



Federal Register

**Monday,
May 14, 2001**

Part X

**Department of the
Interior**

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 April 2001 and October 2001. 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 Regulatory Affairs, 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.

Dated: March 14, 2001.

Richard A. Stephan,
Federal Register Liaison Officer.

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

Sequence Number	Title	Regulation Identification Number
1231	Natural Resource Damage Assessments: Type B Procedures	1090-AA29
1232	Records and Testimony; Freedom of Information Act	1090-AA61
1233	Department Hearings and Appeals; Special Rules Applicable to Public Land Hearings and Appeals	1090-AA68
1234	Department Hearings and Appeals; Procedures Applicable in Adjudications Before the Hearings Division	1090-AA73
1235	Department Hearings and Appeals Procedures; Rules Applicable in Indian Affairs Hearings and Appeals	1090-AA78

Assistant Secretary for Policy, Management and Budget—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1236	Limitation of Awards To Permit Applicants Under Section 525(e) of SMCRA	1090-AA74

Assistant Secretary for Policy, Management and Budget—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1237	Revised Statute 2477 Rights-of-Way	1090-AA44
1238	Administrative and Audit Requirements and Cost Principles for Assistance Programs; Buy American Act	1090-AA66
1239	Nondiscrimination in Federally Assisted Programs of the Department of the Interior on the Basis of Race, Color, National Origin, Handicap, or Age	1090-AA77

Office of the Special Trustee—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1240	Appealing Administrative Actions of the Office of the Special Trustee	1035-AA03

DOI

Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
1553	Tribal Self-Governance	1076-AD20
1554	Loan Guarantee Program	1076-AD73
1555	Mortgages and Deeds of Trust on Individually Owned Trust Land or Land Subject to a Restriction on Alienation	1076-AD85
1556	Acquisition of Title to Land in Trust	1076-AD90
1557	Financial Assistance and Social Services Program	1076-AD91
1558	Trust Management Reform: Leasing, Permitting, Grazing, Probate and Funds Held in Trust	1076-AE00
1559	Distribution of FY 2001 Indian Reservation Road Funds	1076-AE09
1560	Technical Amendments to Financial Assistance and Social Services Programs	1076-AE11
1561	Distribution of Fourth Quarter FY 2001 Indian Reservation Road Funds	1076-AE12

Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1562	Refunds and Recoupment of Overpayments on OCS	1010-AC27
1563	Takes vs. Entitlements Reporting	1010-AC29
1564	Accounting Relief for Marginal Properties	1010-AC30
1565	Prepayment of Royalties	1010-AC31
1566	Exploration or Development and Production Plans	1010-AC47
1567	Incident Reporting	1010-AC57
1568	Royalty Relief Terms	1010-AC58
1569	Records and Files Maintenance	1010-AC64
1570	Amendments to Allowance Determination Rules	1010-AC77

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1571	Valuation of Oil From Indian Leases	1010-AC24
1572	Oil and Gas Drilling Operations	1010-AC43
1573	Prospecting for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AC48
1574	Forms and Reports	1010-AC63
1575	Decommissioning Activities	1010-AC65
1576	Requirements Governing Surety Bonds for the Outer Continental Shelf	1010-AC68
1577	Amendments to Sale of Federal Royalty Oil (Small Refiner Administrative Fee)	1010-AC70
1578	Deep Water Royalty Relief for Outer Continental Shelf Oil and Gas Leases Issued After 2000	1010-AC71
1579	Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf—Definition of Affected States	1010-AC74

Minerals Management Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1580	Royalty Payment Liability	1010-AB45
1581	Credit Adjustments	1010-AB73
1582	Chronic Erroneous Reporting	1010-AC34
1583	Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Safety Measures and Procedures for Pipeline Modifications and Repairs	1010-AC75

DOI

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
1584	Update of Documents Incorporated by Reference: API/ISO 10432	1010-AC66
1585	Outer Continental Shelf Oil and Gas Leasing-Bidding Systems	1010-AC69
1586	Amendments to Gas Valuation Regulations for Indian Leases	1010-AC72

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1587	Abandoned Coal Refuse Sites—Title I	1029-AB70
1588	Contemporaneous Reclamation	1029-AB79
1589	Dam Safety Rules	1029-AB92

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1590	Indian Lands	1029-AB83
1591	Electronic Filing of the OSM-1 Form	1029-AB95

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identification Number
1592	Ownership and Control—Redesign	1029-AB94
1593	Temporary Cessation of Mining Operations	1029-AB97

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1594	Leases, Permits, and Easements	1004-AB51
1595	Sales—Federal Land Policy and Management Act	1004-AB77
1596	Desert Land Entries	1004-AC56
1597	Disposal of Reserved Minerals Under the Stock Raising Homestead Act	1004-AC59
1598	Land Withdrawals	1004-AC63
1599	Land Classification	1004-AC78
1600	Carey Act Grants	1004-AC80
1601	Appeals Procedures; Hearings Procedures	1004-AC99
1602	Color of Title and Omitted Lands	1004-AD00
1603	Geothermal Resource Unit Agreement	1004-AD10
1604	Conservation; Helium Leasing	1004-AD35
1605	Grazing Administration—Exclusive of Alaska	1004-AD42

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1606	Cost Recovery; Mineral Filings and Operations	1004-AC64
1607	Rights-of-Way, Principles and Procedures; Rights-of-Way Under the Mineral Leasing Act	1004-AC74

DOI—BIA

Completed Actions

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RIN: 1076—AE00

1559. • DISTRIBUTION OF FY 2001 INDIAN RESERVATION ROAD FUNDS

Priority: Other Significant

Legal Authority: 23 USC 101(a); 23 USC 202; 23 USC 204

CFR Citation: 25 CFR 170

Legal Deadline: None

Abstract: This temporary rule is issued to distribute 75 percent of fiscal year 2001 Indian Reservation Road Funds to projects on or near Indian reservations. The rule uses the Federal Highway Administration's Price Trends Report for the relative need formula distribution process with appropriate modifications to address non-reporting States.

Timetable:

Action	Date	FR Cite
Final Action	01/09/01	66 FR 1576
Final Action Effective	01/09/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: LeRoy Gishi, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, MS 4058 MIB, 1849 C Street NW, Washington, DC 20240
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RIN: 1076—AE09

1560. • TECHNICAL AMENDMENTS TO FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: This rule contains corrections to the final rule published on October 20, 2000. It amends the existing regulations to incorporate new delivery systems within the Financial Assistance and Social Services Program.

Timetable:

Action	Date	FR Cite
Final Action	03/15/01	66 FR 15029
Final Action Effective	03/15/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1076—AE11

1561. • DISTRIBUTION OF FOURTH QUARTER FY 2001 INDIAN RESERVATION ROAD FUNDS

Priority: Other Significant

Legal Authority: 232 USC 101(a); 23 USC 202; 23 USC 204

CFR Citation: 25 CFR 170

Legal Deadline: None

Abstract: Under the Transportation Equity Act for the 21st Century (TEA-21), the Secretary must issue regulations governing the Indian Reservation Roads (IRR) program and establish a formula distributing IRR funds. Congress required that this action be taken by negotiated rulemaking. Since the Negotiated Rulemaking Committee has not yet proposed a permanent funding formula, the Secretary has no basis for distributing FY 2001 IRR funds. This rule ensures distribution of fourth quarter FY 2001 IRR funds using a relative need formula. The Committee and BIA agreed to use the formula because both the tribes and BIA understand its use and because there is no feasible alternative formula. Over 900 road and bridge construction projects will stop without FY 2001 funding.

Timetable:

Action	Date	FR Cite
Final Action	03/29/01	66 FR 17073
Final Action Effective	03/29/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: LeRoy Gishi, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, MS 4058 MIB, 1849 C Street NW, Washington, DC 20240
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RIN: 1076—AE12

BILLING CODE 4310-02-S

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Minerals Management Service (MMS)

1562. REFUNDS AND RECOUPMENT OF OVERPAYMENTS ON OCS

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	07/00/01	
NPRM Comment Period End	09/00/01	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1010—AC27

DOI—MMS

Proposed Rule Stage

1563. 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	06/00/01	
NPRM Comment	08/00/01	
Period End		

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State

Agency Contact: Carol Shelby, Regulatory Specialist, Department of the Interior, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, CO 80225-0165
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RIN: 1010-AC29**1564. 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	03/22/99	
Period End		
Supplementary NPRM	10/00/01	
Supplementary NPRM Comment	12/00/01	
Period End		

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State

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RIN: 1010-AC30

1565. 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	02/00/02	
NPRM Comment	04/00/02	
Period End		

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State

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RIN: 1010-AC31**1566. EXPLORATION OR DEVELOPMENT AND PRODUCTION PLANS****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	12/00/01	
NPRM Comment	03/00/02	
Period End		

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

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RIN: 1010-AC47**1567. INCIDENT REPORTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

Abstract: Recent rapid growth in offshore exploration and production activities in the Gulf of Mexico has led to an increase in accidents and fatalities. 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	01/00/02	
NPRM Comment	04/00/02	
Period End		

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

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DOI—MMS

Proposed Rule Stage

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 RIN: 1010-AC57

1568. 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 leases.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	
NPRM Comment Period End	02/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1010-AC58

1569. RECORDS AND FILES MAINTENANCE

Priority: Substantive, Nonsignificant
Legal Authority: 25 USC 396 et seq; 25 USC 2102 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001

et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq; 5 USC 301 et seq

CFR Citation: 30 CFR 212

Legal Deadline: None

Abstract: This rule will amend records and files maintenance regulations to incorporate the longer retention requirements for records related to Federal oil and gas.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1010-AC64

1570. • AMENDMENTS TO ALLOWANCE DETERMINATION RULES

Priority: Substantive, Nonsignificant
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 206

Legal Deadline: None

Abstract: Specific allowance provisions in the January 1988 (53 FR 1230, January 15, 1988) valuation regulations provided that allowances that were in effect at the time these regulations became effective would be allowed to continue until the allowances terminate. The Interior Board of Land Appeals (IBLA) ruled in 136 IBLA 203 (August 12, 1996) that the effect of this language was for such allowances to continue indefinitely. MMS proposes to amend the product valuation regulations to specify a termination date for any of these allowances not currently calculated under 30 CFR part 206.

Timetable:

Action	Date	FR Cite
NPRM	05/00/01	
NPRM Comment Period End	07/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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RIN: 1010-AC77

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

Final Rule Stage

1571. 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 181 et seq; 30 USC 351 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 value 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.

Statement of Need: Current oil valuation regulations rely primarily on posted prices and prices under arm's-length sales to value oil that is not sold at arm's-length. Over time, posted prices have become increasingly suspect as a fair measure of market value. This rulemaking would modify valuation regulations to place substantial reliance on the higher of

crude oil spot prices major portion prices, or gross proceeds, and eliminate any direct reliance on posted prices. This rulemaking would also add more certainty to valuation of oil produced from Indian leases.

Summary of Legal Basis: The primary legal basis for this rulemaking is the Federal Oil and Gas Royalty Management Act of 1982, as amended, which defines the Secretary of the Interior's (1) authority to implement and maintain a royalty management system for oil and gas leases on Indian

DOI—MMS

Final Rule Stage

lands, and (2) trust responsibility to administer Indian oil and gas resources.

Alternatives: We considered a range of valuation alternatives such as making minor adjustments to the current gross proceeds valuation method, using futures prices, using index-based prices with fixed adjustments for production from specific geographic zones, relying on some type of field pricing other than posted prices, and taking oil in-kind. We chose the higher of the average of the high daily applicable spot prices for the month major portion prices in the field or area, or gross proceeds received by the lessee or its affiliate. We chose spot prices as one of the three value measures because (1) they represent actual trading activity in the market, (2) they mirror New York Mercantile Exchange futures prices, and (3) they permit use of an index price in proximity to the actual production whose value is being measured.

Anticipated Cost and Benefits: We estimate compliance with this rulemaking would cost the oil and gas industry approximately \$46,000 annually. Additional costs to industry and MMS would be up-front computer programming and other administrative costs associated with processing the new form. The benefits of this rulemaking would be an estimated \$3.6 million increase in annual royalties collected on oil produced from Indian leases. Additional benefits would include simplification and increased certainty of oil pricing, reduced audit efforts, and reduced valuation determinations and associated litigation.

Risks: The risk of not modifying current oil valuation regulations is that Indian recipients may not receive royalties based on the highest price paid or offered for the major portion of oil produced—a common requirement in most Indian leases. These modifications ensure that the Department fulfills its trust responsibilities for administering Indian oil and gas leases under governing mineral leasing laws, treaties, and lease terms.

Timetable:

Action	Date	FR Cite
ANPRM	12/20/95	60 FR 65610
ANPRM Comment Period End	03/19/96	
NPRM	02/12/98	63 FR 7089

Action	Date	FR Cite
NPRM Comment Period Extended	04/09/98	63 FR 17349
NPRM Comment Period End	05/13/98	
Supplementary NPRM	01/05/00	65 FR 403
NPRM Comment Period Extended	02/28/00	65 FR 10436
Final Action	05/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Tribal

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RIN: 1010-AC24

1572. OIL AND GAS DRILLING OPERATIONS

Priority: Other Significant

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: The rule will be written in plain English, substantive changes will be incorporated, and the rule will reflect the results of the blowout preventer study.

Timetable:

Action	Date	FR Cite
NPRM	06/21/00	65 FR 38453
NPRM Comment Period End	10/19/00	65 FR 46126
Final Action	02/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1010-AC43

1573. PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 280

Legal Deadline: None

Abstract: This rule will expand the provisions governing research by requiring everyone conducting geological and geophysical scientific research without a permit to file a notice with MMS. These revisions respond to changes in technology and practice.

Timetable:

Action	Date	FR Cite
NPRM	12/08/99	64 FR 68649
NPRM Comment Period End	02/07/00	
Final Action	12/00/01	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1010-AC48

1574. FORMS AND REPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 25 USC 396 et seq; 25 USC 2102 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 101 et seq; 30 USC 1701 et seq; 31 USC 3176 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq; 5 USC 301 et seq

CFR Citation: 30 CFR 210

Legal Deadline: None

Abstract: This rule will update the list of Royalty Management Program information collections, the purpose of the collections, and the estimated reporting burden associated with each collection. It will also update MMS mailing addresses.

Timetable:

Action	Date	FR Cite
Final Action	09/00/01	

Regulatory Flexibility Analysis

Required: No

DOI—MMS

Final Rule Stage

Government Levels Affected: None

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RIN: 1010-AC63

1575. DECOMMISSIONING ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552(a)

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: This rule will amend MMS' regulations governing operations in the Outer Continental Shelf to update decommissioning requirements. The new layout of the rule follows the logical sequence of plugging a well, decommissioning the platform and pipeline, and clearing the waste site. The proposed rule also updates the requirements to reflect changes in technology. We have restructured the requirements to make the regulations easier to read and understand. The proposed technical changes will help ensure that lessees decommission operations safely and effectively.

Timetable:

Action	Date	FR Cite
NPRM	07/07/00	65 FR 41892
NPRM Comment Period End	10/05/00	
Final Action	02/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1010-AC65

1576. REQUIREMENTS GOVERNING SURETY BONDS FOR THE OUTER CONTINENTAL SHELF

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 256

Legal Deadline: None

Abstract: This rule would change requirements governing surety bonds for activities on the Outer Continental Shelf. These changes will codify the terms and conditions under which a surety will be relieved of responsibility when MMS terminates the period and liability of a bond. Codifying these terms and conditions is necessary to clarify the responsibilities of the lessee after the lease expires.

Timetable:

Action	Date	FR Cite
NPRM	01/08/01	66 FR 1277
NPRM Comment Period End	03/09/01	
Final Action	02/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1010-AC68

1577. AMENDMENTS TO SALE OF FEDERAL ROYALTY OIL (SMALL REFINER ADMINISTRATIVE FEE)

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 1301 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 31 USC 9701 et seq; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq; 5 USC 301 et seq

CFR Citation: 30 CFR 208

Legal Deadline: None

Abstract: This rule would remove the requirement that MMS collect fees from small refiners to recover the administrative cost of the small refiner royalty-in-kind program.

Timetable:

Action	Date	FR Cite
NPRM	09/26/00	65 FR 57771
NPRM Comment Period End	11/27/00	
Final Action	05/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1010-AC70

1578. DEEP WATER ROYALTY RELIEF FOR OUTER CONTINENTAL SHELF OIL AND GAS LEASES ISSUED AFTER 2000

Priority: Other Significant

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

CFR Citation: 30 CFR 203

Legal Deadline: None

Abstract: The rule explains who is eligible for relief, how they apply for relief, and the criteria they must meet to receive relief. The proposed rule makes a new class of leases, those sold after 2000 in the central and western Gulf of Mexico (GOM), eligible to apply for royalty suspensions to supplement any that may have been included in their original lease terms. Also, it updates certain requirements and authorizes royalty relief in special situations.

Statement of Need: Because of the variation of geologic and economic circumstance, standard leasing terms do not encourage development of all potential reserves in the deep water GOM. The Deep Water Royalty Relief Act (DWRRA)(Pub. L. 104-58) authorized the Minerals Management Service (MMS) to promote development of marginal reserves. The existing regulations at 30 CFR 203 give detailed instructions on how deep water leases issued before the DWRRA may apply and qualify for royalty suspension on a case-by-case basis. This proposed rule revises and extends these instructions to certain additional categories of OCS leases, especially those issued after 2000. Revisions to the existing instructions reflect experience with cases over the last 5 years. Also the proposed rule identifies circumstances when MMS may consider special royalty relief outside our established end-of-life and DWRR programs.

Summary of Legal Basis: The OCS Lands Act is the basis for our regulations on suspending or lowering royalties on producing OCS leases. The

DOI—MMS

Final Rule Stage

DWRRRA is the basis for regulations to reduce or eliminate royalty on non-producing leases in the GOM west of 87 degrees, 30 minutes West longitude. It gives the Secretary of the Interior this authority to (1) promote development or increased production on producing and non-producing leases or (2) encourage production of marginal resources on producing and non-producing leases.

Alternatives: The specificity with which the current regulations were written was driven by the DWRRRA to facilitate planning by potential applicants. Those regulations do not leave room for anything but a rulemaking fix. Otherwise, those new leases that legitimately need development assistance would be relegated to seeking relief under ad hoc special relief rules. Alternatively an extension of the DWRRRA terms to fill a perceived gap may give future deep water lessees royalty-suspension terms that are not sufficiently responsive to current market conditions. Moreover, it is fairer to both applicants and taxpayers to establish clear and coherent rules by which individual leases can obtain the amount of royalty relief actually needed to induce development.

Anticipated Cost and Benefits: This rule extends the benefit of discretionary royalty relief to certain OCS leases after November 2000 that qualify as marginally uneconomic. Lessees who choose to seek this discretionary royalty relief pay user fees that range from \$12,000 to \$49,000 per application, in addition to their internal costs of assembling the necessary data. Benefits from this rule come from production that otherwise would not

occur or be deferred indefinitely. To date, one field qualifying for relief has gone into production and added 15 million barrels of oil equivalent to reserves in the GOM. Another on the verge of starting development would add 400 billion cubic feet of natural gas to reserves that otherwise would not be produced in the GOM.

Risks: The risk of not modifying the discretionary royalty relief rule is that some marginal resources will be bypassed. Alternatively, royalty receipts could fall because overly generous relief will be given to many leases to avoid the loss in production by a few.

Timetable:

Action	Date	FR Cite
NPRM	11/16/00	65 FR 69259
Comment Period Extended	12/15/00	65 FR 78431
Final Action	05/00/01	
Final Action Effective	06/00/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 1010-AC71

1579. LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF—DEFINITION OF AFFECTED STATES

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

Legal Authority: 42 USC 6213; 43 USC 1331 et seq

CFR Citation: 30 CFR 256

Legal Deadline: None

Abstract: The proposed rule would eliminate a redundant and burdensome definition of "Affected State" that applies only to subpart B the Oil and Gas Leasing Program. This would mean that the definition of "Affected State" in subpart A would apply to the entire part 256. This rule would eliminate the need for the Federal Government to involve certain unaffected coastal States in the complex, multi-step process of preparing a 5-year program.

Timetable:

Action	Date	FR Cite
NPRM	12/15/00	65 FR 78432
NPRM Comment Period End	02/13/01	
Final Action	09/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Federal

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RIN: 1010-AC74

DEPARTMENT OF THE INTERIOR (DOI)

Long-Term Actions

Minerals Management Service (MMS)

1580. ROYALTY PAYMENT LIABILITY

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

CFR Citation: 30 CFR 211

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 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 amending its regulations to clarify payor, lessee, and assignee requirements and responsibilities for Indian mineral leases and Federal solid mineral and geothermal leases.

Timetable:

Action	Date	FR Cite
NPRM	04/13/94	59 FR 17504
NPRM	06/09/95	60 FR 30492

DOI—MMS

Long-Term Actions

Action	Date	FR Cite
Comment Period Extended	08/30/95	60 FR 45112
Comment Period Extended	10/03/95	60 FR 56033
Final Action	04/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1010-AB45

1581. CREDIT ADJUSTMENTS
Priority: Substantive, Nonsignificant

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 181 et seq; 30 USC 351 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq; 5 USC 301 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: This rule will limit adjustments on royalty payments and determine the use of administrative offset for certain collections. This rule was expanded to include post-Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 impacts on credit adjustments and administrative offsets after the initial proposed rule was published, so a new proposed rule will be issued.

Timetable:

Action	Date	FR Cite
NPRM	08/17/93	58 FR 43588
NPRM Comment Period End	11/01/93	58 FR 50301
NPRM	04/00/02	
NPRM Comment Period End	06/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1010-AB73

1582. CHRONIC ERRONEOUS REPORTING
Priority: Substantive, Nonsignificant

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 181 et seq; 30 USC 351 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq; 5 USC 301 et seq

CFR Citation: 30 CFR 216; 30 CFR 218

Legal Deadline: None

Abstract: This rule eliminates assessments for late reporting and failure to report and defines the assessment criteria. The new rule will define what is considered a chronic erroneous reporter and applicable assessments. Penalties for failure to report are also addressed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/02	
NPRM Comment Period End	06/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

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RIN: 1010-AC34

1583. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF—SAFETY MEASURES AND PROCEDURES FOR PIPELINE MODIFICATIONS AND REPAIRS
Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: The rule will address problems that arise out of the fact that eventually all pipeline valves leak internally. This is due to abrasion and deposition of operational residues on valve seats. Internal valve leakage poses a potential safety problem to offshore workers at the time pipeline repairs are performed because hydrocarbons and pressure differentials in the lines can pose a significant hazard of fire and explosion. The rule will require that lessees and operators consider and submit in writing the measures they plan to take and the procedures they plan to follow to ensure the safety of company or contract workers and to prevent pollution before beginning a pipeline modification or repair, and it will amend section 250.1006(b)(1) by requiring that a blind flange be installed at the platform end of any pipeline taken out of service to prevent seepage into the line through leaking valves.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1010-AC75

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)
Completed Actions
1584. UPDATE OF DOCUMENTS INCORPORATED BY REFERENCE: API/ISO 10432

Priority: Routine and Frequent

CFR Citation: 30 CFR 250

Completed:

Reason	Date	FR Cite
Final Action	12/08/00	65 FR 76933

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1010-AC66

1585. OUTER CONTINENTAL SHELF OIL AND GAS LEASING-BIDDING SYSTEMS

Priority: Other Significant

CFR Citation: 30 CFR 218; 30 CFR 256; 30 CFR 260

Completed:

Reason	Date	FR Cite
Final Action	02/23/01	66 FR 11512
Final Action Effective	03/26/01	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: Federal

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RIN: 1010-AC69

1586. AMENDMENTS TO GAS VALUATION REGULATIONS FOR INDIAN LEASES

Priority: Substantive, Nonsignificant

CFR Citation: 30 CFR 174(l)

Completed:

Reason	Date	FR Cite
Final Action	10/19/00	65 FR 62612

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

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RIN: 1010-AC72

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DEPARTMENT OF THE INTERIOR (DOI)
Office of Surface Mining Reclamation and Enforcement (OSMRE)
Proposed Rule Stage
1587. ABANDONED COAL REFUSE SITES—TITLE I

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 will propose new regulations governing permitting and performance standards for on-site processing of abandoned coal refuse piles and operations for removal of 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	12/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Inhi Hong, Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW, MS 120-SIB, Washington, DC 20240

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RIN: 1029-AB70

1588. CONTEMPORANEOUS RECLAMATION

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

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773; 30 CFR 780; 30 CFR 816

Legal Deadline: None

Abstract: This rule will amend our regulations to ensure that coal mine operators reclaim their operations in a contemporaneous manner.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Craynon, Chief, Technology Development Staff, Department of the Interior, Office of Surface Mining Reclamation and Enforcement
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RIN: 1029-AB79

1589. DAM SAFETY RULES

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

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: This rule will require the surface coal mining permittee to have an emergency action plan (EAP) when a dam is placed in service. This would bring OSM's regulations on EAPs into compliance with the Federal guidelines for dam safety and the Departmental Manual. It would ensure that EAPs are in place for all Class B and Class C hazard structures that may not necessarily be regulated by the Mine Safety and Health Administration but for which OSM is responsible.

Timetable:

Action	Date	FR Cite
NPRM	11/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State

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