIDE**Legal Authority:** 43 USC 1334**CFR Citation:** 30 CFR 250.67**Legal Deadline:** None

Abstract: The rules for Hydrogen Sulfide are being amended to revise the requirements for visual and audible warning systems, personnel protection, hydrogen sulfide (H2S) and sulphur dioxide (SO2) detection and monitoring, and the criteria for the activation of visual and audible warning systems. These amendments are necessary to be consistent with the new personnel exposure limits for H2S and SO2 established by the Occupational Safety and Health Administration. Amending the rule would reduce personnel exposure limits, thereby decreasing the risks associated with hazardous environments. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program under 30 CFR 250.67.

Timetable:

Action	Date	FR Cite
NPRM	08/15/90	55 FR 33326
NPRM Comment Period End	10/15/90	55 FR 33326
Final Action	02/00/91	
Final Action Effective	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail

Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1800

RIN: 1010-AB50

1458. OIL, GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; UPDATING DOCUMENTS INCORPORATED BY REFERENCE**Legal Authority:** 43 USC 1334**CFR Citation:** 30 CFR 250.1; 30 CFR 250.53; 30 CFR 250.142**Legal Deadline:** None

Abstract: This rule proposes to update two American Petroleum Institute (API) documents that are currently incorporated by reference in the regulations found at 30 CFR Part 250. The API Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms (API RP 2A) would be updated to the 18th Edition, September 1989, and API Recommended Practice for Classification of Locations for Electrical Installations at Drilling Rigs and Production Facilities on Land and on Marine Fixed and Mobile Platforms (API RP 500 B) would be updated to the 3rd Edition, October 1987. The costs to lessees to meet the required practices due to these updated documents incorporated by reference are not expected to significantly increase over the costs of complying with the current documents incorporated by reference in 30 CFR Part 250.

Timetable:

Action	Date	FR Cite
NPRM	08/02/90	55 FR 31405
NPRM Comment Period End	10/01/90	
Final Action	03/00/91	
Final Action Effective	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1800

RIN: 1010-AB51

1459. AMENDMENT TO RULES GOVERNING INSTALLATION OF SHUTDOWN VALVES ON PIPELINES**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250.154**Legal Deadline:** None

Abstract: The development of this advance notice of proposed rulemaking resulted from the recommendation of a task force that examined many contributing causes to recent fatal accidents in the North Sea and the Gulf of Mexico. The task force identified areas where changes in regulations should be considered. This action considers changes in the placement of shutdown valves on pipelines as a means to isolate the pressurized hydrocarbons in the pipeline from potential danger that could result from a fire or other damage to the pipeline. An alternative action to improve safety would be to provide means of safely reducing pressure in the pipeline in the event of an emergency.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/90	55 FR 29860
ANPRM Comment Period End	09/21/90	
NPRM	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1800

RIN: 1010-AB52

1460. AMENDMENT TO 30 CFR SUBPART J (SECTIONS 250.150 - 250.165)—PIPELINES AND PIPELINE RIGHTS-OF-WAY**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

Abstract: This rule would amend 30 CFR 250, Subpart J—Pipelines and Pipeline Rights-of-Way—to reflect Minerals Management Service's (MMS) assumption of regulatory responsibility for Outer Continental Shelf (OCS) pipeline segments that previously were subject to the jurisdiction of the

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Proposed Rule Stage

Department of Transportation's Research and Special Programs Administration (RSPA). Approval of a new Memorandum of Understanding between MMS and RSPA would extend MMS's exclusive jurisdiction over OCS pipelines to include all of the OCS seaward of the State submerged lands.

Timetable:

Action	Date	FR Cite
NPRM	11/00/90	
NPRM Comment	01/00/91	
Period End		
Final Action	04/00/91	
Final Action	05/00/91	
Effective		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB55

1461. ● AMENDMENTS TO 30 CFR PART 251

Legal Authority: 43 USC 1331 et seq; 42 USC 4332 et seq

CFR Citation: 30 CFR 251

Legal Deadline: None

Abstract: This rule is revised to reflect the current requirements and practices and to conform with new or changed laws and regulations. It expands the requirements for filing notice to include all geological and geophysical research not conducted pursuant to a permit. It clarifies that these regulations are applicable only to oil, gas, and sulphur, as all other mineral resources on the Outer Continental Shelf are covered by 30 CFR Part 280. This rule will provide other pertinent information, such as current filing location addresses.

Timetable:

Action	Date	FR Cite
NPRM	10/00/80	
NPRM Comment	12/00/90	
Period End		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior,

Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB58

1462. ● VALUATION OF GAS PRODUCTION UNDER UNITIZATION OR COMMUNITIZATION

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 202

Legal Deadline: None

Abstract: The current gas valuation regulations provided that when the lessee of any gas lease committed to a Federally approved unitization or communitization agreement does not take the full share of production under the terms of the agreement, the entitled, but not taken, production is still subject to royalty payment and reporting requirements. This rulemaking would eliminate the requirement that the actual disposition of any part of production to which a lessee was entitled but did not take governs the valuation of that part. Under the rulemaking, the regulations would be amended to allow lessees to value their entitled, but not taken, production at prices based upon information that is accessible to the lessee. This rule will reduce the administrative burden for payors and MMS so that there is certainty in the determination of royalty values. The adoption of these rules would not affect the requirement in Indian leases and the current regulations for the performance of major portion analyses or dual accounting.

Timetable:

Action	Date	FR Cite
NPRM	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB57

1463. ● OFFSETTING ROYALTY UNDERPAYMENTS AND OVERPAYMENTS BETWEEN DIFFERENT FEDERAL OR INDIAN LEASES (CROSS-LEASE NETTING)

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218; 30 CFR 230

Legal Deadline: None

Abstract: It is MMS's current practice to only allow the offsetting of underpayments and overpayments within an individual lease and not between leases unless both of the leases are included in the same unitization or communitization agreement. However, it may not be appropriate, in certain cases of obvious payor reporting errors, for MMS to assess late payment interest charges or deny a request for refund of an overpayment on a Federal offshore lease which is subject to the filing and reporting requirements of section 10 of the Outer Continental Shelf Lands Act, 43 USC 1339. This rulemaking would amend MMS regulations to allow payors to offset royalty underpayments on one lease against overpayments on a different lease (referred to as cross-lease netting) in certain cases where reporting errors do not result in harm to the royalty recipients. The rule specifies the conditions that must be met before MMS would allow cross-lease netting.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB58

1464. ● VALUATION OF OIL AND GAS ON SLIDING AND STEP-SCALE LEASES (PUBLIC LANDS ONLY)

Legal Authority: 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30

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Proposed Rule Stage

USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 208

Legal Deadline: None

Abstract: On January 19, 1990, the Interior Board of Land Appeals (IBLA) issued a decision involving the term "production" when determining the applicable royalty rate for a sliding-scale lease (see IBLA 88-11--Sun Exploration and Production Company). The central issue in the decision was whether: (I) Production would be defined as only that volume of oil upon

which royalty was due; or (II) Production should be defined as the total production from the lease, including oil used on the lease for operational purposes. In its decision, IBLA ruled both methods were consistent with the Statute, but the Department could only apply its interpretation prospectively. This rulemaking would define production, in MMS regulations, as total lease production, including any production used on the lease or lost, for purposes of determining applicable royalty, where the royalty rate is to be based upon the average daily production per well for the month or upon the average

production per day (applicable only to gas produced from sliding-scale leases).

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB59

DEPARTMENT OF THE INTERIOR (DOI)

Final Rule Stage

Minerals Management Service (MMS)

1465. REVISION OF REGULATION GOVERNING EFFECTIVENESS OF DECISIONS AND ORDERS PENDING APPEAL

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 243

Legal Deadline: None

Abstract: The MMS regulations at 30 CFR 243.2 address the effectiveness of its Royalty Management Program decisions and orders pending administrative appeal. At the time the rule was issued in 1984, it was MMS's interpretation that most decisions and orders would not be suspended pending appeal. However, in 1988, the Interior Board of Land Appeals (IBLA) determined that unless there were special circumstances, the Director, MMS, was required to stay effectiveness of decisions and orders pending appeal provided the appellant posted adequate surety (Marathon Oil Company, 90 IBLA 236 (1986)). In view of the IBLA decision, an amendment is needed to MMS regulations at 30 CFR 243.2 to reflect clearly that MMS decisions and orders are stayed pending administrative appeal, the types of sureties which would be acceptable to MMS, and related issues.

Timetable:

Action	Date	FR Cite
NPRM	02/23/90	55 FR 6401
NPRM Comment	05/24/90	55 FR 12386
Period End		
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB13

1466. REVISION OF ROYALTY VALUATION REGULATIONS GOVERNING GAS SALES UNDER PERCENTAGE-OF-PROCEEDS CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of gas from Federal leases onshore and on the Outer Continental Shelf and from Indian Tribal and allotted leases in the

Federal Register on January 15, 1988 (53 FR 1230). The proposed gas valuation provisions of section 206.153, in part, govern the determination of value in situations where the lessee's contract for the sale of gas prior to processing provides for the value to be determined based upon a percentage of the purchases proceeds resulting from processing the gas. However, the inclusion of these percentages-of-proceeds contracts under section 206.153 has created unreasonable burdens on lessees. Consequently, MMS is proposing to amend its regulations to provide for the valuation of gas under percentage-of-proceeds contracts to be under the unprocessed gas valuation standards of section 206.152, rather than section 206.153.

Timetable:

Action	Date	FR Cite
NPRM	12/15/88	53 FR 50422
NPRM Comment	02/03/89	54 FR 1398
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB17

DOI—MMS

Final Rule Stage

1467. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF (OCS), SUBPART O, TRAINING**Legal Authority:** 43 USC 1334**CFR Citation:** 30 CFR 250.210**Legal Deadline:** None

Abstract: The rules at 30 CFR Part 250 which govern oil and gas and sulphur operations in the OCS will be revised to address in greater specificity training requirements for personnel engaged in oil, gas, and sulphur drilling, development, and production operations in the OCS. Training requirements were addressed in a proposed rule to consolidate into one document the rules governing oil and gas and sulphur operations in the OCS which was published on March 18, 1988 (51 FR 9316). The training provisions of that proposed rule have been revised, updated, and consolidated under a new Subpart O, Training. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	54 FR 31768
NPRM Comment Period End	10/02/89	54 FR 31768
Final Action	10/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB21**1468. GEOTHERMAL RESOURCES USED TO GENERATE ELECTRICITY, PRODUCT VALUATION FOR ROYALTY PURPOSES****Significance:** Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 398a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30

USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

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

Abstract: Existing regulations governing the valuation of geothermal resources provide insufficient guidance for the valuation of geothermal resources utilized to generate electricity in a lessee-owned power plant. Consequently, the Minerals Management Service has issued a report entitled "Valuation of Federal Geothermal Resources--Electrical Generation" which describes a "geothermal netback procedure" to value these "no sales" resources. An amendment is needed to the existing regulations to provide regulatory guidance after receipt and consideration of comments from the public to the existing geothermal netback procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 354
NPRM Comment Period End	04/17/89	54 FR 9066
Final Action	04/00/91	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB22**1469. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, SUBPART P, SULPHUR OPERATIONS****Legal Authority:** 43 USC 1334**CFR Citation:** 30 CFR 250.250**Legal Deadline:** None

Abstract: The rules at 30 CFR 250 which govern oil and gas and sulphur operations in the Outer Continental Shelf (OCS) will be revised to address sulphur exploration, development, and production operations with more specificity. Sulphur operations are currently addressed through rules applicable to oil, gas, and sulphur and through OCS Order No. 10, Sulphur Drilling Procedures, issued by the Gulf

of Mexico OCS Region. Comments received as the result of the publication on March 18, 1988 (51 FR 9316), of a proposed rule to consolidate rules governing oil, gas, and sulphur operations in the OCS included recommendations for the development of regulations which treat sulphur operations in the OCS with greater specificity. Other alternatives considered were not revising the regulations. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	54 FR 36244
NPRM Comment Period End	10/30/89	
Final Action	10/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB23**1470. LIMITATION OF THE DIRECTOR'S AUTHORITY FOR DISCRETIONARY RELEASE OF POSTLEASE PROPRIETARY DATA AND INFORMATION****Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250.18**Legal Deadline:** None

Abstract: Amendments to the regulations providing for the discretionary release of postlease proprietary data and information will be proposed. The amendments would limit the discretion of the MMS Director to release such data and information by defining more precisely the circumstances under which such releases may be authorized and to whom the data and information may be shown. The alternative to the proposed amendment is the case-by-case determination of whether to release such proprietary data and information based on the existing less specific discretionary authority of the Director.

DOI—MMS

Final Rule Stage

This alternative leaves some degree of uncertainty to the lessee concerning the circumstances under which releases will be authorized, and possible changes in policy.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 11965
NPRM Comment	04/24/89	
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1807

RIN: 1010-AB30

1471. CLARIFICATION OF DATES FOR RELEASE TO THE PUBLIC OF CERTAIN DATA AND INFORMATION SUBMITTED IN ASSOCIATION WITH DRILLING AND PRODUCTION OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.18

Legal Deadline: None

Abstract: This proposed rule is intended to remove apparent inconsistency in current regulations concerning the release of data and information submitted to MMS on certain MMS forms. Section 250.18 specifies periods of time that certain geological and geophysical data will be protected from disclosure to the public when submitted on specific forms, but release dates for similar data and information on other forms are not mentioned in the regulations. The alternatives of providing guidance through an OCS Order and through a Notice to Lessees and Operators on a region-to-region basis does not ensure that information is uniformly available to the public. This rulemaking does not involve any significant additional costs. Its benefits are the removal of ambiguity in the current regulations and the availability of data and information to the public on a uniform basis in all OCS Regions.

Timetable:

Action	Date	FR Cite
NPRM	08/04/89	54 FR 32318
NPRM Comment	10/03/89	54 FR 32318
Period End		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1800

RIN: 1010-AB34

1472. ASSESSMENT FOR FAILURE TO SUBMIT PAYMENT OF SAME AMOUNT WITH REPORT OR BILL OR TO PROVIDE ADEQUATE INFORMATION

Legal Authority: 25 USC 398 et seq; 25 USC 398a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: The MMS Auditing and Financial System (AFS) matches and applies each payment received to its corresponding report or bill. If a payment cannot be automatically matched and applied by the AFS because of inadequate or erroneous information, it must be manually matched and applied by MMS personnel. The manual matching of payments to reports and bills results in MMS incurring substantial costs so that the AFS can operate properly to account for and distribute royalties. This situation also delays the payment application process and can result in delay in distribution of royalties and related information to States and Indian Tribes and allottees. To recover the costs, MMS is proposing to amend its regulations to add a new assessment amount not to exceed \$250 per incident. The new assessment would encourage payors to submit their payment, when required, together with the applicable report or copy of the bill and for the same amount as the report or bill. The new assessment would also encourage payors to adequately identify payments to the report or bill to be paid.

Timetable:

Action	Date	FR Cite
NPRM	03/22/90	55 FR 10630
NPRM Comment	05/21/90	55 FR 10630
Period End		
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB35

1473. REMOVAL OF FEDERAL FUNDING LIMITATION FROM STATE AND INDIAN COOPERATIVE AGREEMENTS

Legal Authority: 25 USC 398 et seq; 25 USC 398a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 228

Legal Deadline: None

Abstract: The regulations at 30 CFR 228, implementing section 202 of the Federal Oil and Gas Royalty Management Act of 1982, 30 USC 1719, provide that the Federal share of funding of certain cooperative agreement activities with any State or Indian Tribe will be limited to not more than 50 percent of the cost of eligible activities as established under the terms of the cooperative agreement. However, Congress recently passed "The Indian Self-Determination and Education Assistance Act Amendment of 1988," October 5, 1988, PL 100-472, which included amendments to PL 93-638 to require all Bureaus within the Department of the Interior to enter into PL 93-638 contracts with Indian Tribes. Consequently, the cooperative agreements that MMS may enter into in the future with Indian Tribes will be considered PL 93-638 self-determination contracts. Because PL 93-638 entitles an Indian Tribe to Federal reimbursement of 100 percent of the costs of an approved self-determination contract, MMS is proposing to amend its regulations to remove the 50-percent Federal funding limitation.

DOI—MMS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/09/90	55 FR 32448
Final Action	12/00/90	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB36

1474. SERVING OF OFFICIAL CORRESPONDENCE ISSUED BY THE ROYALTY MANAGEMENT PROGRAM

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 243**Legal Deadline:** None

Abstract: The MMS does not currently have regulations which delineate how service of official correspondence, including orders, decisions, demands for payment and notices of noncompliance issued by its Royalty Management Program is effectuated. In the absence of MMS regulations, the Interior Board of Land Appeals (IBLA) (IBLA-87-349) reversed a decision by the Director, MMS that an appeal had not been timely filed and therefore would not be considered. A rule is required that would: 1) establish an "address of record" to which official correspondence will be sent, and 2) define the "date of service" whether the document was physically or constructively delivered. The date of service established in accordance with this rule also would be the beginning date of the 30-day period in 30 CFR Part 290 for the filing of an appeal relative to an order or decision.

Timetable:

Action	Date	FR Cite
NPRM	01/03/90	55 FR 158
NPRM Comment	03/05/90	55 FR 158
Period End		
Final Action	10/00/90	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB37

1475. AMENDMENT TO THE REGULATIONS CONCERNING THE REQUIREMENT FOR SUBMISSION OF A CORPORATE SURETY BOND TO INDEMNIFY THE U.S. FROM DEFAULT BY A LESSEE ON THE CONDITIONS AND TERMS OF AN OCS LEASE

Legal Authority: 43 USC 1335**CFR Citation:** 30 CFR 256**Legal Deadline:** None

Abstract: This rulemaking would amend current regulations requiring lessee surety bonds. The monetary value of surety bonds designated in current regulations was established over a decade ago and is seriously inadequate to protect the government from loss due to lessee failure to meet the terms of the OCS lease for royalty payments, proper abandonment of wells, site cleanup, and ongoing lease operations. Bond requirements may be increased on a case-by-case basis, as an alternative to rule change. This might result in inconsistent requirements. The potential costs are whatever increase is incurred in obtaining a higher value bond. Benefits would be a reduced potential for government loss and a greater protection of the public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/24/90	55 FR 2388
NPRM Comment	03/26/90	55 FR 2388
Period End		
Final Action	11/00/90	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB38

1476. REGULATIONS GOVERNING RECOUPMENT OF OVERPAYMENTS ON INDIAN LEASES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218**Legal Deadline:** None

Abstract: Because royalty payments are a major source of income to many Indian allottees, and the only source in some instances, it has been a longstanding Department of the Interior policy that overpayments made by lessees and other royalty payors to Indians cannot be recovered by refund. This policy was established to prevent an undue financial burden on Indian allottees who may have limited financial means to refund the overpayment. However, the adopted policy permits lessees and payors to recoup overpayments as a credit against future rental or royalty accruals due to Indian tribes or allottees. Lessees and operators were instructed to follow this recoupment policy in "Notice to Lessees and Operators of Indian Oil and Gas Leases No. 1A", (NTL-1A), issued by the Conservation Division of U.S. Geological Survey in 1977. The MMS published revised final oil and gas product valuation regulations at 30 CFR Part 206 on January 15, 1988 (53 FR 1184 and 53 FR 1230), effective March 1, 1988. Section 206.150(e)(2) of the revised regulations terminated NTL-1A. Although the Indian lease overpayment recoupment policy has been the same for many years, MMS believes that its (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/31/90	55 FR 3232
NPRM Comment	03/02/90	55 FR 3232
Period End		
Final Action	10/00/90	

Small Entities Affected: None**Government Levels Affected:** None

Additional Information: ABSTRACT CONT: regulations should state the policy. Consequently, MMS proposes to add new sections at 30 CFR 218.53 (previously reserved) and 30 CFR 218.203 to codify the policy and procedure.

DOI-MMS

Final Rule Stage

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB40

1477. AMENDMENTS TO CLARIFY 30 CFR PART 250

Legal Authority: 4 USC 1334

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: This rule proposes to amend the regulations governing offshore oil and gas operations to correct a number of errors and minor inconsistencies contained in the comprehensive revision of those regulations promulgated in 1988. The MMS proposes to correct these typographical errors and inconsistencies by revising text of the related sections in 30 CFR Part 250. Most of these revisions are minor and involve the clarification of sections by modifying, removing, or adding a word or phrase; however, two substantive revisions concerning crane operations and drainage protection are included. The costs to lessees to implement these amendments are not expected to significantly increase over the costs of complying with the current program. This action is required to correct the errors referred to above; there are no alternatives.

Timetable:

Action	Date	FR Cite
NPRM	03/08/90	55 FR 8485
NPRM Comment	05/07/90	55 FR 8485
Period End		
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1800

RIN: 1010-AB41

1478. EXTENSION OF TIME PERIOD FOR MAINTAINING RECORDS ON OUTER CONTINENTAL SHELF NET PROFIT SHARE OIL AND GAS LEASES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30

USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 220

Legal Deadline: None

Abstract: There is a conflict in MMS regulations at 30 CFR 220.030 with the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) as to the time period that an offshore net profit share (NPSL) lessee must maintain records and all other documentation pertaining to the NPSL capital account. Therefore, MMS is proposing to amend 30 CFR 250.030 to extend the time period to 6 years, from 36 months, consistent with the statutory requirement of FOGRMA. The MMS is also proposing to remove 30 CFR 220.033 which includes language that conflicts with the recordkeeping requirements of FOGRMA and MMS regulations at 30 CFR 212.50 and 212.51.

Timetable:

Action	Date	FR Cite
NPRM	06/07/90	55 FR 23248
NPRM Comment	07/09/90	55 FR 23248
Period End		
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB46

1479. OIL AND GAS AND SULPHUR OPERATIONS ON THE OUTER CONTINENTAL SHELF; AMENDMENT TO SPECIFY DOCUMENTATION REQUIREMENTS FOR BLOWOUT PREVENTER TESTS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.57; 30 CFR 250.86; 30 CFR 250.106

Legal Deadline: None

Abstract: This rule would modify the regulations governing drilling, well-completion, and well-workover operations under an oil and gas lease in the Outer Continental Shelf to identify with greater specificity the information that must be recorded by the lessee to describe testing of the lessee's blowout

preventer (BOP) and auxiliary equipment and to add a provision allowing MMS to request information concerning pressure conditions during testing of BOP's and auxiliary equipment. The change is necessary to allow MMS personnel to verify the adequacy of lessee-conducted tests that are needed to assure that BOP's and auxiliary well-control equipment, if needed, will operate effectively. This change will enable MMS personnel to better assess the effectiveness of a BOP system during their review of the documentation of the method and procedures used by a lessee to conduct BOP tests and the results obtained.

Timetable:

Action	Date	FR Cite
NPRM	05/03/90	55 FR 18639
NPRM Comment	07/02/90	
Period End		
Final Action	10/00/90	
Final Action	11/00/90	
Effective		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1800

RIN: 1010-AB49

1480. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; REPORTS AND INVESTIGATIONS OF APPARENT VIOLATIONS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.25

Legal Deadline: None

Abstract: This action would add a provision to the regulations governing oil, gas, and sulphur operations in the Outer Continental Shelf to clarify that any person observing an apparent violation of Minerals Management Service's (MMS) regulations can report the apparent violation, and that MMS will then investigate the allegation. The provision was a part of the regulations in effect prior to 1988 but was dropped when the offshore operating rules were revised in 1988. Although allegations of violations of MMS regulations are investigated under existing rules, incorporation of the new provision into

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Final Rule Stage

Part 250 will assure that more people are aware that allegations of violations of MMS regulations will be investigated. The alternative of using other means to inform the public, such as use of a press release, would be a less effective means of assuring that the public was aware of this provision.

Timetable:

Action	Date	FR Cite
NPRM	06/16/90	55 FR 33539
NPRM Comment Period End	09/17/90	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail

Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB53

1481. ● OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; HEALTH AND SAFETY TRAINING REQUIREMENTS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.42; 30 CFR 250.43

Legal Deadline: None

Abstract: This rule amends the regulatory program of the Minerals Management Service (MMS). Specifically, the rule requires offshore operators to certify, within their oil spill contingency plans, that proposed response personnel have been trained in accordance with existing Federal health and safety regulations. This rule will clarify those criteria that MMS

uses in reviewing and approving oil spill contingency plans. This rule also will ensure that any responses to oil spills emanating from Outer Continental Shelf operations will be conducted in accordance with existing Federal health and safety regulations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB54

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Minerals Management Service (MMS)

1482. AMENDMENTS TO 30 CFR 250.52 TO ADD REQUIREMENTS INTENDED TO PREVENT OCCURRENCE OF ACCIDENTAL FIRES CAUSED BY FALLING SLAG FROM WELDING OR BURNING

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.52

Legal Deadline: None

Abstract: The Minerals Management Service proposed to amend 30 CFR 250.52 to add requirements designed to increase personnel safety and minimize property damage by avoiding or preventing the occurrence of accidental fires caused by hot slag from welding or burning activities falling into flammable material floating on the ocean surface beneath Outer Continental Shelf (OCS) facilities. The proposed amendment was prompted by the recommendations of an investigation of a January 6, 1984, accidental fire believed to have been caused by hot welding slag igniting a layer of hydrocarbons floating on the surface of the ocean water beneath an OCS facility. Three men died and nine were burned as a consequence of that fire. The alternative considered was to send lessees advisory notices alerting them of the potential danger of welding

slag; however, the alternative was considered less effective because it lacked enforcement. The proposed amendment would not result in increases in cost to lessees or consumers.

Timetable:

Action	Date	FR Cite
Withdrawn Rulemaking action not required at this time.	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010-AB31

1483. REVISION OF REGULATIONS GOVERNING INTEREST RATE APPLICABLE TO LATE PAYMENTS AND UNDERPAYMENTS

Legal Authority: 25 USC 398 et seq; 25 USC 398a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31

USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Existing regulations at 30 CFR 218.54, 218.55, and 218.103 govern the rate of interest to be charged on underpayments or late payments of royalty by lessees and other royalty payors, and the rate of interest to be paid on late disbursements of an Indian Tribe's or Allottee's royalty or a State's share of royalty revenues. These regulations reference section 6621 of the Internal Revenue Code of 1954 for the applicable interest rate in each situation. However, section 6621 was amended by the Tax Reform Act of 1986 to provide for a different interest rate for overpayments and for underpayments. A rule amendment is required to clarify an ambiguity in the existing regulations, created by the amendment to section 6621, as to which of two different rates would apply.

Timetable:

Action	Date	FR Cite
NPRM	04/11/89	54 FR 14364
NPRM Comment Period End	05/11/89	
Final Action	09/10/90	55 FR 37227

DOI—MMS

Completed Actions

Action	Date	FR Cite
Final Action Effective	11/01/90	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432
RIN: 1010-AB32

1484. AMENDMENT OF COAL VALUATION REGULATIONS TO REMOVE EXCLUSION OF TAXES AND FEES FROM VALUE OF FEDERAL COAL PRODUCTION

Significance: Regulatory Program
Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq
CFR Citation: 30 CFR 206
Legal Deadline: None

Abstract: On January 13, 1989, MMS issued revised coal product valuation regulations in the Federal Register (54 FR 1492) establishing the value of coal production for royalty purposes from all Federal and Indian leases. The adopted regulations, effective March 1, 1990, resulted in considerable controversy on the part of States, Indians, and Congress relative to the exclusion of Federal Black Lung excise taxes,

Abandoned Mine Land Fees, and State and local severance taxes from the value of coal production, for royalty computation purposes, on Federal leases. In view of the controversy, the Secretary of the Interior directed that a review and study of the issues be performed. As a result of that study, MMS is proposing to amend its coal regulations to remove the exclusion of the taxes and fees from the value of Federal coal production.

Timetable:

Action	Date	FR Cite
NPRM	02/13/90	55 FR 5024
NPRM Comment Period End	04/18/90	55 FR 5024
Final Action	08/30/90	55 FR 35427
Final Action Effective	10/01/90	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 3910, Bldg. 85, Denver, CO 80225, 303 231-3432
RIN: 1010-AB42

1485. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; SAFETY AND POLLUTION-PREVENTION EQUIPMENT

Legal Authority: 43 USC 1334
CFR Citation: 30 CFR 250.1; 30 CFR 250.126

Legal Deadline: None

Abstract: The rules at 30 CFR 250.126 on the manufacture of safety and pollution-prevention equipment (i.e., surface and subsurface safety valves) are being amended to update the American Petroleum Institute (API) and American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) quality assurance (QA) programs. The revision to the API QA program would update API Spec Q1 from the 1988 edition to the 1990 edition. The ASME/ANSI QA program would be updated to include Addendum D, issued in 1990. The Minerals Management Service has reviewed these documents and has determined that the revisions to the updated documents are minor and do not have a significant impact on the current documents incorporated by reference.

Timetable:

Action	Date	FR Cite
Final Action	09/13/90	55 FR 37709
Final Action Effective	10/15/90	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards, Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, VA 22070, 703 787-1600
RIN: 1010-AB47
BILLING CODE 4310-MR-T

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Office of Surface Mining Reclamation and Enforcement (OSMRE)

1486. SURFACE COAL MINING AND RECLAMATION OPERATIONS; TWO ACRE EXEMPTION REPEAL

Legal Authority: 30 USC 1201 et seq; PL 100-34
CFR Citation: 30 CFR 700.11; 30 CFR 870.11
Legal Deadline: None

Abstract: Section 520(2) of the Surface Mining Control and Reclamation Act of 1977, exempted from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or

less." On May 7, 1987, the President signed PL 100-34 which repealed the exemption. The rule action would remove the exemption provision from the regulations at 30 CFR 700 and 30 CFR 870.

Timetable:

Action	Date	FR Cite
Notice of Suspension: Two-Acre Exemption Repeal	06/04/87	52 FR 21228
NPRM	12/00/90	

Small Entities Affected: Undetermined
Government Levels Affected: State, Federal
Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 206-2651
RIN: 1029-AB16