

The name, mailing address, telephone number, and interest of the person filing the protest.

A statement of the issue or issues being protested.

A statement of the part or parts being protested.

A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the records.

A short, concise statement explaining why the BLM State Director's decision is wrong.

**FOR FURTHER INFORMATION CONTACT:** Malcolm (Bud) Shrode, Area Manager, Burns District Office, 74 South Alvord, Burns, Oregon 97720.

Copies of the RMP/FEIS are available for review at the following public libraries or obtainable at the following Bureau of Land Management Offices:

Bureau of Land Management, Burns District Office, 74 South Alvord,

Burns, OR 97720, (503) 573-5241

Bureau of Land Management, Oregon State Office (912), 825 NE Multnomah Street, Portland, OR 97208, (503) 231-6274

Harney County Library, 80 West "D" Street, Burns, OR 97720, (503) 573-6670

Grant County Library, 507 S. Canyon Boulevard, John Day, OR 97845, (503) 575-1992

Dated: November 5, 1984.

Joshua L. Warburton,  
District Manager.

[FR Doc. 84-31372 Filed 11-29-84; 8:45 am]  
BILLING CODE 4310-33-M

### Minerals Management Service

#### Final Order on Royalty Refund Requests Resulting from FERC Orders 93/93A

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Final Order on Royalty Refund Requests Resulting from FERC Orders 93/93A.

**SUMMARY:** The purpose of this notice is to issue a final order by the Director of the Minerals Management Service, appealable to the Interior Board of Land Appeals (IBLA), on certain royalty refund requests made as a result of the decision in *Interstate Natural Gas Associate of America et al. v. FERC*.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Milton Dial, Chief, Royalty Compliance Division, FTS 328-231-3011, (303) 231-3011

Mr. James Dellefs, Chief, Fiscal Accounting Division, FTS 328-3281, (303) 231-3281

**SUPPLEMENTARY INFORMATION:** As a result of *Interstate Natural Gas Association et al. v. FERC*, 718 F. 2d 1 (D.C. Cir. 1983), cert. den., 104 S. Ct. 1816 (1984), MMS has determined that certain payors of royalties on Federal and Indian leases are eligible to request refunds of a portion of royalties paid on natural gas for the period from December 1, 1978, to December 8, 1983.

#### I. Final Order

The Department of the Interior has received a number of appeals from its August 8, 1984, notice of refund procedures and order to pay royalties (49 FR 31779).

The MMS does not view the August 8, 1984, notice on tolling period as a final order from which an appeal may be taken. Therefore, all appeals of the tolling period filed on the August 8, 1984, notice are dismissed as being procedurally defective. (The order to pay royalty in that notice was a final order.) The Director of the MMS has now issued this final order, from which an appeal may be taken to the IBLA, on certain FERC Orders 93/93A royalty refund requests.

Through this order MMS denies all FERC Orders 93/93A refund requests which seek refunds of royalty payments made before November 9, 1981, on Federal Outer Continental Shelf (OCS) leases. This final Director's order is based on the 2-year statute of limitations for royalty refund requests mandated by section 10 of the Outer Continental Shelf Lands Act (OCSLA) 43 U.S.C. 1339(a). The order does not apply to any lessee who filed a proper notice with MMS which tolled the 2-year statute. (See Sol. Op. M-36942, 88 I.D. 1090, 1100-1102 (1981)).

Arguments made by various payors which claim that the 2-year period has not run against their refund requests can be summarized as either disputing the time at which the 2-year period began or contending that some subsequent event tolled the statute. The MMS has considered the issues and has concluded that the clear language of section 10 mandates that the 2-year period commence upon the receipt of payment by DOI, or its administering agencies or bureaus. The day of "payment" in section 10 cannot be read to mean "the day on which a payment became an overpayment." This position was upheld in *Phillips Petroleum Co.*, 30 IBLA 393, 397 (1079).

In order to have tolled the statute during the judicial resolution of FERC

Orders 93/93A, a payor must have given written notice to the Department of the challenge and of the approximate difference in amount should the challenge succeed. See Sol. Op. M-36942, 88 I.D. 1090 (1981). A payor may not *post facto* toll the statute by waiting judicial resolution to notify the Department.

Those payors wishing to appeal this final decision to the IBLA should include with their notice of appeal a schedule of the royalty payments made after December 1, 1978, that they assert would be subject to refunds but for this decision pursuant to section 10 of the OCSLA.

#### II. Notice of Extension of Tolling Period and Revision of Refund Criteria

The MMS will accept documentation showing that refunds have been paid on the non-royalty portion of the claim as sufficient to justify a refund of royalties paid under FERC Orders 93/93A for the royalty portion. Documentation of the non-royalty portion should follow the format required in the MMS' previous Federal Register notices of August 8 and April 25, 1984.

The MMS will also honor the extension given to large first sellers by FERC in its "Order Granting Stay and Rehearing for the Purpose of Further Consideration," issued October 24, 1984, and may honor subsequent extensions granted by FERC. The October 24 extension will change the end of the MMS' tolling period for claims under section 10 of the Outer Continental Shelf Lands Act, as amended, from November 9, 1984, until FERC issues a final order on the merits of the petitions for rehearing. This extension of tolling period and revisions of refund criteria are not final orders for purposes of appeal.

Dated: November 23, 1984.

William D. Bettenberg,  
Director, Minerals Management Service.

[FR Doc. 84-31413 Filed 11-29-84; 8:45 am]  
BILLING CODE 4310-MR-M

### National Park Service

**Availability of Draft Environmental Assessment for the Development Concept Plan/Road Classification Plan Lake Meredith Recreation Area and General Management Plan Amendment Alibates Flint Quarries National Monument; Hutchinson Moore and Potter Counties, TX**

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations,