

**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**30 CFR Part 206**

**Coal Product Valuation Regulations**

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

**ACTION:** Notice of meeting and request for comments.

**SUMMARY:** The Minerals Management Service (MMS) is soliciting further public comments on certain provisions of the recently adopted final coal product valuation regulations that were effective March 1, 1989. Comments may be submitted in writing and/or at a public meeting.

**DATES:** The public meeting will be held on May 4, 1989, from 8:30 a.m. to 4 p.m. Written comments must be submitted on or before June 5, 1989.

**ADDRESSES:** The public meeting will be held at the Sheraton Hotel and Conference Center, Bergen Park Conference Room, 360 Union Boulevard, Lakewood, Colorado, telephone (303) 987-2000.

Written comments may be mailed to Minerals Management Service, Royalty Management Program, Rules and Procedures Branch, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 662, Denver, Colorado 80225, Attention: Dennis C. Whitcomb.

**FOR FURTHER INFORMATION CONTACT:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, telephone (303) 231-3432, (FTS) 326-3432.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On January 13, 1989 (54 FR 1492), MMS adopted new coal product value regulations codified at 30 CFR Part 206 to replace the regulations in 30 CFR Part 203. The regulations that were adopted were the product of a lengthy public process including a proposed rulemaking on January 15, 1987 (52 FR 1840), a further notice of proposed

rulemaking on July 15, 1988 (53 FR 26942), and numerous public meetings, including representatives of the affected States, Indian Tribes and the coal and electric utility industries.

Since the rules were issued, the States (who receive 50 percent of the royalties from coal production from Federal lands) and Indian Tribes (who may be affected indirectly despite the express exemption in the regulations) have maintained that the exclusions for taxes and fees are of concern. Because of the significance of this issue to all affected parties, the Secretary of the Interior has decided to provide an opportunity for the States, Indian Tribes, industry and the public to provide comments to the Department.

MMS is soliciting both written comments and statements from interested parties at a public meeting. The public meeting will be an open discussion among representatives from industry, States, Indian Tribes, and all other interested persons, including the public, for the purpose of gathering new information, but MMS would like commenters specifically to address the following issues in detail, with objective data where possible:

- The fiscal impact of the regulations on the Federal Treasury.
- The fiscal impact of the regulations on the States and Indians.
- The impact of implementation of the regulations on coal production and enhancing the Nation's goal of increasing domestic energy resources.

**II. Public comment procedures**

*A. Public Meeting*

1. Procedure for requests to make oral presentations. The time and place for the meeting are identified in the "DATES" and "ADDRESSES" sections of this notice.

You may request to make an oral presentation. Request to make a presentation should be made to Mr. Dennis Whitcomb, Chief, Rules and Procedures Branch, telephone (303) 231-3432, (FTS) 326-3432 by May 1, 1989.

2. Conduct of the meeting. The MMS reserves the right to select the persons to be heard at the meeting (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the meeting. The length of each presentation may be limited, based upon the number of persons requesting to be heard. A Department of the Interior official will be designated to reside at the meeting.

A transcript of the meeting will be made. The entire record of the meeting,

including the transcript, will be retained by MMS and made available for inspection in Room C420, Building 85, Denver Federal Center, Lakewood, Colorado, between the hours of 8 a.m. and 4 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

*B. Written Comments*

The public is also invited to participate in this proceeding by submitting data and comments in writing. All written comments should be submitted by 4:00 p.m. of the day specified in the "DATES" section to the appropriate address indicated in the "ADDRESS" section of this notice and should be identified on the outside envelop and on documents submitted with the designation "Comments on Coal Product Valuation Regulations." All comments received by MMS will be available for public inspection in Room C420, Building 85, Denver Federal Center, Lakewood, Colorado, between the hours of 8 a.m. and 4 p.m., Monday through Friday.

Any information or data submitted which is considered to be confidential must be so identified and submitted in writing, one copy only. The MMS reserves the right to determine the confidential status of the information or data and to treat it according to its independent determination.

Date: April 18, 1989.  
Barry A. Williamson,  
Director, Minerals Management Service.  
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