

be promulgated, may be imported from any country under permit and on compliance with the regulations in this subpart, at such ports as shall be authorized in the permits, on presentation of evidence satisfactory to the United States Department of Agriculture either:

(1) That such fruit or vegetable is not attacked in the country of origin by injurious insects, including fruit and melon flies (Tephritidae), or

(2) That such fruit or vegetable has been treated or is to be treated for all injurious insects which attack it in the country of origin, in accordance with such conditions and procedures as may be prescribed by the Deputy Administrator, Plant Protection and Quarantine, or

(3) That its importation from definite areas or districts in the country of origin which are free from all injurious insects which attack such fruit or vegetable can be authorized without risk, provided the criteria of paragraph (f) of this subsection are met, or

(4) That its importation from definite areas or districts in the country of origin which are free from certain injurious insects which attack such fruit or vegetable can be authorized without risk, provided the criteria of paragraph (f) of this subsection are met with regard to those certain insects, and provided that all other injurious insects which attack such fruit or vegetable in the area or district or origin have been eliminated from such fruit or vegetable by treatment or such other procedures as may be prescribed by the Deputy Administrator, Plant Protection and Quarantine, for all other injurious insects.

§ 319.56-2 [Amended]

3. Paragraph (f) of § 319.56-2 would be redesignated as (g).

4. A new paragraph (f) would be added to § 319.56-2, to read as follows:

(f) The Deputy Administrator must determine that the following criteria are met in order for a fruit or vegetable to be authorized importation under § 319.56-2(e)(3) or (4). When used to authorize importation under § 319.56-2(e)(3) the criteria must be applied to all injurious insects which attack the fruit or vegetable, and when used to authorize importation under § 319.56-2(e)(4) the criteria must be applied to those particular injurious insects from which the area is to be considered free:

(1) There are no reports in the scientific literature or reports from APHIS inspectors of occurrence in the

definite area or district of the country of origin of injurious insects known to attack fruit or vegetables;

(2) The plant protection service of the country of origin within the past 12 months has established the absence of infestations of such injurious insects in the definite area or district based on surveys performed in accordance with requirements which have been approved by the Deputy Administrator as adequate to detect such infestations; and

(3) The country of origin has adopted and is enforcing requirements to prevent the introduction of such injurious insects into the definite area or district of origin which are deemed by the Deputy Administrator to be at least equivalent to those requirements imposed under this chapter to prevent the introduction into the United States and interstate spread of injurious insects.

Done at Washington, DC, this 2nd day of January, 1987.

W.F. Helms,

*Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.*

[FR Doc. 87-340 Filed 1-7-87; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 218

Payments by Electronic Funds Transfer

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

**SUMMARY:** The Minerals Management Service (MMS) is proposing to amend 30 CFR Part 218 to lower the threshold, from \$50,000 to \$10,000, for royalty payments required to be made by Electronic Funds Transfer (EFT) using the Federal Reserve Communications System link to the Treasury Financial Communication System (TFCS). The proposed rule also would extend the new EFT requirement to include deferred bonus payments from successful bidders in competitive lease sales. This action would accelerate the collection and deposit processing of payments currently received by MMS in the form of checks and result in interest savings to the Government.

**DATE:** Comments must be received on or before March 9, 1987.

**ADDRESS:** Written comments on this proposed rule should be mailed or

delivered to Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Minerals Management Service, P.O. Box 25165, MS 628, Building 85, Denver Federal Center, Denver, Colorado 80225.

**FOR FURTHER INFORMATION CONTACT:** Interested persons should contact Dennis C. Whitcomb for further information, or if detailed information concerning the implementation and use of EFT/TFCS is desired at (303) 231-3432.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), 30 U.S.C. 1701 *et seq.*, affirmed the authority and responsibility of the Secretary of the Interior in the implementation of the royalty management system for Federal and Indian leases. The Secretary assigned this authority and responsibility to the MMS by Secretarial Order No. 3071 of January 19, 1982, as amended, and Secretarial Order No. 3087 of December 3, 1982, as amended.

As required by FOGRMA, MMS has implemented procedures to improve methods of accounting and collection of payments for royalties, rentals, bonuses, and other monies due the Federal Government. With respect to payments, MMS previously published regulations at 30 CFR Part 218 that require payors to make payment for royalties of \$50,000 or more by EFT through the TFCS, unless otherwise directed by the Secretary of the Interior.

As a further improvement in the collection of payments, MMS is proposing to amend provisions of Part 218 to lower the threshold from \$50,000 to \$10,000, to extend the EFT requirement to include deferred bonus payments from successful bidders in competitive lease sales, and to revise the references on payment method in Part 218 to be consistent with the amendment. As a result of this amendment, the float time in the collection/deposit of payments would be reduced and more funds would be available to the Government sooner than if the affected payments continue to be received by check. The use of EFT will provide the U.S. Treasury with funds on the actual date of transfer rather than several days later, as with checks.

Because many payors submit lease rental payments prior to the due date to avoid any possibility of lease cancellation and desire a canceled check as evidence of payment, MMS does not propose to extend the new EFT

requirements to rental payments at this time; however, the first-year rental will continue to be paid in accordance with instructions included in the notice of lease offering that may require payment by EFT. MMS is not proposing to change the requirement in 30 CFR 218.155(c) that the first-year rental on an offshore oil, gas, or sulfur lease must be paid by EFT. Payors will continue to have a choice of instruments used for payment of rentals following the first-year rental payment.

A one-fifth bonus bid deposit is required to participate in competitive sales of certain leases. The successful bidder in a competitive sale of an offshore oil, gas, or sulfur lease must pay the remaining four-fifths bonus and the first-year rental to the Royalty Management Accounting Center by EFT in accordance with existing requirements in 30 CFR 218.155(c), unless otherwise directed by the Associate Director for Royalty Management. If permitted under the terms of the sale, as stated in the lease sale notice, the successful bidder in a competitive sale of certain other leases; e.g., coal, geothermal, or offshore minerals other than oil, gas, or sulfur, can elect to pay the remaining four-fifths bonus in total or submit the payment in equal annual installments over a specified number of years. If paid in total, the successful bidder must pay the remaining four-fifths bonus in accordance with instructions included in the notice of lease offering. If the successful bidder is permitted to make installment payments of the remaining four-fifths bonus, MMS is proposing that annual "deferred bonus" payments, which total \$10,000 or more, be by EFT. At the present time, payors have a choice of instruments used for payment of the annual deferred bonus installments.

It is the intent of MMS to phase in the new requirements. The MMS proposes that, after publication of the final rule in the Federal Register, the requirements would apply to the next payment due for royalties or deferred bonuses from all payors who are currently submitting royalty payments by EFT. With respect to payors who have not previously used EFT, payments to MMS by EFT would begin only after the payor has received written instructions from the MMS Royalty Management Accounting Center in Lakewood, Colorado.

Detailed information concerning the implementation and use of EFT/TFCS is available and will be provided upon request to interested persons. If detailed information is desired, contact Dennis C. Whitcomb, Chief, Rules and Procedures

Branch, telephone (303) 231-3432, at the address shown in the Address section of this preamble.

## II. Procedural Matters

### *Executive Order 12291 and Regulatory Flexibility Act*

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 301 *et seq.*). The proposed rule does not increase the amount of payment due and does not have a significant economic effect; therefore, it is not considered a major rule.

### *Paperwork Reduction Act of 1980*

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

### *National Environmental Policy Act of 1969*

The Department of the Interior has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

### List of Subjects in 30 CFR Part 218

Coal, Continental shelf, Electronic funds transfers, Geothermal energy, Government contracts, Indians-lands, Minerals royalties, Oil and gas exploration, Public lands-mineral resources.

Dated: December 1, 1986.

J. Steven Griles,  
Assistant Secretary, Land and Minerals  
Management.

For the reasons set out in the preamble, it is proposed that 30 CFR Part 218 be amended as follows:

#### SUBCHAPTER A—ROYALTY MANAGEMENT

#### PART 218—[AMENDED]

1. The authority citation for Part 218 is revised to read as follows:

Authority: 25 U.S.C. 396 *et seq.*; 25 U.S.C. 396a *et seq.*; 25 U.S.C. 2101 *et seq.*; 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351 *et seq.*; 30 U.S.C. 1001 *et seq.*; 30 U.S.C. 1701 *et seq.*; 43 U.S.C. 1301 *et seq.*; 43 U.S.C. 1331 *et seq.*; and 43 U.S.C. 1801 *et seq.*

2. Section 218.51 is revised to read as follows:

#### § 218.51 Method of payment.

(a) *Payment of royalties.* (1) All payors whose payment obligation to MMS on the payment due date totals \$10,000 or more must make payment by Electronic Funds Transfer (EFT) using the Federal Reserve Communications System (FRCS) link to the Treasury Financial Communications System (TFCS), unless otherwise directed by MMS. Early payment by other than EFT of a portion of the aggregate payment obligation to avoid remittance by EFT on the payment due date is not permitted. Such early payments are permitted regardless of amount, but must be remitted by EFT.

(2) Payors who have not previously submitted payments to MMS by EFT shall begin using EFT only after receipt of written instructions from MMS.

(3) A payor whose aggregate payment obligation reported on a Form MMS-2014 or MMS-4014, or for amount owed for deferred bonuses, is less than \$10,000 must use one of the following payment instruments:

- (i) Federal Reserve check.
- (ii) Commercial check. (Drawn on a solvent bank.)
- (iii) Money order.
- (iv) Bank draft. (Drawn on a solvent bank.)
- (v) Cashier's check.
- (vi) Certified check.
- (vii) Electronic Funds Transfer.

(4) All payment instruments except EFT should be inscribed payable to "Department of the Interior-MMS".

(b) *Payment of bonuses.* (1) One-fifth bonus bid deposit amounts required to participate in competitive lease sales are to be paid in accordance with instructions included in the notice of lease offering.

(2) The successful bidder in the competitive sale of an offshore oil, gas, or sulfur lease shall pay the remaining four-fifths bonus to MMS by EFT in accordance with 30 CFR 218.155(c), unless otherwise directed by MMS.

(3) If permitted under the terms of the sale, as stated in the lease sale notice, the successful bidder in the competitive sale of certain other leases; e.g., coal, geothermal, or offshore minerals other than oil, gas, or sulfur, may elect to pay the remaining four-fifths bonus in total or submit the payment in equal annual installments over a specified number of years. If paid in total, the successful bidder shall pay the remaining four-fifths bonus in accordance with instructions included in the notice of lease offering. If the successful bidder is permitted to make installment payments of the remaining four-fifths bonus, equal

deferred bonus payments are due on the lease anniversary date.

(4) Payments of deferred bonuses to MMS must be in accordance with the regulations governing the payment of royalties contained in 30 CFR 218.51(a).

(c) *Payment of rentals.* First-year rental shall be paid in accordance with instructions included in the notice of lease offering. The successful bidder in the competitive sale of an offshore oil, gas, or sulfur lease shall pay the first-year rental to MMS by EFT in accordance with 30 CFR 218.155(c), unless otherwise directed by MMS. Payments of rentals to MMS (other than the first-year rental) must be made by one of the payment instruments used for paying royalties or deferred bonuses shown in paragraph (a)(3) of this section.

(d) *General payment information.* (1) Payments for offshore and onshore Federal leases shall be segregated from payments for Indian leases. All payments to MMS shall be made by one of the payment instruments used for paying royalties or deferred bonuses shown in paragraph (a)(3) of this section. For payments made by EFT, the deposit message shall include information as specified by MMS.

(2) Failure to make timely or proper payments of any monies due pursuant to leases, permits, and contracts subject to these regulations will result in the collection of the amount past due plus a late-payment charge in accordance with 30 CFR 218.54. Exceptions to this late-payment charge may be granted when estimated payments on mineral production have previously been made in accordance with instructions provided by MMS to the payor.

(3) For payments by check for Indian leases, the following instructions are applicable:

(i) For Indian allotted leases, payments shall be aggregated and identified on a single check for each respective Bureau of Indian Affairs agency/area office that has jurisdiction over the lease(s) for which the payment is made.

(ii) For Indian Tribal leases, payments to MMS shall be aggregated and identified on a single check for each respective Indian Tribe to which the royalty is owed.

(iii) For Indian Tribes utilizing a lockbox, payment shall be aggregated and identified on a single check and sent to the lockbox.

(iv) When aggregate payments are made (single check), the payment identification required in paragraphs (d)(3)(i), (d)(3)(ii) and (d)(3)(iii) of this section shall be provided in a format to be specified by MMS.

(4) In accordance with 30 CFR 243.2, all payments to MMS are due as specified and are not deferred or suspended by reason of an appeal having been filed unless such deferral or suspension is approved in accordance with that section.

(5) Failure to submit payment of any amount owed to the MMS may subject the person who has payment responsibility to the civil penalty provisions of 30 CFR 241.20 and 241.51.

(e) *Where to pay.* (1) The Form MMS-2014 or Form MMS-4014, Report of Sales and Royalty Remittance, and the applicable payment should be mailed to the following address: Royalty Management Program, Minerals Management Service, P.O. Box 5810 T.A., Denver, Colorado 80217. Post Office Box 5640 should be used with the above address to send rental or deferred bonus payments for Federal nonproducing leases not required to be reported on the Form MMS-2014 or Form MMS-4014 report.

(2) Reports and payments delivered to MMS by special couriers or overnight mail should be addressed as follows: Minerals Management Service, Royalty Management Program, Bldg. 85, Denver Federal Center, Room A-212, Revenue and Document Processing, Denver, Colorado 80225.

(3) Payments or reports received after 4 p.m. mountain time at MMS are considered next-day receipts. Mailing a payment or a report or otherwise depositing it for delivery does not constitute receipt for purposes of the regulations in this Title.

3. Section 218.100 is amended by revising paragraph (a) and adding a new paragraph (c) to read as follows:

**§ 218.100 Royalty and rental payments.**

(a) *Payment of royalties and rentals.* As specified under the provisions of the lease, the lessee shall submit all rental payments when due and shall pay in value or deliver in production all royalties in the amounts of value or production determined by MMS to be due.

(c) *Method of payment.* The payor shall tender all payments in accordance with 30 CFR 218.51.

4. Section 218.150 is revised to read as follows:

**§ 218.150 Royalties, net profit shares and rental payments.**

(a) *Payment of royalties, net profit shares and rentals.* As specified under the provisions of the lease, the lessee shall submit all rental payments when due and shall pay in value or deliver in production all royalties and net profit

shares in the amounts of value or production determined by MMS to be due.

(b) *Late payment or underpayment charges.* (1) The failure to make timely or proper payments of any monies due pursuant to leases, permits, and contracts subject to these regulations will result in the collection of the amount past due plus a late payment charge. Exceptions to this late payment charge may be granted when estimated payments on minerals production have previously been made in accordance with instructions provided by MMS to the payor.

(2) Late payment charges are assessed on any late payment or underpayment from the date that the payment was due until the date on which the payment is received by MMS. Payments received after 4 p.m. mountain time, at MMS, on the date due, will be considered as received on the following workday.

(3) Late payment charges apply to all underpayments and payments received after the date due. These charges include production and minimum royalties; assessments for liquidated damages; administrative fees and payments by purchasers of royalty taken in kind; or any other payments, fees, or assessments that a lessee/operator/payor/permittee/royalty taken in kind purchaser is required to pay by a specified date. The failure to pay past due amounts, including late payment charges, will result in the initiation of other enforcement proceedings, including the issuance of civil penalties.

5. Section 218.155, paragraph (a) is revised to read as follows:

**§ 218.155 [Amended]**

(a) *Payment of royalties and rentals.* With the exception of first-year rental, the payor shall tender all payments in accordance with 30 CFR 218.51. First-year rental shall be paid in accordance with paragraph (c) of this section.

6. Section 218.155 is amended by removing paragraph (d) and paragraphs (e) and (f) are redesignated as paragraphs (d) and (e), respectively.

7. A new § 218.156 is added to read as follows:

**§ 218.156 Definitions.**

Terms used in this subpart have the same meaning as in 30 U.S.C. 1702.

**§ 218.200 [Redesignated as § 218.202]**

8. Section 218.200 is redesignated as § 218.202.

9. New §§ 218.200 and 218.201 are added to read as follows:

**§ 218.200 Payment of royalties, rentals and deferred bonuses.**

As specified under the provisions of the lease, the lessee shall submit all rental and deferred bonus payments when due and shall pay in value all royalties in the amount determined by MMS to be due.

**§ 218.201 Method of payment.**

The payor shall tender all payments in accordance with 30 CFR 218.51.

10. Section 218.300 is revised to read as follows:

**§ 218.300 Payment of royalties, rentals and deferred bonuses.**

As specified under the provisions of the lease, the lessee shall submit all rental and deferred bonus payments when due and shall pay in value all royalties in the amount determined by MMS to be due.

**§ 218.301 [Redesignated as § 218.302]**

11. Section 218.301 is redesignated as § 218.302.

12. A new § 218.301 is added to read as follows:

**§ 218.301 Method of payment.**

The payor shall tender all payments in accordance with 20 CFR 218.51.

[FR Doc. 87-181 Filed 1-7-87; 8:45 am]

BILLING CODE 4310-MR-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 67**

[Docket No. FEMA-6730]

**Proposed Flood Elevation Determinations; Texas; Correction**

**AGENCY:** Federal Insurance Administration, Federal Emergency Management Agency.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 51 FR 31678 on September 4, 1986. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for Tarrant County, Texas.

**DATES:** The period for comment will be thirty (30) days following the second publication of this proposed rule in a newspaper of local circulation in the community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** John L. Matticks, Acting Chief, Risk

Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in Tarrant County, Texas, previously published at 51 FR 31678 on September 4, 1986, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

**List of Subjects in 44 CFR Part 67**

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The Proposed Base (100-year) Flood Elevations for locations in Tarrant County, Texas, are correctly revised to read as follows:

Source of flooding	Location	* Elevation in feet national geodetic vertical datum
Ash Creek	Approximately 0.66 mile downstream of confluence of Paschal Branch.	* 657
Bear Creek 1	At City of Azle corporate limits.....	* 675
	Upstream side of corporate limits at South Lake City boundary.	* 577
Briar Creek	Downstream side of corporate limits at South Lake City boundary.	* 592
	Approximately 1,600 feet upstream of Keller corporate limits.	* 611
	Approximately 480 feet upstream of Main Street, City of Keller.	* 687
	Approximately .78 mile upstream of Alta Vista Road.	* 745
	Approximately 800 feet upstream of Old Denton Road.	* 772
Buffalo Creek	Approximately 200 feet downstream of Liberty School Road.	* 657
	Approximately 0.92 mile upstream of Liberty School Road.	* 680
	Approximately 250 feet upstream of FM 730.	* 697
Chambers Creek	At confluence with Henrietta Creek.	* 642
	Upstream side of Interstate Route 35.	* 654
	Upstream side of Harmon Road.....	* 670
	Approximately 1.3 miles upstream of Harmon Road.	* 690
Deer Creek	Approximately 2.8 miles upstream of Harmon Road.	* 723
	Approximately 250 feet upstream of downstream corporate limits.	* 581
Elm Branch	At upstream corporate limits.....	* 593
	At confluence with Village Creek....	* 632
Henrietta Creek	Upstream side of Forest Hill-Everman Road.	* 643
	At confluence with Village Creek....	* 596
	Approximately 1,600 feet downstream of Shelby Road.	* 640

Source of flooding	Location	* Elevation in feet national geodetic vertical datum
Henrietta Creek	At upstream corporate limits.....	* 670
	Approximately 100 feet downstream of White Chapel Road.	* 636
	At downstream Haslet corporate limits.	* 657
Big Fossil Creek	At upstream Haslet corporate limits.	* 665
	Approximately 0.45 mile upstream of Keller-Haslet Road.	* 712
Stream BFC-4	At Fort Worth corporate limits.....	* 728
	Approximately 80 feet upstream of Fort Worth corporate limits.	* 729
Low Branch	At downstream County boundary....	* 732
	Approximately 200 feet upstream of upstream County boundary.	* 736
Marys Creek	At downstream corporate limits.....	* 615
	Approximately 860 feet upstream of downstream corporate limits.	* 618
North Branch of Deer Creek	Approximately 1,350 feet downstream of confluence of Marys Tributary 2.	* 676
	Upstream side of FM 2871.....	* 701
	Approximately 1,300 feet upstream of U.S. Route 80 (west-bound).	* 725
Paschal Branch	Approximately 0.51 mile upstream of Fort Worth corporate limits.	* 742
	Downstream of downstream corporate limits.	* 765
South Fork of Deer Creek	Approximately 120 feet upstream of downstream corporate limits.	* 766
	At downstream County boundary....	* 676
South Fork of North Branch of Deer Creek	Approximately 80 feet upstream of Azle Road.	* 690
	At downstream County boundary....	* 775
South Marys Creek	Approximately 0.8 mile upstream of downstream County boundary.	* 795
	At downstream County boundary....	* 766
Stream BB-6	Approximately 0.3 mile upstream of downstream County boundary.	* 778
	At confluence with Marys Creek.....	* 710
	Upstream side of Diamond Bar Trail.	* 731
Stream BFC-2A	Upstream side of Link Meadow Drive.	* 780
	Approximately 300 feet upstream of County boundary.	* 825
Stream CF-5	At confluence with Bear Creek 1....	* 577
	At upstream County boundary.....	* 577
Stream HEN-1	At downstream County boundary....	* 657
	Approximately 425 feet upstream of downstream County boundary.	* 659
Stream HEN-2	At downstream County boundary....	* 661
	Approximately 150 feet upstream of upstream County boundary.	* 703
Stream HEN-2A	At downstream County boundary....	* 667
	Approximately 880 feet upstream of confluence with Walnut Creek 2.	* 674
Stream HEN-2A	At downstream County boundary....	* 667
	Approximately 0.24 mile upstream of County boundary.	* 672
Stream HEN-2A	Upstream side of Atchison, Topeka, and Santa Fe Railway.	* 703
	Approximately 0.43 mile upstream of Atchison, Topeka, and Santa Fe Railway.	* 707
Stream HEN-2A	At downstream County boundary....	* 735
	At downstream County boundary....	* 735