

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 2002 and October 2002. 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.

Date: March 19, 2002.

Richard A. Stephan,
Federal Register Liaison Officer.

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

Sequence Number	Title	Regulation Identification Number
1030	Natural Resource Damage Assessments: Type B Procedures	1090-AA29
1031	Department Hearings and Appeals; Special Rules Applicable to Public Land Hearings and Appeals	1090-AA68
1032	Department Hearings and Appeals; Procedures Applicable in Adjudications Before the Hearings Division	1090-AA73
1033	Non-Procurement Suspension and Debarment; Drug-Free Workplace Grant Requirements	1090-AA79
1034	Department Hearings and Appeals Procedures; Procedures Applicable in Indian Probate Hearings	1090-AA81

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

Sequence Number	Title	Regulation Identification Number
1035	Records and Testimony; Freedom of Information Act	1090-AA61
1036	Nondiscrimination in Federally Assisted Programs of the Department of the Interior on the Basis of Race, Color, National Origin, Handicap, or Age	1090-AA77

Assistant Secretary for Policy, Management and Budget—Completed Actions

Sequence Number	Title	Regulation Identification Number
1037	Department Hearings and Appeals Procedures; Rules Applicable in Indian Affairs Hearings and Appeals	1090-AA78
1038	Change of Address for the Office of Hearings and Appeals	1090-AA80

Assistant Secretary for Policy, Management and Budget—Discontinued Entries

Regulation Identification Number	Title	Date With-drawn	Comments
1090-AA44	Revised Statute 2477 Rights-of-Way	03/05/2002	Withdrawn - No further action to be taken at this time.
1090-AA66	Administrative and Audit Requirements and Cost Principles for Assistance Programs; Buy American Act	03/05/2002	Withdrawn

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Bureau of Indian Affairs—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date Withdrawn	Comments
1076-AD50	Appeals From Administrative Actions	03/01/2002	Withdrawn - Duplicate of RIN 1076-AE21
1076-AD55	Academic and Dormitory Standards	03/01/2002	Withdrawn - No further action scheduled.
1076-AD58	Education Contracts Under the Johnson-O'Malley Act	03/01/2002	Withdrawn - No further action scheduled.
1076-AD59	Loans to Indians From the Revolving Loan Fund	03/01/2002	Withdrawn - Will be published at a future date.
1076-AD69	School Construction Contracts for Public Schools	03/01/2002	Withdrawn - No further action scheduled.
1076-AD75	Job Placement and Training Program	03/01/2002	Withdrawn - No further action scheduled.
1076-AD76	Courts of Indian Offenses	03/01/2002	Withdrawn - Further action postponed until later.
1076-AD83	Use of Columbia River Fish Access Sites	03/01/2002	Withdrawn - No further action scheduled.
1076-AD86	Use of Columbia River In-Lieu Fishing Sites	03/01/2002	Withdrawn - No further action scheduled.
1076-AD94	Use or Distribution of Indian Judgment Funds	03/01/2002	Withdrawn - No further action will be taken at this time.
1076-AD96	Indian Child Protection	03/01/2002	Withdrawn - No further action will be taken at this time.
1076-AE30	Address Correction	03/01/2002	Withdrawn - No further action will be taken at this time.

Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1252	Late and Overpayment Interest	1010-AC27
1253	Takes vs. Entitlements Reporting	1010-AC29
1254	Accounting Relief for Marginal Properties	1010-AC30
1255	Prepayment of Royalties	1010-AC31
1256	Plans and Information	1010-AC47
1257	Incident Reporting	1010-AC57
1258	Royalty Relief Terms	1010-AC58
1259	MMS Hearings and Investigations	1010-AC79
1260	Appeals of Minerals Management Service Orders	1010-AC80
1261	Proprietary Terms and Data Disclosure	1010-AC81
1262	Definition of Control	1010-AC88
1263	Documents Incorporated by Reference — API RP 14F and API 510	1010-AC89
1264	Reporting Amendments	1010-AC90
1265	Rights-of-Use and Easements and Pipeline Rights-of-Way	1010-AC91

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1266	Oil and Gas Drilling Operations	1010-AC43
1267	Prospecting for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AC48
1268	Decommissioning Activities	1010-AC65
1269	Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Safety Measures and Procedures for Pipeline Modifications and Repairs	1010-AC75
1270	Documents Incorporated by Reference — API Specification 2C	1010-AC82
1271	Dealing with Sustained Casing Pressure	1010-AC83

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Minerals Management Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1272	Documents Incorporated by Reference for Offshore Floating Production Facilities	1010-AC85
1273	Technical Amendments	1010-AC87
1274	Suspension of Operations for Exploration Under Salt Sheets	1010-AC92
1275	Documents Incorporated by Reference - API RP 14C	1010-AC93
1276	Outer Continental Shelf Oil and Gas Leasing - Clarifying Amendments	1010-AC94
1277	Document Incorporated by Reference—API 510—Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration	1010-AC95

Minerals Management Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1278	Deep Water Royalty Relief for Outer Continental Shelf Oil and Gas Leases Issued After 2000	1010-AC71

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
1279	Requirements Governing Surety Bonds for the Outer Continental Shelf	1010-AC68
1280	Solid Minerals Reporting Requirements	1010-AC86

Minerals Management Service—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
1010-AC24 1010-AC63	Valuation of Oil From Indian Leases Forms and Reports	04/01/2002 03/01/2002	Withdrawn Withdrawn - Combined With RIN 1010-AC90.
1010-AC64	Records and Files Maintenance	03/01/2002	Withdrawn - To Be Published at a Future Date.
1010-AC78	Well Control and Production Safety Training	03/01/2002	Withdrawn - No Further Action Will Be Taken.

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1281	Abandoned Coal Refuse Sites—Title I	1029-AB70
1282	Contemporaneous Reclamation	1029-AB79
1283	Emergency Action Plans—Impoundments	1029-AB92
1284	Abandoned Mine Land Reclamation Notices	1029-AB99
1285	Revegetation	1029-AC02
1286	Placement of Excess Spoil	1029-AC04

DOI—BIA

Final Rule Stage

Phone: 202 208-3628

RIN: 1076—AE14

1249. PROTECTION OF PRODUCTS OF INDIAN ART AND CRAFTSMANSHIP**Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 1159; 25 USC 305 et seq**CFR Citation:** 25 CFR 309**Legal Deadline:** None**Abstract:** This rule establishes regulations to provide guidance to persons who produce, market, or

purchase products marketed as Indian arts and crafts, as defined under the Indian Arts and Crafts Act of 1990, PL 101-644. The proposed regulations further clarify the definition of “Indian product” by including specific examples of “Indian product,” as well as examples of what is not an “Indian product,” in the regulations implementing the Indian Arts and Crafts Enforcement Act of 2000, Public Law 101-497, an amendment to the Indian Arts and Crafts Act of 1990, Public Law 101-644.

Timetable:

Action	Date	FR Cite
NPRM	05/21/01	66 FR 27915
Final Action	09/00/02	

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

Agency Contact: Meridith Stanton, Department of the Interior, Bureau of Indian Affairs, Indian Arts and Crafts Board, Room 4004 MIB, 1849 C Street NW, Washington, DC 20240
Phone: 202 208-3773

RIN: 1076—AE16

**Department of the Interior (DOI)
Bureau of Indian Affairs (BIA)**

Completed Actions

1250. INDIAN RESERVATION ROADS PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** 25 CFR 170**Completed:**

Reason	Date	FR Cite
Final Action Effective	01/09/01	

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

Agency Contact: LeRoy Gishi
Phone: 202 208-4359

RIN: 1076—AE06

1251. • DISTRIBUTION OF FISCAL YEAR 2002 INDIAN RESERVATION ROADS FUNDS**Priority:** Other Significant

Legal Authority: 36 Stat 861; 78 Stat 241; 76 Stat 253; 76 Stat 257; 45 Stat 750; 25 USC 47; 25 USC 2000e(b); 47 USC 2000e(i); 23 USC 101(a); 23 USC 202; 23 USC 204

CFR Citation: 25 CFR 170**Legal Deadline:** None

Abstract: This temporary rule required distribution of 75 percent of the fiscal year 2002 Indian Reservation Roads (IRR) funds to projects on or near Indian reservations using the relative need formula. In this distribution, up to \$19.5 million was reserved to allow Federally recognized tribes to apply for \$35,000 each for administrative capacity building and other transportation activities. The balance of

the remaining 25 percent of FY 2002 IRR program funds was distributed according to the relative need formula. The rule is effective from January 10, 2002 through September 30, 2002.

Timetable:

Action	Date	FR Cite
Final Action	01/10/02	67 FR 1290
Final Action Effective	01/10/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Tribal

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—AE28

BILLING CODE 4310—02—S

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

Proposed Rule Stage

1252. LATE AND OVERPAYMENT INTEREST**Priority:** Substantive, Nonsignificant

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

CFR Citation: 30 CFR 206; 30 CFR 218; 30 CFR 230

Legal Deadline: None

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

from sales of Federal onshore and offshore oil and gas production.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses

DOI—MMS

Proposed Rule Stage

Government Levels Affected: None

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-AC27

1253. 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	11/00/02	
NPRM Comment Period End	01/00/03	

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

1254. ACCOUNTING RELIEF FOR MARGINAL PROPERTIES

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 1735

CFR Citation: 30 CFR 204

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/21/99	64 FR 3360
NPRM Comment Period End	03/22/99	
Supplementary NPRM	08/00/02	
NPRM Comment Period End	10/00/02	

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-AC30

1255. 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	01/00/03	
NPRM Comment Period End	03/00/03	

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-AC31

1256. PLANS AND INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1331 et seq

CFR Citation: 25 CFR 250

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	07/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170
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RIN: 1010-AC47

1257. INCIDENT REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	11/00/02	

DOI—MMS

Proposed Rule Stage

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

Agency Contact: Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170
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RIN: 1010-AC57

1258. 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 and also introduces a categorical royalty relief program for deep gas drilling on existing shallow water tracts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

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

Agency Contact: Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170
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RIN: 1010-AC58

1259. MMS HEARINGS AND INVESTIGATIONS

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

Legal Authority: 30 USC 1717**CFR Citation:** 30 CFR 240**Legal Deadline:** None

Abstract: This rule will explain how the Minerals Management Service will conduct hearings and investigations necessary and appropriate to carrying out the Secretary's duties under the Federal Oil and Gas Royalty Management Act of 1982.

Timetable:

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

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

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-AC79

1260. APPEALS OF MINERALS MANAGEMENT SERVICE ORDERS

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

Legal Authority: 43 USC 1331 et seq**CFR Citation:** 30 CFR 242; 30 CFR 290; 43 CFR 4**Legal Deadline:** None

Abstract: This rule streamlines the appeals process to facilitate processing appeals within the 33-month deadline required by the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA). It also implements the requirements of OMB Circular A-25, which establishes guidelines for Federal agencies to assess fees to cover the costs of Government-provided services or benefits beyond those accruing to the general public. The proposed rule will: (1) Require the Appellant to file its Notice of Appeal and Statement of Reasons directly with the MMS Appeals Division and file copies with the office that issued the order; (2) implement most of the recommendations made by the Royalty Policy Committee; (3) eliminate the requirement for an MMS Field Report containing MMS's arguments; (4) clarify the right of the States and tribes to participate in the appeals process; and (5) provide for settlement negotiations as required in RSFA.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	

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

Agency Contact: Platte Clark, Acting Chief, Appeals Division, Department of the Interior, Minerals Management Service, 4230 MIB, 1849 C Street NW, Washington, DC 20240
Phone: 202 208-2394
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Email: platte.clark@mms.gov
RIN: 1010-AC80

1261. PROPRIETARY TERMS AND DATA DISCLOSURE

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

Legal Authority: 43 USC 1331**CFR Citation:** 30 CFR 250; 30 CFR 251**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

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

Agency Contact: Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170
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RIN: 1010-AC81

DOI—MMS

Proposed Rule Stage

1262. DEFINITION OF CONTROL

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

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; 5 USC 2101 et seq; 5 USC 301 et seq; 5 USC 396 et seq; 5 USC 396a et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: MMS is amending the definition of “control” in 30 CFR part 206 based upon the relevance to MMS regulations of the decision *National Mining Association v. Department of the Interior*, 177 F.3rd 1 (DC Cir., May 28, 1999).

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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-AC88

1263. DOCUMENTS INCORPORATED BY REFERENCE — API RP 14F AND API 510

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

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: This rule will update a document incorporated by reference and incorporate by reference a new document. Incorporation by reference makes a widely available technical document part of our regulations. The updated reference, API RP 14F, is the fourth edition of the American Petroleum Institute’s (API) “Recommended Practice for Design and

Installation of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Class 1, Division 1, and Division 2 Locations.” The new document, API RP 14 FZ, is titled “Recommended Practice for Design and Installation of Electrical Systems for Fixed and Floating Offshore Petroleum Facilities for Unclassified and Unclassified and Class 1, Zone 0, Zone 1, and Zone 2 Locations.”

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170
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RIN: 1010-AC89

1264. REPORTING AMENDMENTS

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

Legal Authority: 25 USC 2107; 25 USC 396; 30 USC 1023; 30 USC 1751(a); 30 USC 189; 30 USC 190; 30 USC 359; 31 USC 3716; 31 USC 9701; 43 USC 1334; 43 USC 1801; 44 USC 3506(a); 5 USC 301 et seq

CFR Citation: 30 CFR 206; 30 CFR 210; 30 CFR 216; 30 CFR 218

Legal Deadline: None

Abstract: MMS is amending its regulations to: (1) update reporting instructions; (2) eliminate unnecessary report forms; (3) add approved information collections previously omitted; (4) remove the extended due date for production reports submitted electronically; (5) require production reporting on leases and agreements until all production has ceased and all inventory has been disposed of; and (6) eliminate certain reporting assessments and electronic reporting options.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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-AC90

1265. RIGHTS-OF-USE AND EASEMENTS AND PIPELINE RIGHTS-OF-WAY

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

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: MMS is proposing to modify requirements governing rights-of-use and easement and pipeline rights-of-way in the Outer Continental Shelf. These changes will increase rental rates for pipeline rights-of-way and establish rentals for rights-of-use and easement. The proposed rule will also allow MMS to charge additional payment when the right-of-use and easement or the pipeline right-of-way prevents MMS from making the area available to other companies for exploration and possible development and production. This change is needed because of requests by lessees and pipeline right-of-way holders to use large areas outside of the area covered by their lease and pipeline right-of-way for accessory structures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	07/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170
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RIN: 1010-AC91

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

Final Rule Stage

1266. 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	06/00/02	
Final Action Effective	07/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170
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RIN: 1010-AC43

1267. 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	09/00/02	
Final Action Effective	11/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1010-AC48

1268. 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	06/00/02	
Final Action Effective	08/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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1269. 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	08/11/01	
NPRM Comment Period End	10/29/01	
Final Action	09/00/02	
Final Action Effective	11/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1010-AC75

1270. DOCUMENTS INCORPORATED BY REFERENCE — API SPECIFICATION 2C

Priority: Routine and Frequent

Legal Authority: 43 USC 1331

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: MMS is proposing to incorporate by reference the Fifth Edition of the American Petroleum Institute's Specification for Offshore Cranes into our regulations. MMS is proposing this action to establish a minimum design standard for new

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cranes installed on fixed platforms on the Outer Continental Shelf (OCS) and to require all existing cranes installed on OCS fixed platforms to be equipped with anti-two block safety devices. This proposed rule would ensure that OCS lessees use the best available and safest technologies for the design and construction of cranes used in the OCS.

Timetable:

Action	Date	FR Cite
NPRM	07/19/01	66 FR 37611
NPRM Comment Period End	10/17/01	
Final Action	09/00/02	
Final Action Effective	10/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1010-AC82

1271. DEALING WITH SUSTAINED CASING PRESSURE

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1331

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: This proposed rulemaking amends subpart E (Oil and Gas Well-Completion Operations) of MMS operating regulations. It describes procedures for dealing with sustained casing pressure in oil and gas wells on the Outer Continental Shelf. Currently lessees must request a departure from MMS regulations to operate a well that has sustained casing pressure. When granting a departure, MMS requires that lessees perform periodic checks and evaluations to ensure that the pressure is not a danger to personnel, equipment, or the environment. This proposed rule will codify these procedures and ensure uniform regulatory practices among MMS regional offices. The proposed changes will also help ensure that lessees will continue to conduct operations in a safe manner.

Timetable:

Action	Date	FR Cite
NPRM	11/09/01	66 FR 56620

Action	Date	FR Cite
Comment Period	01/03/02	67 FR 275
Extended to	3/9/2002	
NPRM Comment Period End	01/08/02	
Final Action	08/00/02	
Final Action Effective	09/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1010-AC83

1272. DOCUMENTS INCORPORATED BY REFERENCE FOR OFFSHORE FLOATING PRODUCTION FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1331

CFR Citation: 30 CFR 250

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/27/01	66 FR 66851
Comment Period	02/12/02	67 FR 6453
Extended to	3/27/2002	
NPRM Comment Period End	02/25/02	
Final Action	09/00/02	
Final Action Effective	10/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1010-AC85

1273. TECHNICAL AMENDMENTS

Priority: Info./Admin./Other

Legal Authority: 25 USC 2101 et seq; 25 USC 396 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 31 USCA 3335; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 201; 30 CFR 206; 30 CFR 212; 30 CFR 216; 30 CFR 217; 30 CFR 218; 30 CFR 219; 30 CFR 220; 30 CFR 227; 30 CFR 228; 30 CFR 230; 30 CFR 241; 30 CFR 243

Legal Deadline: None

Abstract: MMS is amending its regulations to reflect updated cross-references, organization names, publication titles, and other administrative changes.

Timetable:

Action	Date	FR Cite
Final Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1010-AC87

1274. SUSPENSION OF OPERATIONS FOR EXPLORATION UNDER SALT SHEETS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: MMS is proposing to modify requirements governing suspensions of operations for oil and gas leases in the Outer Continental Shelf (OCS). There are instances where oil and gas companies begin to conduct timely analysis of geophysical data early in the

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lease term; however, this data may be inconclusive because of problems caused by the existence of salt sheets. In such cases, the proposed rule will allow companies to apply for a suspension to avoid the possibility of having to drill a well before completing the necessary geophysical analysis. In return for the consideration for additional time to analyze geophysical data under the salt sheet, the lessee must show they have made and will continue to make substantial efforts and financial commitment in the processing and reprocessing of their geophysical data.

Timetable:

Action	Date	FR Cite
NPRM	01/09/02	67 FR 1171
NPRM Comment Period End	02/08/02	
Final Action	09/00/02	
Final Action Effective	10/00/02	

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

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RIN: 1010-AC92**1275. DOCUMENTS INCORPORATED BY REFERENCE - API RP 14C****Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

Abstract: MMS is updating one document incorporated by reference in regulations governing oil, gas, and sulphur operations in the Outer Continental Shelf (OCS). This final rule revises the American Petroleum Institute (API) Recommended Practice (RP) 14C (API RP 14C), Sixth Edition, March 1998, currently incorporated by

reference into our regulations. We are updating the API RP 14C document to the Seventh Edition, March 2001. The new edition will allow lessees to use updated industry standard technologies while operating in the OCS.

Timetable:

Action	Date	FR Cite
Final Action	07/00/02	
Final Action Effective	08/00/02	

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

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RIN: 1010-AC93**1276. OUTER CONTINENTAL SHELF OIL AND GAS LEASING - CLARIFYING AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 260**Legal Deadline:** None

Abstract: This rule proposes clarifying amendments to regulations on OCS bidding systems in 30 CFR part 260, revised as of July 1, 2001. The proposed amendments make explicit that water depth and production timing on leases issued after 2000 and placed on a field with leases issued earlier play no role in the way we determine the royalty suspension volume applicable to eligible leases on the field.

Timetable:

Action	Date	FR Cite
NPRM	02/12/02	67 FR 6454
NPRM Comment Period End	03/14/02	
Final Action	11/00/02	
Final Action Effective	12/00/02	

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

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RIN: 1010-AC94**1277. DOCUMENT INCORPORATED BY REFERENCE—API 510—PRESSURE VESSEL INSPECTION CODE: MAINTENANCE INSPECTION, RATING, REPAIR, AND ALTERATION****Priority:** Routine and Frequent**Legal Authority:** 43 USC 1331 et seq**CFR Citation:** 30 CFR 250**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/27/01	66 FR 66848
NPRM Comment Period End	02/25/02	
Final Action	09/00/02	
Final Action Effective	10/00/02	

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

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RIN: 1010-AC95

Department of the Interior (DOI)
Minerals Management Service (MMS)
Long-Term Actions
1278. 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 DWRRA 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 DWRRA 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 DWRRA 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 Rule	01/15/02	67 FR 1862
Final Rule Effective	02/14/02	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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Department of the Interior (DOI)
Minerals Management Service (MMS)
Completed Actions
1279. REQUIREMENTS GOVERNING SURETY BONDS FOR THE OUTER CONTINENTAL SHELF

Priority: Substantive, Nonsignificant

CFR Citation: 30 CFR 256

Completed:

Reason	Date	FR Cite
Final Action	12/03/01	66 FR 60147
Final Action Effective	01/02/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1010-AC68

1280. SOLID MINERALS REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 30 CFR 206; 30 CFR 210; 30 CFR 216; 30 CFR 218

Completed:

Reason	Date	FR Cite
Final Action	08/30/01	66 FR 45760
Final Action Effective	10/01/01	

DOI—MMS

Completed Actions

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Carol Shelby
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BILLING CODE 4310-MR-S

Department of the Interior (DOI)

Proposed Rule Stage

Office of Surface Mining Reclamation and Enforcement (OSMRE)

1281. 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 intends to propose new rules governing permitting and performance standards for the recovery of coal from abandoned coal refuse piles. The rules are required to implement section 2503(e) of the Energy Policy Act of 1992.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Inhi Hong, Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 120-SIB, 1951 Constitution Avenue NW., Washington, DC 20240
Phone: 202 208-2628**RIN:** 1029-AB70**1282. 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 using site-based standards.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** John Craynon, Chief, Technology Development Staff, Department of the Interior, Office of Surface Mining Reclamation and Enforcement
Phone: 202 208-2866**RIN:** 1029-AB79**1283. EMERGENCY ACTION PLANS—IMPOUNDMENTS****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 amends requirements governing impoundments meeting the criteria in 30 CFR 816.49(a)(12) and 817.49(a)(12). If an inspection of these impoundments reveals potential hazards, operators must develop emergency procedures (called an emergency action plan, or EAP). The proposed rule would specify what must be included in an EAP. The rule would also require operators to develop an EAP before operating any of these impoundments that are located within 500 feet of an underground coal mine.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** State**Agency Contact:** Larry Trainor, Mining Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW, Washington, DC 20240
Phone: 202 208-2617**RIN:** 1029-AB92**1284. ABANDONED MINE LAND RECLAMATION NOTICES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 875**Legal Deadline:** None**Abstract:** This rule will eliminate the requirement to publish a Federal Register notice announcing the receipt of, and seeking comments on, applications for construction of public facilities that are funded from the abandoned mine land fund. The publication requirement will become a discretionary action. Previous Federal Register notices have generated little interest from the public and have added delays to the construction of AML projects.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Danny Lytton, Program Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 120 SIB, 1951 Constitution Avenue NW, Washington, DC 20240
Phone: 202 208-2788
TDD Phone: 202 219-2737
Fax: 202 219-0239**RIN:** 1029-AB99**1285. • REVEGETATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 816**Legal Deadline:** None**Abstract:** This rule will revise the topsoil replacement and revegetation standards. The revisions will encourage species diversity on reclaimed lands, remove a possible impediment to the