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Monday  
April 26, 1999

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**Part X**

**Department of the  
Interior**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF THE INTERIOR (DOI)**

**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**25 CFR Ch. I**

**30 CFR Chs. II and VII**

**36 CFR Ch. I**

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

**48 CFR Ch. 14**

**50 CFR Chs. I and IV**

**Semiannual Regulatory Agenda**

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

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This notice provides the semiannual agenda of rules scheduled for review or development between April 1999 and October 1999. 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 26, 1999.

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

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

Sequence Number	Title	Regulation Identifier Number
1392	Natural Resource Damage Assessments: Type B Procedures .....	1090-AA29
1393	Records and Testimony; Freedom of Information Act .....	1090-AA61
1394	Nondiscrimination on the Basis of Sex in Federally Assisted Education Programs or Activities .....	1090-AA64
1395	Department Hearings and Appeals; Special Rules Applicable to Public Land Hearings and Appeals .....	1090-AA68

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

Sequence Number	Title	Regulation Identifier Number
1396	Revised Statute 2477 Rights-of-Way .....	1090-AA44
1397	Administrative and Audit Requirements and Cost Principles for Assistance Programs; Buy American Act .....	1090-AA66
1398	Administrative and Audit Requirements and Cost Principles for Assistance Programs, Seat Belt Usage .....	1090-AA67
1399	Rules Applicable in Indian Affairs Hearings and Appeals .....	1090-AA70

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

Sequence Number	Title	Regulation Identifier Number
1400	Department Hearings and Appeals Procedures .....	1090-AA69

**Office of the Special Trustee—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
1401	Special Deposits .....	1035-AA01
1402	Appealing Administrative Actions of the Office of the Special Trustee .....	1035-AA03

## DOI

## United States Fish and Wildlife Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1403	Injurious Wildlife; Addition of the Asian Swamp Eel .....	1018-AF53

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

Sequence Number	Title	Regulation Identifier Number
1404	Convention on International Trade in Endangered Species (CITES) .....	1018-AD87
1405	Proposed Special Rule With the Reclassification of the Vicuna From Endangered to Threatened .....	1018-AE04
1406	Revise and Amend Hunting and Disturbance Regulations on Units of the National Wildlife Refuge System .....	1018-AE50
1407	Humane and Healthful Transport of Wild Mammals, Birds, Reptiles and Amphibians to the United States .....	1018-AF27
1408	Endangered and Threatened Wildlife and Plants; Prebles Meadow Jumping Mouse .....	1018-AF30
1409	National Boating Infrastructure Grant Program .....	1018-AF38
1410	Endangered and Threatened Wildlife and Plants; Columbia White-tailed Deer .....	1018-AF43
1411	Endangered and Threatened Wildlife and Plants; Coastal Cutthroat Trout .....	1018-AF45
1412	Importation, Exportation, and Transportation of Wildlife .....	1018-AF46
1413	Administration of the National Coastal Wetlands Conservation Grant Program .....	1018-AF51
1414	1999-2000 Refuge-Specific Hunting and Sport Fishing Regulations .....	1018-AF52
1415	Marine Mammals; Incidental Take of Polar Bear and Pacific Walrus During Specified Activities .....	1018-AF54
1416	Policy for Evaluation of Conservation Efforts in Endangered Species Decision-Making .....	1018-AF55

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

Sequence Number	Title	Regulation Identifier Number
1417	Eagle Permits .....	1018-AB81
1418	Endangered and Threatened Wildlife and Plants: Intercross Progeny Policy and Definitions .....	1018-AC54
1419	Reclassification of Yacare Caiman From Endangered to Threatened With Special Rule .....	1018-AD67
1420	Migratory Bird Special Purpose Canada Goose Permit .....	1018-AE46
1421	Migratory Bird Permits; Federal Falconry Standards; Determination That Vermont and West Virginia Meet or Exceed Federal Falconry Standards .....	1018-AE65
1422	Subsistence Management Regulations for Public Lands in Alaska - Subparts C and D—1999-2000 Subsistence Taking of Fish and Wildlife Regulations .....	1018-AE69
1423	Endangered and Threatened Wildlife and Plants; Proposal To List as Endangered or Threatened Yreka Phlox .....	1018-AE82
1424	Endangered and Threatened Species; Proposal To List as Endangered or Threatened Blumer's Dock .....	1018-AE89
1425	Endangered and Threatened Wildlife and Plants; Proposal To List as Endangered in the United States the Short-Tailed Albatross .....	1018-AE91
1426	Endangered and Threatened Wildlife and Plants; Delist Dismal Swamp Southeastern Shrew .....	1018-AF00
1427	Endangered and Threatened Wildlife and Plants; Proposal To List Contiguous U.S. Distinct Population Segments of Canada Lynx as Threatened .....	1018-AF03
1428	Endangered and Threatened Wildlife and Plants; Proposal To Remove Peregrine Falcon in North America From List of Endangered and Threatened Wildlife .....	1018-AF04
1429	Endangered and Threatened Wildlife and Plants; Armored Snail and Campeloma .....	1018-AF29
1430	Endangered and Threatened Wildlife and Plants; Desert Yellowhead .....	1018-AF31
1431	Endangered and Threatened Wildlife and Plants; Santa Ana Sucker .....	1018-AF34
1432	Endangered and Threatened Wildlife and Plants; Mountain Plover .....	1018-AF35
1433	Endangered and Threatened Wildlife and Plants; Critical Habitat for the Cactus Ferruginous Pigmy Owl .....	1018-AF36
1434	Endangered and Threatened Wildlife and Plants; Critical Habitat for the Huachuca Water Umbel, a Plant .....	1018-AF37

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

Sequence Number	Title	Regulation Identifier Number
1435	Captive-Bred Wildlife .....	1018-AB10

## DOI

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

Sequence Number	Title	Regulation Identifier Number
1436	Endangered and Threatened Wildlife and Plants .....	1018-AB66
1437	List of Migratory Birds .....	1018-AB72
1438	Endangered and Threatened Wildlife and Plants .....	1018-AB97
1439	Endangered and Threatened Wildlife and Plants; Reclassification of the Loch Lomond Coyote Thistle .....	1018-AC14
1440	Export of American Ginseng Harvested in 1994-1996 .....	1018-AC55
1441	General Provisions and General Permit Procedures .....	1018-AC57
1442	Endangered and Threatened Wildlife and Plants: Tropical Birds .....	1018-AC77
1443	Endangered and Threatened Wildlife and Plants: Four Southwestern California Plants .....	1018-AC88
1444	Seizure and Forfeiture Procedures .....	1018-AC89
1445	Critical Habitat Designation for the Lost River and Shortnose Suckers .....	1018-AC90
1446	Endangered and Threatened Wildlife and Plants: Least Chub .....	1018-AC91
1447	Revision of Migratory Bird Hunting Regulations, 50 CFR Part 20 .....	1018-AD01
1448	Endangered and Threatened Wildlife and Plants: Critical Habitat Designation for the Western Snowy Plover .....	1018-AD10
1449	Marine Mammal Protection Act; Unintentional Take of Marine Mammals by Harassment Only in Activities Other Than Commercial Fishing .....	1018-AD18
1450	Marine Mammal Protection Act; Measures To Safely Deter Marine Mammals, Including Threatened and Endangered Marine Mammals .....	1018-AD19
1451	Endangered and Threatened Wildlife and Plants; Special Rule for the Northern Spotted Owl .....	1018-AD20
1452	Taxonomic Change From Subspecies to Vertebrate Population Segment for the Virgin River Chub .....	1018-AD22
1453	Critical Habitat Proposal for Virgin River Fishes .....	1018-AD23
1454	Export of Appendix I Specimens That Were Bred for Commercial Purposes .....	1018-AD64
1455	Consolidation of Lists of Wildlife of Federal Concern .....	1018-AD66
1456	Migratory Bird Hunting: Regulations Regarding Prohibition Against Artificially Altering/Manipulating Natural Vegetation in Moist Areas To Attract Waterfowl .....	1018-AD74
1457	Federal Aid in Sport Fish Restoration Program for Participation for District of Columbia and Insular Territories and Commonwealths .....	1018-AD83
1458	Endangered and Threatened Species: Removal of Lloyd's Hedgehog Cactus From Federal List of Endangered and Threatened Plants .....	1018-AD91
1459	Rescission of Administrative Procedures for Grants in Aid (Marine Mammal Protection Act of 1972) .....	1018-AD92
1460	Safe Harbor Policy and Guidance for Candidate Agreements .....	1018-AD95
1461	Endangered and Threatened Wildlife and Plants; Proposed Reintroduction of a Nonessential Experimental Population of Grizzly Bears in Idaho and Montana .....	1018-AE00
1462	Endangered and Threatened Wildlife and Plants; Proposed Establishment of Nonessential Experimental Population of Ten Freshwater Mussels in Holston River System in TN and VA .....	1018-AE01
1463	Revision to Subchapter C—The National Wildlife Refuge System .....	1018-AE02
1464	Proposed Approval of Selected State Programs Allowing the Export of Ginseng Harvested in 1997-1999 .....	1018-AE03
1465	Importation, Exportation, Transportation of Wildlife .....	1018-AE08
1466	Export of American Alligator for the 1998-2000 Harvest Seasons .....	1018-AE15
1467	Revisions to the Federal Aid Administrative Requirements .....	1018-AE17
1468	Endangered and Threatened Wildlife and Plants: Proposed Endangered Status for Blackburn's Sphinx Moth from the Hawaiian Islands .....	1018-AE20
1469	Endangered and Threatened Wildlife and Plants; Proposed Status for Ten Plant Taxa From Maui Nui, Hawaii .....	1018-AE22
1470	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Two Larkspurs From Coastal Northern California .....	1018-AE23
1471	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Lone Buckwheat and Threatened Status for Lone Manzanita .....	1018-AE25
1472	Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Newcomb's Snail From the Hawaiian Islands .....	1018-AE27
1473	Endangered and Threatened Wildlife and Plants; Proposal to List Klamath River Population Segment of Bull Trout as Endangered and Columbia River Population Segment as Threatened .....	1018-AE29
1474	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant Keck's Sidalcea From Tulare County, California .....	1018-AE30
1475	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Plant in Wenatchee Mountains of Washington .....	1018-AE32
1476	Exportation of Marine Mammal Products for Cultural Exchange .....	1018-AE33
1477	Injurious Wildlife; Addition of Brush-Tailed Possum .....	1018-AE34
1478	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Two Cave Animals From Hawaiian Islands .....	1018-AE39

## DOI

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

Sequence Number	Title	Regulation Identifier Number
1479	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Two San Joaquin Valley Mammals .....	1018-AE40
1480	Endangered and Threatened Wildlife and Plants; Proposed Determination of Threatened Status for Koala .....	1018-AE43
1481	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Plant Rough Popcornflower .....	1018-AE44
1482	Endangered and Threatened Wildlife and Plants; Proposed Revision of Special Regulations for Gray Wolf .....	1018-AE45
1483	Update of Addresses for Endangered Species Permit Applications .....	1018-AE49
1484	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Oahu Elepaio from the Hawaiian Islands .....	1018-AE51
1485	Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Plant Howell's Spectacular Thelypody .....	1018-AE52
1486	Endangered and Threatened Wildlife and Plants; Endangered Status for Willamette Daisy, Fender's Blue Butterfly and Threatened Status for Kincaid's Lupine .....	1018-AE53
1487	Endangered and Threatened Wildlife and Plants; List Plant Zapata Bladderpod as Endangered .....	1018-AE54
1488	Endangered and Threatened Wildlife and Plants; Endangered Status for the Plant Prairie Penny Cress From Coastal Northern California .....	1018-AE55
1489	Endangered and Threatened Wildlife and Plants; Determination of the Pecos Pupfish To Be Endangered .....	1018-AE56
1490	Endangered and Threatened Wildlife and Plants; List Desert Milk Vetch as Threatened .....	1018-AE57
1491	Public Use Regulations for Kodiak National Wildlife Refuge Alaska .....	1018-AE60
1492	Migratory Bird Hunting; Nontoxic Shot; Approval of Tin Shot as Nontoxic for Waterfowl and Coot Shooting .....	1018-AE61
1493	Eagle Permits; Permits for Falconry Purposes; Permits To Take Golden Eagle Nests .....	1018-AE62
1494	Migratory Bird Permits; Specific Permit Provisions; Import and Export Permits; Banding or Marking Permits; and Scientific Collecting Permits .....	1018-AE63
1495	Migratory Bird Permits; Introduction, General Requirements and Exceptions .....	1018-AE64
1496	1998-99 Refuge-Specific Hunting and Fishing Regulations .....	1018-AE68
1497	Importation, Exportation and Transportation of Wildlife Concerning International Mail, Pet Birds, Border Ports, Shellfish and Fishery Products Exemption .....	1018-AE70
1498	Implementation of the 1994 Amendments to the Marine Mammals Protection Act .....	1018-AE72
1499	Reclassification of the Namibian Population of Cheetah From Endangered to Threatened .....	1018-AE73
1500	Endangered and Threatened Wildlife and Plants; Proposal To List as Endangered or Threatened Gentner's Fritilaria (Mission Bells) .....	1018-AE75
1501	Endangered and Threatened Wildlife and Plants; Proposal To List Camatta Canyon Amole as Endangered or Threatened .....	1018-AE76
1502	Endangered and Threatened Wildlife and Plants; Proposal To List as Endangered or Threatened La Graciosa Thistle, Lompoc Yerba Santa, Gaviota Tarplant, Nipoma Mesa Lupine & Santa Cruz Tarplant .....	1018-AE81
1503	Endangered and Threatened Wildlife and Plants; Proposal To List as Endangered or Threatened Mariana Fruit Bat .....	1018-AE83
1504	Endangered and Threatened Species; Proposal To List Northern Idaho Ground Squirrel as Endangered or Threatened .....	1018-AE84
1505	Endangered and Threatened Wildlife and Plants; Proposal To List as Endangered or Threatened Cowhead Lake Tui Chub .....	1018-AE85
1506	Endangered and Threatened Wildlife and Plants, Proposal To List Devil's River Minnow as Endangered or Threatened .....	1018-AE86
1507	Endangered and Threatened Wildlife and Plants; Proposal To List Colorado Butterfly Plant as Endangered or Threatened .....	1018-AE87
1508	Endangered and Threatened Wildlife and Plants; Proposal To List as Endangered or Threatened Puzzle Sunflower .....	1018-AE88
1509	Endangered and Threatened Wildlife and Plants; Proposed Establishment of Nonessential Experimental Population Status for 16 Freshwater Mussels and 1 Freshwater Snail .....	1018-AE92
1510	Endangered and Threatened Wildlife and Plants; Listing of Several Evolutionary Significant Units of West Coast Steelhead .....	1018-AE97
1511	Refuge Compatibility Regulations Pursuant to the National Wildlife Refuge System Implementation Act of 1997 .....	1018-AE98
1512	Endangered and Threatened Wildlife and Plants; List Coastal-Puget Sound Jarbidge River and St. Mary's-Belly River Population Segments of Bull Trout as Threatened .....	1018-AF01
1513	Update of Addresses and Office of Management and Budget Information Collection Numbers for FWS Permit Applications .....	1018-AF07
1514	Consideration of Listing the Green Iguana (Iguana Iguana) as Injurious, Pursuant to the Lacey Act .....	1018-AF08
1515	Listing of U.S. Species in Appendix III to CITES .....	1018-AF09
1516	Reclassification of Morelet's Crocodile (Crocodylus moreleti) From Endangered to Threatened .....	1018-AF10
1517	Announcement of Draft Policy for Evaluation of Conservation Efforts in Making Listing Decisions .....	1018-AF11
1518	Endangered and Threatened Wildlife and Plants; Proposal To List the Alabama Sturgeon as Endangered .....	1018-AF12

## DOI

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

Sequence Number	Title	Regulation Identifier Number
1519	Endangered and Threatened Wildlife and Plants; Proposal To List the Scaleshelled Mussel as Endangered or Threatened .....	1018-AF14
1520	Endangered and Threatened Wildlife and Plants; Proposal To List Sclerocactus Brevispinus (Pariette Cactus) as Endangered or Threatened .....	1018-AF15
1521	Endangered and Threatened Wildlife and Plants; Proposal To List Fourteen Hawaiian Pomace Flies as Endangered or Threatened .....	1018-AF16
1522	Endangered and Threatened Wildlife and Plants; Proposal To List Six Hawaiian Damselflies as Endangered or Threatened .....	1018-AF17
1523	Endangered and Threatened Wildlife and Plants; Proposal To List the Wet Canyon Talussnail as Endangered or Threatened .....	1018-AF19
1524	Proposed Reclassification and Delisting of the Gray Wolf in Certain Parts of Its Range .....	1018-AF20
1525	Proposed Delisting of the Bald Eagle Throughout the Lower 48 States .....	1018-AF21
1526	Proposed Delisting of the Grizzly Bear in the Yellowstone Ecosystem .....	1018-AF22
1527	Export of River Otters Taken in Missouri in 1998-1999 and Subsequent Seasons .....	1018-AF23
1528	Migratory Bird Hunting; Proposed 1999-2000 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Proposals .....	1018-AF24
1529	Taking of Marine Mammals by Level B Harassment; Issuance of General Authorization for Scientific Research and Permits for Photography, Educational, and Commercial Purposes .....	1018-AF26
1530	Migratory Bird Permits; Specific Permit Provisions; Special Purpose Permits .....	1018-AF28
1531	Endangered and Threatened Wildlife and Plants; Critical Habitat for the Coastal California Gnatcatcher .....	1018-AF32
1532	Endangered and Threatened Wildlife and Plants; Nine Bexar County, Texas, Invertebrates .....	1018-AF33
1533	Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Arkansas River Shiner .....	1018-AF39
1534	Endangered and Threatened Wildlife and Plants; Establishment of a Special Rule for the Canada Lynx .....	1018-AF40
1535	Endangered and Threatened Wildlife and Plants; Special Rule for the Chiricahua Leopard Frog .....	1018-AF41
1536	Endangered and Threatened Wildlife and Plants; Aleutian Canada Goose .....	1018-AF42
1537	Importation of Captive-Bred Exotic Birds Into the United States from Breeding Facilities in Other Countries .....	1018-AF44
1538	Amendment by Mexico to Appendix III Listing of Bigleaf Mahogany .....	1018-AF47
1539	Endangered and Threatened Wildlife and Plants; Asian Bonytongue .....	1018-AF48
1540	Endangered and Threatened Wildlife and Plants; Tibetan Antelope .....	1018-AF49
1541	Proposed Guidance for Conducting Consultations for the Indiana Bat .....	1018-AF50

## United States Fish and Wildlife Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1542	Endangered and Threatened Wildlife and Plants: San Xavier Talussnail .....	1018-AC13
1543	Endangered and Threatened Wildlife and Plants: Parish's Alkali Grass .....	1018-AC21
1544	Endangered and Threatened Species: Sacramento Splittail .....	1018-AC26
1545	Endangered and Threatened Wildlife and Plants: Arkansas River Shiner .....	1018-AC62
1546	Endangered and Threatened Wildlife and Plants: Ten Plants From the California Sierra Nevada Mountains Foothills .....	1018-AC99
1547	Seven Plants From the Mountains of Southern California .....	1018-AD34
1548	Endangered and Threatened Wildlife and Plants: Four Southwestern California Plants .....	1018-AD38
1549	Endangered and Threatened Wildlife and Plants: Four Plants From Interior Chaparral of Southwestern California and Northwestern Baja California, Mexico .....	1018-AD60
1550	Subsistence Management Regulations for Public Lands in Alaska .....	1018-AD68
1551	Endangered and Threatened Wildlife and Plants; Proposed Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in Northwestern Colorado and Northeastern UT .....	1018-AD99
1552	Announcement of CITES Action Concerning Changes to Appendices to Listed Species; Service Announcement Concerning Reservations .....	1018-AE16
1553	Regulations for Administrative and Visitor Facility Sites on National Wildlife Refuges .....	1018-AE21
1554	Importation of Polar Bear Trophies From Canada; Addition of Populations to the List of Areas Approved for Import .....	1018-AE26
1555	Endangered and Threatened Wildlife and Plants; Proposed Rule to List the Illinois Cave Amphipod as Endangered .....	1018-AE31
1556	Migratory Bird Hunting; Extension of Temporary Approval of Tungsten-Iron Shot as Nontoxic for the 1998-99 Season .....	1018-AE35
1557	Endangered and Threatened Wildlife and Plants; List 3 Aquatic Snails as Endangered; 3 Aquatic Snails as Threatened in Mobile River Basin, Alabama .....	1018-AE36

## DOI

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

Sequence Number	Title	Regulation Identifier Number
1558	Endangered and Threatened Wildlife and Plants; Threatened Status for Virginia Sneezeweed, a Plant From the Shenandoah Valley of Virginia .....	1018-AE37
1559	Endangered and Threatened Wildlife and Plants; Proposal To List St. Andrew Beach Mouse as Endangered .....	1018-AE41
1560	Endangered and Threatened Wildlife and Plants; List Topeka Shiner as Endangered .....	1018-AE42
1561	Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Catesbaea Melanocarpa .....	1018-AE48
1562	Seasonal Closure of the Moose Range Meadows Public Access Easements in the Kenai National Wildlife Refuge .....	1018-AE58
1563	Migratory Bird Hunting; Nontoxic Shot; Approval of Molyshot as Nontoxic for Waterfowl and Coot Hunting .....	1018-AE67
1564	Migratory Bird Hunting; Reduction of the Mid-Continent Lesser Snow Goose Population .....	1018-AE74
1565	Migratory Bird Harvest Information Programs; Participating States for the 1998-1999 Season .....	1018-AE96
1566	Amendment by Brazil to Appendix III Listing of Bigleaf Mahogany .....	1018-AE99
1567	Marine Mammals; Incidental Take During Specified Activities of Polar Bear and Pacific Walrus .....	1018-AF02
1568	Migratory Bird Permits; Addition of Subpart for Management of Overabundant Migratory Bird Population and Establishment of Conservation Order for Mid-Continent Light Goose Population .....	1018-AF05
1569	Endangered and Threatened Wildlife and Plants; Proposal To List the Slender Campeloma and Armored Snail as Endangered .....	1018-AF13
1570	Endangered and Threatened Wildlife and Plants; Proposal To List Allium Gooddingii (Goodding's Onion) as Endangered or Threatened .....	1018-AF18
1571	Migratory Bird Hunting; Regulations To Increase Harvest of Mid-Continent Light Geese .....	1018-AF25

## National Park Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1572	National Park Service Symbols: United States Park Police Insignia .....	1024-AB94
1573	Applicability and Resource Protection Revisions .....	1024-AC38
1574	Non-Federal Oil and Gas Rights .....	1024-AC53
1575	Denali National Park and Preserve, Special Regulations .....	1024-AC58
1576	Vehicles and Traffic Safety; Operating Under the Influence of Alcohol or Drugs .....	1024-AC69
1577	Solid Waste Sites in Units of the National Park System .....	1024-AC70
1578	Concession Contracts .....	1024-AC72
1579	Canaveral National Seashore; Public Nudity .....	1024-AC73
1580	World Heritage Convention .....	1024-AC74

## National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1581	National Natural Landmarks Program .....	1024-AB96
1582	Glacier Bay National Park, Alaska Fishing Regulations .....	1024-AB99
1583	Rights-of-Way .....	1024-AC01
1584	Voyageurs National Park: Aircraft Operations .....	1024-AC23
1585	Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway: Snowmobile and Snowplane Routes and Regulations .....	1024-AC34
1586	Big Cypress National Preserve; Recreational Frogging .....	1024-AC54
1587	Delaware Water Gap NRA, Bicycle Trail .....	1024-AC62
1588	Personal Watercraft .....	1024-AC65
1589	Kaloko-Honokohou National Historic Park: Public Nudity .....	1024-AC66
1590	Appalachian National Scenic Trail—Snowmobiles .....	1024-AC67
1591	Land and Water Conservation Fund of Assistance to States; Post-Completion Compliance Responsibilities .....	1024-AC68
1592	Information Collection Activities .....	1024-AC71

DOI

National Park Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1593	Procedures for State, Tribal, and Local Government Historic Preservation Programs .....	1024-AC44
1594	Native American Graves Protection and Repatriation Act Regulations Future Applicability .....	1024-AC57
1595	Hydroelectric Power Projects in the National Park System .....	1024-AC64

Bureau of Indian Affairs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1596	Use or Distribution of Indian Judgement Funds .....	1076-AD94

Bureau of Indian Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1597	Indian School Equalization Program .....	1076-AD09
1598	Leasing Restricted Lands of Members of the Five Civilized Tribes, Oklahoma, for Mining .....	1076-AD33
1599	Exploration, Mining, and Reclamation of Lands .....	1076-AD36
1600	Tribal Reorganization Under a Federal Statute .....	1076-AD46
1601	Petitioning Procedures .....	1076-AD47
1602	Academic and Dormitory Standards .....	1076-AD55
1603	Education Contracts Under the Johnson-O'Malley Act .....	1076-AD58
1604	Loans to Indians From the Revolving Loan Fund .....	1076-AD59
1605	Arrangement With States, Territories, or Other Agencies for Social Welfare and Relief of Distress of Indians .....	1076-AD61
1606	School Construction Contracts for Public Schools .....	1076-AD69
1607	Adult Vocational Training .....	1076-AD72
1608	Loan Guarantee Program .....	1076-AD73
1609	Employment Assistance for Adult Indians .....	1076-AD75
1610	Certificates of Degree of Indian Blood .....	1076-AD78
1611	Mortgages and Deeds of Trust on Individually Owned Trust Land or Land Subject to a Restriction on Alienation ...	1076-AD85
1612	Acquisition of Title to Land in Trust .....	1076-AD90
1613	Financial Assistance and Social Services Program .....	1076-AD91
1614	Land Acquisitions for Gaming .....	1076-AD93

Bureau of Indian Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1615	Leasing and Permitting .....	1076-AA29
1616	Navajo Partitioned Lands Grazing Regulations .....	1076-AC81
1617	Preference in Employment .....	1076-AD05
1618	Grants to Tribally Controlled Community Colleges and Navajo Community College .....	1076-AD08
1619	Indian Tribal Justice Support .....	1076-AD15
1620	Tribal Self-Governance .....	1076-AD20
1621	Leasing Osage Reservation Lands for Mining of Minerals Other Than Oil and Gas .....	1076-AD34
1622	Lead and Zinc Mining Operations and Leases on Quapaw Indian Lands .....	1076-AD35
1623	Irrigation Projects and Systems .....	1076-AD44
1624	Indian Electric Power Utilities .....	1076-AD45
1625	Appeals From Administrative Actions .....	1076-AD50
1626	Indian Business Development Program .....	1076-AD70
1627	Tribal Revenue Allocation Plans .....	1076-AD74
1628	Courts of Indian Offenses .....	1076-AD76
1629	Use of Columbia River Fish Access Sites .....	1076-AD83
1630	Use of Columbia River In-Lieu Fishing Sites .....	1076-AD86



## DOI

## Bureau of Indian Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1631	Class III Gaming Procedures .....	1076-AD87
1632	Preparation of Rolls of Indians .....	1076-AD89

## Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1633	Correction of Codification Errors in 25 CFR .....	1076-AD88

## Minerals Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1634	Exploration or Development and Production Plans .....	1010-AC47

## Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1635	Refunds and Recoupment of Overpayments on OCS .....	1010-AC27
1636	Takes vs. Entitlements Reporting .....	1010-AC29
1637	Prepayment of Royalties .....	1010-AC31
1638	Chronic Erroneous Reporting .....	1010-AC34
1639	Training Lessee and Contractor Employees Engaged in Oil and Gas Operations in the Outer Continental Shelf .....	1010-AC41
1640	Reviewing Exploration Plans and Development and Production Plans for Coastal Zone Consistency .....	1010-AC42
1641	Oil and Gas Drilling Operations .....	1010-AC43
1642	Prospecting for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf .....	1010-AC48
1643	Leasing Sulphur or Oil and Gas in the Outer Continental Shelf .....	1010-AC49
1644	Change to Delegated State Audit Functions .....	1010-AC51
1645	Royalty in Kind for Oil and Gas .....	1010-AC52
1646	Deep Water Emergency Well Control Operations .....	1010-AC54
1647	Update of Documents Incorporated by Reference .....	1010-AC55

## Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1648	Valuation of Gas From Indian Leases .....	1010-AB57
1649	Valuation of Oil From Federal Mineral Leases .....	1010-AC09
1650	Administrative Appeals Process .....	1010-AC21
1651	Valuation of Oil From Indian Leases .....	1010-AC24
1652	Accounting Relief for Marginal Properties .....	1010-AC30
1653	Postlease Operations .....	1010-AC32
1654	Electronic Reporting .....	1010-AC40
1655	Update of Industry Electrical Standards .....	1010-AC50

DOI

Minerals Management Service—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1656	Royalty Payment Liability .....	1010-AB45
1657	Credit Adjustments .....	1010-AB73

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1658	Filing Fees for Required Records .....	1010-AC44
1659	Oil and Gas Production Rates .....	1010-AC53

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1660	Abandoned Coal Refuse Sites—Title I .....	1029-AB70
1661	Contemporaneous Reclamation .....	1029-AB79
1662	Indian Lands .....	1029-AB83
1663	Dam Safety Rules .....	1029-AB92
1664	Electronic Filing of the OSM-1 Form .....	1029-AB95

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1665	Definition and Criteria for Valid Existing Rights .....	1029-AB42
1666	Prohibitions Under Section 522(e) of SMCRA .....	1029-AB82
1667	Enhancing AML Reclamation .....	1029-AB89
1668	Ownership and Control—Redesign .....	1029-AB94

Bureau of Reclamation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1669	Revenues Management .....	1006-AA30
1670	Recovering the Value of Rights of Use and Related Administrative Costs .....	1006-AA39

Bureau of Reclamation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1671	Acreage Limitation Rules for Trusts .....	1006-AA38
1672	Offstream Storage of Colorado River Water and Interstate Marketing of Storage Credits in the Lower Division States .....	1006-AA40

DOI

Bureau of Reclamation—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1673	Central Valley Project of California—Purposes, Uses, and Allocation of Water Supplies .....	1006-AA34

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1674	Leases, Permits, and Easements .....	1004-AB51
1675	Sales—Federal Land Policy and Management Act .....	1004-AB77
1676	Oil and Gas Leasing; Drainage .....	1004-AC54
1677	Desert Land Entries .....	1004-AC56
1678	Disposal of Reserved Minerals Under the Stock Raising Homestead Act .....	1004-AC59
1679	Land Withdrawals .....	1004-AC63
1680	Cost Recovery; Mineral Filings and Operations .....	1004-AC64
1681	Rights-of-Way, Principles and Procedures; Rights-of-Way Under the Mineral Leasing Act .....	1004-AC74
1682	Land Classification .....	1004-AC78
1683	Carey Act Grants .....	1004-AC80
1684	Segregation and Opening of Lands .....	1004-AC84
1685	Oil and Gas Leasing and Operations .....	1004-AC94
1686	Appeals Procedures; Hearings Procedures .....	1004-AC99
1687	Color of Title and Omitted Lands .....	1004-AD00
1688	Paleontological Resources .....	1004-AD03
1689	Geothermal Resource Unit Agreement .....	1004-AD10
1690	Coal Management .....	1004-AD11
1691	Oil and Gas Leasing; National Petroleum Reserve, Alaska—Unit Agreements .....	1004-AD13
1692	Surface Management (Locatable Minerals) .....	1004-AD22
1693	Financial Assistance; Local Governments .....	1004-AD23
1694	Use Authorizations (Recreation) .....	1004-AD25
1695	Advisory Committees .....	1004-AD26
1696	Coal Management: General (Public Participation) .....	1004-AD27
1697	Mineral Materials Disposal .....	1004-AD29
1698	Emergency Fire and Disaster Rehabilitation .....	1004-AD30
1699	Location Recording, and Maintenance of Mining Claims and Sites .....	1004-AD31
1700	Mineral Patent Applications; Adverse Claims, Protests, and Conflicts .....	1004-AD32
1701	Alaska Native Veterans Allotments .....	1004-AD34

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1702	Management of Designated Wilderness Area .....	1004-AB69
1703	Management of Solid Minerals Other Than Coal .....	1004-AC49
1704	Definitions .....	1004-AC73
1705	Indian Allotments .....	1004-AC77
1706	Application Procedures .....	1004-AC83

Bureau of Land Management—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1707	Coalbed Methane Development .....	1004-AC27
1708	Railroad Grants .....	1004-AC76

DOI

Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1709	Mineral Materials Disposal .....	1004-AC68
1710	Conveyances, Disclaimers, and Correction Documents .....	1004-AC82
1711	Helium Contracts .....	1004-AD24

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1712	Wild and Scenic Rivers .....	1093-AA08

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Assistant Secretary for Policy, Management and Budget (ASPMB)

**1392. NATURAL RESOURCE DAMAGE ASSESSMENTS: TYPE B PROCEDURES**

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

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

**CFR Citation:** 43 CFR 11

**Legal Deadline:** None

**Abstract:** CERCLA and the Clean Water Act allow natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance. CERCLA requires that natural resource damage assessment regulations be promulgated and that the regulations be reviewed, and revised as appropriate, every two years. This rulemaking is the biennial review of the administrative process for conducting assessments as well as the so-called "type B" procedures for determining injury and damages through scientific and economic studies. This rulemaking will also address the calculation of lost non-use values of natural resources, in compliance with State of Ohio v. Department of the Interior, 880 F.2d 432 (D.C. Cir. 1989), which ordered the Department to allow for the assessment of all reliably calculated values lost as a result of a natural resource injury.

**Timetable:**

Action	Date	FR Cite
ANPRM	07/16/96	61 FR 37031
ANPRM Comment Period End	09/16/96	
NPRM	09/00/99	

Action	Date	FR Cite
NPRM Comment Period End	12/00/99	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Willie R. Taylor, Director, Office of Environmental Policy and Compliance, Department of the Interior, Assistant Secretary for Policy, Management and Budget Phone: 202 208-3891

**RIN:** 1090-AA29

**1393. RECORDS AND TESTIMONY; FREEDOM OF INFORMATION ACT**

**Priority:** Info./Admin./Other

**Major:** Undetermined

**Legal Authority:** 5 USC 552 Freedom of Information Act

**CFR Citation:** 43 CFR 2

**Legal Deadline:** None

**Abstract:** 43 CFR part 2, subparts A and B, are being revised in their entirety to reflect the provisions of the new FOIA law "Electronic FOIA Amendments of 1996," Pub. L. 104-231, the recommendations of the National Performance Review lab, and other changes as necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Alexandra Mallus, DOI FOIA Officer (OIRM), Department of the Interior, Assistant Secretary for Policy, Management and Budget Phone: 202 208-5342

**RIN:** 1090-AA61

**1394. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATION PROGRAMS OR ACTIVITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 92-318; PL 93-568, sec 3; 20 USC 1681; 20 USC 1682; 20 USC 1683; 20 USC 1685; 20 USC 1686

**CFR Citation:** 43 CFR 41

**Legal Deadline:** None

**Abstract:** The purpose of this regulatory action is to proscribe discrimination on the basis of sex in federally assisted education programs or activities of the Department of the Interior.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local, Tribal, Federal

**Agency Contact:** Melvin C. Fowler, Civil Rights Staff Assistant, Department of the Interior, Assistant Secretary for Policy, Management and Budget

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

Prerule Stage

**1634. 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
ANPRM	09/00/99	
ANPRM Comment	12/00/99	
Period End		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Tribal

**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

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

Proposed Rule Stage

**1635. REFUNDS AND RECOUPMENT OF OVERPAYMENTS ON OCS**
**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; 25 USC 181 et seq; 25 USC 351 et seq; 25 USC 1001 et seq; 25 USC 1701 et seq; 25 USC 1735; 25 USC 3716; 25 USC 3720a; 25 USC 9701; 25 USC 1301 et seq; 25 USC 1331 et seq; 25 USC 1801 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	08/00/99	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** David S. Guzy, Chief Rules and Publications Staff, Department of the Interior, Minerals Management Service, P.O. Box 25165, Mail Stop 3021, Denver, CO 80225-0165

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Email: david.guzy@mms.gov

**RIN:** 1010-AC27

**1636. 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	06/00/99	
NPRM Comment	08/00/99	
Period End		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Agency Contact:** David S. Guzy, Chief Rules and Publications Staff, Department of the Interior, Minerals Management Service, P.O. Box 25165, Mail Stop 3021, Denver, CO 80225-0165

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**RIN:** 1010-AC29

**1637. 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	12/00/99	
NPRM Comment	02/00/00	
Period End		

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Agency Contact:** David S. Guzy, Chief Rules and Publications Staff, Department of the Interior, Minerals Management Service, P.O. Box 25165, Mail Stop 3021, Denver, CO 80225-0165

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**RIN:** 1010-AC31

**1638. CHRONIC ERRONEOUS REPORTING**
**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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

## DOI—MMS

## Proposed Rule Stage

seq; 43 USC 1801 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

**CFR Citation:** 30 CFR 216; 30 CFR 218

**Legal Deadline:** None

**Abstract:** This rule eliminates assessments for late reporting and failure to report and modifies incorrect assessments. 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	09/00/99	
NPRM Comment	11/00/99	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

**Agency Contact:** David S. Guzy, Chief Rules and Publications Staff, Department of the Interior, Minerals Management Service, P.O. Box 25165, Mail Stop 3021, Denver, CO 80225-0165

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**RIN:** 1010-AC34

**1639. TRAINING LESSEE AND CONTRACTOR EMPLOYEES ENGAGED IN OIL AND GAS OPERATIONS IN THE OUTER CONTINENTAL SHELF**

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

**Legal Authority:** 43 USC 133

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rule would require operators and lessees to ensure that their workers (including contractors) are properly trained and can demonstrate their proficiency to MMS. Operators and lessees will determine the type of training, teaching methods, training length, and frequency. MMS will develop appropriate performance measures and indicators. These measures may include: written testing; hands-on and simulator testing; audits, interviews, or cooperative reviews; and

incidence of noncompliance for civil penalty and events data.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/99	
NPRM Comment	09/00/99	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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**RIN:** 1010-AC41

**1640. REVIEWING EXPLORATION PLANS AND DEVELOPMENT AND PRODUCTION PLANS FOR COASTAL ZONE CONSISTENCY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rule proposes to amend provisions specifying how States will review exploration plans and development and production plans for coastal zone consistency.

**Timetable:**

Action	Date	FR Cite
NPRM	02/17/99	64 FR 7837
NPRM Comment	04/12/99	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Federal

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170  
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**RIN:** 1010-AC42

**1641. OIL AND GAS DRILLING OPERATIONS**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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	09/00/99	
NPRM Comment	12/00/99	
Period End		

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State, Federal

**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

**1642. 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	09/00/99	
NPRM Comment	12/00/99	
Period End		

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior,

## DOI—MMS

## Proposed Rule Stage

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RIN: 1010-AC48

### 1643. LEASING SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

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

**CFR Citation:** 30 CFR 280

**Legal Deadline:** None

**Abstract:** This rule would update and clarify sections dealing with notices of sale, submission of bids, and lease awards.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	
NPRM Comment Period End	07/00/99	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**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-AC49

### 1644. CHANGE TO DELEGATED STATE AUDIT FUNCTIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1735; PL 104-185; PL 104-200

**CFR Citation:** 30 CFR 227

**Legal Deadline:** None

**Abstract:** The revised rule would allow States to conduct audits and investigations of all or selected Federal oil and gas leases within State boundaries.

**Timetable:**

Action	Date	FR Cite
NPRM	02/10/99	64 FR 6586
NPRM Comment Period End	04/12/99	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

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RIN: 1010-AC51

### 1645. ROYALTY IN KIND FOR OIL AND GAS

**Priority:** Other Significant

**Legal Authority:** 30 USC 192; 43 USC 1353

**CFR Citation:** 30 CFR 218

**Legal Deadline:** None

**Abstract:** This revision will establish a process for the Federal Government to accept oil and gas in lieu of royalty payments from selected Federal leases.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	
NPRM Comment Period End	06/00/99	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Federal

**Agency Contact:** Bonn Macy, Special Assistant to the Director, Department of the Interior, Minerals Management Service, Room 4230 MIB  
Phone: 202 208-3827

RIN: 1010-AC52

### 1646. DEEP WATER EMERGENCY WELL CONTROL OPERATIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rule would require an operator to have available a drilling unit capable of drilling a relief well in deep water. This unit could be

available either through direct control or contractual arrangement. The rule would also require an operator to provide evidence of financial capability to carry out emergency operations in deep water.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/99	
NPRM Comment Period End	08/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 1010-AC54

### 1647. • UPDATE OF DOCUMENTS INCORPORATED BY REFERENCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1334

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rule incorporates by reference the following American Petroleum Institute Recommended Practices: Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2 (API RP 500) and Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone2 (API RP 505). By incorporating these documents, we will ensure that lessees use the best available and safest technologies while operating in the outer continental shelf.

**Timetable:**

Action	Date	FR Cite
NPRM	03/19/99	64 FR 13535
NPRM Comment Period End	06/17/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Joseph Levine, Chief, Operations Analysis Branch, Department of the Interior, Minerals Management Service, MS 4024, 381 Eldon Street, Herndon, VA 20170-4817

## DOI—MMS

## Proposed Rule Stage

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 Email: rules.comments@mms.gov  
 RIN: 1010-AC55

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

## Final Rule Stage

**1648. VALUATION OF GAS FROM INDIAN LEASES**

**Priority:** Other Significant

**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:** The rule will amend the regulations governing the valuation of gas produced from Indian leases. The primary purpose of these amendments is to ensure that Indian mineral lessors receive maximum revenues from mineral resources on their land consistent with the Department's trust responsibility and lease terms.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/04/94	59 FR 39712
NPRM	09/23/96	61 FR 49894
NPRM Comment Period End	04/04/97	62 FR 10247
Final Action Effective	08/00/99	
Final Action	10/00/99	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Tribal

**Additional Information:** This rule was developed using the negotiated rulemaking process which included representatives of MMS, Indian tribes, States, and industry.

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**RIN:** 1010-AB57

**1649. VALUATION OF OIL FROM FEDERAL MINERAL LEASES**

**Priority:** Other Significant

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

**CFR Citation:** 30 CFR 206

**Legal Deadline:** None

**Abstract:** This rule would modify the valuation procedures for both arm's-length and non-arm's-length crude oil transactions establish a new MMS form for collecting value differential data and amend the valuation procedures for the sale of Federal royalty oil. These changes would decrease reliance on oil posted prices and assign a value to crude oil that better reflects market value.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/20/95	60 FR 65610
ANPRM Comment Period End	03/19/96	
NPRM	01/24/97	62 FR 3742
Comment Period Extended	02/18/97	62 FR 7189
NPRM Comment Period Extended	02/24/97	62 FR 19966
NPRM Comment Period End	03/25/97	
Supplemental NPRM Comment Period End	07/03/97	62 FR 36030
NPRM Comment Period Extended	08/04/97	
NPRM Comment Period Extended	09/22/97	62 FR 49460
Comment Period Extended	10/23/97	62 FR 49460
Comment Period Extended	10/23/97	62 FR 55198
Supplementary NPRM Comment Period Extended	02/06/98	63 FR 6113
Comment Period Extended	03/24/98	63 FR 14057
Comment Period Extended	07/08/98	63 FR 36868
Supplementary Proposed Rule Comment Period Extended	07/16/98	63 FR 38355
Comment Period Extended	07/27/98	63 FR 40073
NPRM Comment Period End	07/31/98	
Final Action	06/00/99	
Final Action Effective	09/00/99	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** State

**Agency Contact:** David S. Guzy, Chief Rules and Publications Staff, Department of the Interior, Minerals Management Service, P.O. Box 25165, Mail Stop 3021, Denver, CO 80225-0165

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Email: david.guzy@mms.gov

**RIN:** 1010-AC09

**1650. ADMINISTRATIVE APPEALS PROCESS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 25 USC 2; 25 USC 9; 30 USC 189; 30 USC 285; 30 USC 359; 30 USC 1023; 30 USC 1702 et seq; 31 USC 9701; 43 USC 1334; 43 USC 1335

**CFR Citation:** 30 CFR 290; 30 CFR 241; 30 CFR 243; 30 CFR 250; 43 CFR 4

**Legal Deadline:** None

**Abstract:** This rule will eliminate the current regulations for MMS appeals and replace them with new regulations for appeals to the IBLA of actions taken by MMS officials. The rule will establish requirements for developing the administrative record, holding settlement consultations, paying a processing fee, and presenting arguments and documentation for use in deciding appeals.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/96	61 FR 55607
NPRM Comment Period End	03/27/97	
NPRM	01/12/99	64 FR 1930



## DOI—MMS

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	03/15/99	
Final Action	05/00/99	
Final Action Effective	05/00/99	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Platte Clark, Acting Chief, Appeals Division, Department of the Interior, Minerals Management Service

Phone: 202 208-2394

**RIN:** 1010-AC21**1651. VALUATION OF OIL FROM INDIAN LEASES****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 25 USC 396 et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq**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.**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
NPRM Comment Period Extended	04/09/98	63 FR 17349
NPRM Comment Period End	05/13/98	
Supplementary NPRM	04/00/99	
Comment Period End	05/00/99	
Final Action	06/00/99	
Final Action Effective	09/00/99	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Tribal**Agency Contact:** David S. Guzy, Chief Rules and Publications Staff, Department of the Interior, Minerals

Management Service, P.O. Box 25165, Mail Stop 3021, Denver, CO 80225-0165

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**RIN:** 1010-AC24**1652. 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	
Final Action	11/00/99	
Final Action Effective	01/00/00	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State, Federal**Agency Contact:** David S. Guzy, Chief Rules and Publications Staff, Department of the Interior, Minerals Management Service, P.O. Box 25165, Mail Stop 3021, Denver, CO 80225-0165

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**RIN:** 1010-AC30**1653. POSTLEASE OPERATIONS****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 43 USC 1334**CFR Citation:** 30 CFR 250.1 to 250.29; 30 CFR 218.154; 30 CFR 256.1; 30 CFR 256.4; 30 CFR 256.55; 30 CFR 256.73**Legal Deadline:** None**Abstract:** This rule is a complete rewrite in plain English and changes the current regulation by both adding and deleting language. Although some of these changes could be considered significant when compared to the current regulations, they support the policies and procedures now in place. The proposed rule is revised to be as broad and general in scope as feasible.**Timetable:**

Action	Date	FR Cite
NPRM	02/13/98	63 FR 7335
NPRM Comment Period End	06/17/98	
Final Action	06/00/99	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Kumkum Ray, Geologist, Department of the Interior, Minerals Management Service, 381 Elden Street, Herndon, VA 20170

Phone: 703 787-1600

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**RIN:** 1010-AC32**1654. ELECTRONIC REPORTING****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301 et seq; 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 3101 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 et seq; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq**CFR Citation:** 30 CFR 210; 30 CFR 216**Legal Deadline:** None**Abstract:** This rule would modify the requirements governing forms that MMS requires for reporting sales, royalties, and production information. The revisions will specify the media required for submission of reports and broaden the use of electronic commerce reporting.**Timetable:**

Action	Date	FR Cite
NPRM	04/08/98	63 FR 17133
NPRM Comment Period End	06/08/98	
Final Action	04/00/99	
Final Action Effective	05/00/99	

DOI—MMS

Final Rule Stage

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 1010-AC40

**1655. UPDATE OF INDUSTRY ELECTRICAL STANDARDS**

**Priority:** Routine and Frequent

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

**CFR Citation:** 30 CFR 250

**Legal Deadline:** None

**Abstract:** This rule would update a document incorporated by reference that pertains to electrical installations at petroleum facilities.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/99	
Final Action Effective	06/00/99	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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**RIN:** 1010-AC50

DEPARTMENT OF THE INTERIOR (DOI)

Long-Term Actions

Minerals Management Service (MMS)

**1656. ROYALTY PAYMENT LIABILITY**

**Priority:** Other Significant

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

**CFR Citation:** 30 CFR 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

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

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 1010-AB45

**1657. CREDIT ADJUSTMENTS**

**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 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	04/00/00	
NPRM Comment Period End	06/00/00	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 1010-AB73

**DEPARTMENT OF THE INTERIOR (DOI)**  
**Minerals Management Service (MMS)**
**Completed Actions****1658. FILING FEES FOR REQUIRED RECORDS**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 30 CFR 256

**Completed:**

Reason	Date	FR Cite
Withdrawn - No further action will be taken.	02/01/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 1010-AC44

**1659. OIL AND GAS PRODUCTION RATES**

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

**Completed:**

Reason	Date	FR Cite
Withdrawn - No further action will be taken at this time.	01/04/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 1010-AC53

BILLING CODE 4310-MR-F

**DEPARTMENT OF THE INTERIOR (DOI)**  
**Office of Surface Mining Reclamation and Enforcement (OSMRE)**
**Proposed Rule Stage****1660. 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	11/00/99	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Douglas Growitz, Hydrologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 10 SIB, 1849 C Street NW., Washington, DC 20240  
 Phone: 202 208-2634

**RIN:** 1029-AB70

**1661. CONTEMPORANEOUS RECLAMATION**

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

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

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

**Legal Deadline:** None

**Abstract:** This rule will amend regulations to ensure that coal mine operators reclaim their operations in a contemporaneous manner using site-based contemporaneous standards.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	

**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  
 Phone: 202 208-2866

**RIN:** 1029-AB79

**1662. INDIAN LANDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1201 et seq  
**CFR Citation:** 25 CFR 200; 30 CFR 700; 30 CFR 740; 30 CFR 746; 30 CFR 750

**Legal Deadline:** None

**Abstract:** This rule will amend regulations to allow OSM to contract to the Navajo and Hopi tribes certain functions relating to permitting mine plan review, bonding, and other functions authorized by the Indian land provisions of SMCRA. The rule is being proposed pursuant to a settlement agreement.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Tribal

**Agency Contact:** Suzy Hudak, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 10 SIB, 1849 C Street NW., Washington, DC 20240  
 Phone: 202 208-2713

**RIN:** 1029-AB83

**1663. 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 requires the surface coal mining permittee to have an emergency action plan (EAP) at the time 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 Department Manual. It ensures 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	10/00/99	

## DOI—OSMRE

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** State, Federal**Agency Contact:** Ruchi Kohli, Civil Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement  
Phone: 202 208-2971**RIN:** 1029-AB92**1664. ELECTRONIC FILING OF THE OSM-1 FORM****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 870**Legal Deadline:** None**Abstract:** This rule would allow operators the option of electronically filing the information required by the OSM-1 Form. The form is used by coal operators to report the amount of coal sold, used or transferred during the calendar quarter; the method of coal removal; the type of coal removal; and other required information.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/99	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Dennis Dechmerowski, Accountant, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Denver Federal Center, Building 20, Room B-2005, Denver, CO 80225

Phone: 303 236-0330

Email: dechmer@osmre.gov

**RIN:** 1029-AB95

## DEPARTMENT OF THE INTERIOR (DOI)

## Final Rule Stage

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

**1665. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS****Priority:** Other Significant**Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 740; 30 CFR 745; 30 CFR 761; 30 CFR 772**Legal Deadline:** None**Abstract:** This rule will amend the portions of the permanent program which address the circumstances which constitute valid existing rights to mine coal in areas where Congress has otherwise prohibited mining under section 522(e) of the Surface Mining Control and Reclamation Act of 1977. This revision is in response to a court decision in round III of the litigation on OSM's permanent program regulations.**Timetable:**

Action	Date	FR Cite
NPRM	01/31/97	62 FR 4836
Comment Period Extended	05/30/97	62 FR 29368
Final Action	11/00/99	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Federal**Agency Contact:** Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 10 MIB, 1849 C Street NW., Washington, DC 20240

Phone: 202 208-2829

**RIN:** 1029-AB42**1666. PROHIBITIONS UNDER SECTION 522(E) OF SMCRA****Priority:** Other Significant**Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 761**Legal Deadline:** None**Abstract:** This rule will clarify the applicability of section 522 (e) of SMCRA to subsidence resulting from underground coal mining. Section 522 (e) prohibits surface coal mining operations in certain areas designated by Congress, subject to existing rights.**Timetable:**

Action	Date	FR Cite
NPRM	01/31/97	62 FR 4864
Comment Period Extended to 08/01/97	05/30/97	62 FR 29368
NPRM Comment Period End	06/02/97	
Final Action	11/00/99	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Nancy Broderick, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 10 SIB, 1849 C Street NW., Washington, DC 20240

Phone: 202 208-2700

**RIN:** 1029-AB82**1667. ENHANCING AML RECLAMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 30 USC 1201 et seq**CFR Citation:** 30 CFR 707; 30 CFR 874**Legal Deadline:** None**Abstract:** This rule will amend the definition of Government-financed construction in section 707. The definition concerns an exemption from the Surface Mining Control and Reclamation Act that is currently limited to construction funded with 50 percent or more by Government funds. This proposed change would have two impacts. It would create greater efficiency by allowing OSM to leverage limited Abandoned Mine Land Funds. It would also provide a means to address the abandoned unreclaimed refuse piles. The rule would facilitate reclamation through a new cooperative effort using resources and financing from the private sector.**Timetable:**

Action	Date	FR Cite
ANPRM	11/04/97	62 FR 59639
NPRM	06/25/98	63 FR 34768
Final Action	04/00/99	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** State**Agency Contact:** Douglas Growitz, Hydrologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, MS 10 SIB, 1849 C Street NW., Washington, DC 20240