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

1267. PROCEDURES FOR ESTABLISHING THAT AN AMERICAN INDIAN GROUP EXISTS AS AN INDIAN TRIBE

Significance: Regulatory Program
Legal Authority: 5 USC 301; 25 USC 2; 25 USC 8
CFR Citation: 25 CFR 83
Legal Deadline: None
Abstract: The proposed rule revision will resolve problems encountered with existing regulations published almost ten years ago. Revisions will reduce time and resources required to process petitions, clarify terms and definitions, interpret criteria, add a process whereby groups may withdraw a petition, improve the appeal process and respond to changing conditions. The revised rule will be more cost effective for the Department and Indian groups petitioning for Federal acknowledgment. The proposed revisions will be published taking into consideration ten years of experience with the regulations. Revisions will reflect recommendations received from the Congress, Indian groups and tribes, other Federal agencies and national organizations.

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

1268. REMOVAL OF FEDERAL FUNDING LIMITATION FROM STATE AND INDIAN COOPERATIVE AGREEMENTS

Significance: Regulatory Program
Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 25 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 228
Legal Deadline: None
Abstract: The regulations at 30 CFR 228, implementing section 202 of the Federal Oil and Gas Royalty Management Act of 1982, 30 USC 1719, provide that the Federal share of funding of certain cooperative agreement activities with any State or Indian Tribe will be limited to not more than 50 percent of the cost of eligible activities as established under the terms of the cooperative agreement. However, Congress recently passed “The Indian Self-Determination and Education Assistance Act Amendment of 1988,” October 5, 1988, PL 100-472, which included amendments to PL 93-638 to require all Bureaus within the Department of the Interior to enter into PL 93-638 contracts with Indian Tribes. Consequently, the cooperative agreements that MMS may enter into in the future with Indian Tribes will be considered PL 93-638 self-determination contracts. Because PL 93-638 entitles an Indian Tribe to Federal reimbursement of 100 percent of the costs of an approved self-determination contract, MMS is proposing to amend its regulations to remove the 50-percent Federal funding limitation.

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

1269. AIR QUALITY - OFFSHORE CALIFORNIA

Significance: Regulatory Program
Legal Authority: 43 USC 1334
CFR Citation: 30 CFR 250.47
Legal Deadline: None
Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. The costs have been determined to have a net present value of approximately $25M to the regulated industry; the net benefits have not been quantified but would be a reduction in any effect of emissions from OCS operations on the ozone levels in adjacent onshore areas. This may be expected to yield cost reductions in health services and other related areas. The DOI has conducted a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory program. If the affected parties involved can develop a mutually agreeable set of requirements, then DOI will initiate rulemaking based on that agreement.
Payment obligation or refunding such excess payment to any person lawfully entitled to receive a refund or credit for an overpayment made under an offshore lease. The new regulation is intended to lessen confusion on the part of payors, operators, and the Minerals Management Service.

**Timetable:**

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<td>Agency Contact</td>
<td>William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 648, 381 Eiden Street, Herndon, VA 22070, 703 787-1610</td>
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**1270. RECOUPMENTS AND REFUNDS OF EXCESS PAYMENTS UNDER FEDERAL OFFSHORE MINERAL LEASES**

**Significance:** Regulatory Program

**Legal Authority:** 43 USC 1339

**CFR Citation:** 30 CFR 230

**Legal Deadline:** None

**Abstract:** This rulemaking is needed to add new regulations covering recoupment and refunds of excess payments made under Federal offshore mineral leases which are subject to section 10 of the Outer Continental Shelf Lands Act of 1953 (OCSLA), 43 USC 1339. This rule would establish requirements and guidelines for crediting (recouping) excess payments of royalties, rentals, bonuses, or other amounts against a current or future types of sureties which would be acceptable to MMS, and related issues.

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**1271. REVISION OF REGULATION GOVERNING EFFECTIVENESS OF DECISIONS AND ORDERS PENDING APPEAL**

**Legal Authority:** 25 USC 306 et seq; 25 USC 399a 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; 30 USC 8701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

**CFR Citation:** 30 CFR 243

**Legal Deadline:** None

**Abstract:** The MMS regulations at 30 CFR 243.2 address the effectiveness of its Royalty Management Program decisions and orders pending administrative appeal. At the time the rule was issued in 1984, it was MMS's interpretation that most decisions and orders would not be suspended pending appeal. However, in 1986, the Interior Board of Land Appeals (IBLA) determined that unless there were special circumstances, the Director, MMS, was required to stay effectiveness of decisions and orders pending appeal provided the appellant posted adequate surety (Marathon Oil Company, 90 IBLA 236 [1988]). In view of the IBLA decision, an amendment is needed to MMS regulations at 30 CFR 243.2 to reflect clearly that MMS decisions and orders are stayed pending administrative appeal, the
Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 648, 381 Elden Street, Herndon, VA 22070. 703 787-1600
RIN: 1010-AB21

1273. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, SUBPART P, SULPHUR OPERATIONS
Legal Authority: 43 USC 1334
CFR Citation: 30 CFR 250.250
Legal Deadline: None
Abstract: The rules at 30 CFR 250 which govern oil and gas and sulphur operations in the Outer Continental Shelf (OCS) will be revised to address sulphur exploration, development, and production operations with more specificity. Sulphur operations are currently addressed through rules applicable to oil, gas, and sulphur and through OCS Order No. 10, Sulphur Drilling Procedures, issued by the Gulf of Mexico OCS Region. Comments received as the result of the publication on March 18, 1986 (51 FR 9316), of a proposed rule to consolidate rules governing oil, gas, and sulphur operations in the OCS included recommendations for the development of regulations which treat sulphur operations in the OCS with greater specificity. Other alternatives considered were not revising the regulations. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.
Timetable:
Action | Date | FR Cite
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NPRM | 08/31/89 | 54 FR 36244
NPRM Comment | 10/30/89 | 
Period End
Final Action | 04/00/90 | 
Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432
RIN: 1010-AB29

1274. AMENDMENT OF DUAL ACCOUNTING REQUIREMENT IN GAS VALUATION REGULATIONS
Significance: Regulatory Program
Legal Authority: 25 USC 396 et seq; 25 USC 396u 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 existing regulations require that the value of certain processed gas that is not sold pursuant to an arm's-length contract shall be the greater of value determined by two different methods. The comparison of the two values is commonly referred to as "dual accounting." The dual accounting requirement results in the inconsistent valuation of gas depending on whether it is sold in an arm's-length or a non-arm's-length situation. Regulation amendments are being developed which would eliminate the accounting for comparison requirement except where required by lease terms.
Timetable:
Action | Date | FR Cite
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NPRM | 01/00/90 | 
NPRM Comment | 02/00/90 | 
Period End
Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432
RIN: 1010-AB28

1275. AMENDMENT OF VALUATION BENCHMARKS IN GAS REGULATIONS
Significance: Regulatory Program
Legal Authority: 25 USC 396 et seq; 25 USC 396u 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 existing regulations provide for the valuation of unprocessed gas, residue gas, or any gas plant product which is not sold pursuant to an arm's-length contract to be determined in accordance with a benchmark method. In the final regulations, MMS adopted as the first benchmark the leaseee's gross proceeds received under its non-arm's-length transaction if they were equivalent to the gross proceeds received under comparable arm's-length contracts for like-quality production in the same field or area. The criteria to be considered in defining comparable contracts were also outlined. However, since the adoption of the revised regulations, numerous questions have been raised as to the interpretation of the first benchmark. These questions have identified the need to further clarify MMS's intention in this regard.
Timetable:
Action | Date | FR Cite
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NPRM Comments | 01/00/90 | 
NPRM Comment | 02/00/90 | 
Period End
Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432
RIN: 1010-AB29

1276. AMENDMENTS TO 30 CFR 250.52 TO ADD REQUIREMENTS INTENDED TO PREVENT OCCURRENCE OF ACCIDENTAL FIRES CAUSED BY FALLING SLAG FROM WELDING OR BURNING
Legal Authority: 43 USC 1334
CFR Citation: 30 CFR 250.52
Legal Deadline: None
Abstract: The Minerals Management Service proposes to amend 30 CFR 250.52 to add requirements designed to increase personnel safety and minimize property damage by avoiding or preventing the occurrence of accidental fires caused by hot slag from welding or burning activities falling into flammable material floating on the ocean surface beneath Outer Continental Shelf (OCS) facilities. The proposed amendment was prompted by the recommendations of an investigation of a January 6, 1984, accidental fire believed to have been
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Its release dates for simllar data and protected from disclosure to the public when submitted on specific forms. The new assessment would also encourage payors to adequately identify payments to the report or bill to be paid.

Abstract: The MMS does not currently have regulations which delineate how service of official correspondence, including orders, decisions, demands for payment and notices of noncompliance issued by its Royalty Management Program is effectuated. In the absence of MMS regulations, the Interior Board of Land Appeals (IBLA) (IBLA-87-348) reversed a decision by the Director, MMS that an appeal had not been timely filed and therefore would not be considered. A rule is required that would: 1) establish an "address of record" to which official correspondence will be sent, and 2) define the "date of service" whether the document was physically or constructively delivered. The date of service established in accordance with this rule also would be the beginning date of the 30-day period in 30 CFR Part 290 for the filing of an appeal relative to an order or decision.

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RIN: 1010-AB35

1279. SERVING OF OFFICIAL CORRESPONDENCE ISSUED BY THE ROYALTY MANAGEMENT PROGRAM

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 243

Legal Deadline: None

Abstract: The MMS does not currently have regulations which delineate how service of official correspondence, including orders, decisions, demands for payment and notices of noncompliance issued by its Royalty Management Program is effectuated. In the absence of MMS regulations, the Interior Board of Land Appeals (IBLA) (IBLA-87-348) reversed a decision by the Director, MMS that an appeal had not been timely filed and therefore would not be considered. A rule is required that would: 1) establish an "address of record" to which official correspondence will be sent, and 2) define the "date of service" whether the document was physically or constructively delivered. The date of service established in accordance with this rule also would be the beginning date of the 30-day period in 30 CFR Part 290 for the filing of an appeal relative to an order or decision.

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1280. 

**AMENDMENT TO THE REGULATIONS CONCERNING THE REQUIREMENT FOR SUBMISSION OF A CORPORATE SURETY BOND TO INDEMNIFY THE U.S. FROM DEFAULT BY A LESSEE ON THE CONDITIONS AND TERMS OF AN OCS LEASE**

**Legal Authority:** 43 USC 1335

**CFR Citation:** 30 CFR 256

**Legal Deadline:** None

**Abstract:** This rulemaking would amend current regulations requiring lessee surety bonds. The monetary value of surety bonds designated in current regulations was established over a decade ago and is seriously inadequate to protect the government from loss due to lessee failure to meet the terms of the OCS lease for royalty payments, proper abandonment of wells, site cleanup, and ongoing lease operations. Bond requirements may be increased on a case-by-case basis, as an alternative to rule change. This might result in inconsistent requirements. The potential costs are whatever increase is incurred in obtaining a higher value bond. Benefits would be a reduced potential for government loss and a greater protection of the public interest.

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1281. 

**REGULATIONS GOVERNING RECOVERY OF OVERPAYMENTS ON INDIAN LEASES**

**Legal Authority:** 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 25 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 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:** Because royalty payments are a major source of income to many Indian allottees, and the only source in some instances, it has been a longstanding Department of the Interior policy that overpayments made by lessees and other royalty payors to Indians cannot be recovered by refund. This policy was established to prevent an undue financial burden on Indian allottees who may have limited financial means to refund the overpayment. However, the adopted policy permits lessees and payors to recoup overpayments as a credit against future rental or royalty accruals due to Indian tribes or allottees. Lessees and operators were instructed to follow this recoupment policy in "Notice to Lessees and Operators of Indian Oil and Gas Leases No. 1A (NTL-1A)," issued by the Conservation Division of U.S. Geological Survey in 1977. The MMS published revised final oil and gas product valuation regulations at 30 CFR Part 206 on January 15, 1988 (53 FR 1184 and 53 FR 1230), effective March 1, 1988. Section 206.150(e)(2) of the revised regulations terminated NTL-1A. Although the Indian lease overpayment recoupment policy has been the same for many years, MMS believes that its (cont)

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1282. 

**REVISION OF ROYALTY VALUATION REGULATIONS GOVERNING GAS SALES UNDER PERCENTAGE-OF-PROCEEDS CONTRACTS**

**Significance:** Regulatory Program

**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; 30 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 Minerals Management Service (MMS) published final revised regulations governing the valuation of gas from Federal leases onshore and on the Outer Continental Shelf and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1230). The proposed gas valuation provisions of section 206.153, in part, govern the determination of value in situations where the lessee's contract for the sale of gas prior to processing provides for the value to be determined based upon a percentage of the purchases proceeds resulting from processing the gas. However, the inclusion of these percentages-of-proceeds contracts under section 206.153 has created unreasonable burdens on lessees. Consequently, MMS is proposing to amend its regulations to provide for the valuation of gas under percentage-of-proceeds contracts to be under the unprocessed gas valuation standards of section 206.152, rather than section 206.153.
### 1283. Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Safety and Pollution-Prevention Equipment

**Legal Authority:** 43 USC 1334

**CFR Citation:** 30 CFR 250.1; 30 CFR 250.126

**Legal Deadline:** None

**Abstract:** The rules at 30 CFR 250.126 on the manufacture of safety and pollution-prevention equipment (i.e., surface and subsurface safety valves) are being amended. The amendment would update the American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) SPPE-1 standard from the 1985 edition to the 1986 edition and allow compliance with either the updated version of the ANSI/ASME SPPE-1 quality assurance (QA) program (1986 edition) or the proposed American Petroleum Institute (API) QA program (API Spec Q1 in combination with API Specs 14A and 14b). Other alternatives considered were not to amend the rule and to continue using ANSI/ASME SPPE-1 as the only type of certification for the QA program. The costs to lessees under the API program or the updated ANSI/ASME SPPE-1 program are not expected to be significantly different than the costs under the current program. If there is any cost difference, it is expected to be a reduction in cost since the use of the API program is an option to the use of the ANSI/ASME SPPE-1 program. Lessees would not be expected to choose the use of the more expensive of the approved QA programs.

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**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

**RIN:** 1010-AB17

### 1284. Geothermal Resources Used to Generate Electricity, Product Valuation for Royalty Purposes

**Significance:** Regulatory Program

**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 1031 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:** Existing regulations governing the valuation of geothermal resources provide insufficient guidance for the valuation of geothermal resources utilized to generate electricity in a lessee-owned power plant. Consequently, the Minerals Management Service has issued a report entitled "Valuation of Federal Geothermal Resources-Electrical Generation" which describes a "geothermal netback procedure" to value these "no sales" resources. An amendment is needed to the existing regulations to provide regulatory guidance after receipt and consideration of comments from the public to the existing geothermal netback procedure.

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**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

**RIN:** 1010-AB19

### 1285. Limitation of the Director's Authority for Discretionary Release of Postlease Proprietary Data and Information

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

**CFR Citation:** 30 CFR 250.18

**Legal Deadline:** None

**Abstract:** Amendments to the regulations providing for the discretionary release of postlease proprietary data and information will be proposed. The amendments would limit the discretion of the MMS Director to release such data and information by defining more precisely the circumstances under which such releases may be authorized and to whom the data and information may be shown. The alternative to the proposed amendment is the case-by-case determination of whether to release such proprietary data and information based on the existing less specific discretionary authority of the Director. This alternative leaves some degree of uncertainty to the lessee concerning the circumstances under which releases will be authorized, and possible changes in policy.

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**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

**RIN:** 1010-AB22
1286. REVISON OF REGULATIONS GOVERNING INTEREST RATE APPLICABLE TO LATE PAYMENTS AND UNDERPAYMENTS

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 1901 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Existing regulations at 30 CFR 218.54, 218.55, and 218.103 govern the rate of interest to be charged on underpayments or late payments of royalty by lessees and other royalty payors, and the rate of interest to be paid on late disbursements of an Indian Tribe's or Allottee's royalty or a State's share of royalty revenues. These regulations reference section 6621 of the Internal Revenue Code of 1954 for the applicable interest rate in each situation. However, section 6621 was amended by the Tax Reform Act of 1986 to provide for a different interest rate for overpayments and for underpayments. A rule amendment is required to clarify an ambiguity in the existing regulations, created by the amendment to section 6621, as to which of two different rates would apply.

Timetable:

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Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB32

1287. APPEALS PROCEDURES

Legal Authority: 43 USC 1334; 30 USC 1751

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

1288. NONDISCRIMINATION IN EMPLOYMENT IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1863; 43 USC 1331 et seq; 42 USC 2000d to 2000e

CFR Citation: 30 CFR 271

Legal Deadline: None

Abstract: There are no provisions in current Minerals Management Service regulations which provide a mechanism for remedy of unlawful discrimination in Outer Continental Shelf (OCS) employment. Rules would be developed to provide a process whereby persons who believed they had been denied employment because of unlawful discrimination would have a forum. These rules would implement the purposes of section 604 of the OCS Lands Act Amendment of 1978. Alternatives considered are no action, issuance of a policy statement and no rules, and proposal of extensive affirmative action rules similar to those resided in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, costs are expected to be minimal. Benefits would be the assurance that the requirements of section 604 are being fully carried out.

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Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 662, 381 Eiden Street, Herndon, VA 22070, 703 787-1614

RIN: 1010-AB87

1989. AIR QUALITY — OUTER CONTINENTAL SHELF WIDE

Significance: Regulatory Program

Legal Authority: 30 USC 1334

CFR Citation: 30 CFR 250.44; 30 CFR 250.45; 30 CFR 250.46; 30 CFR 250.57

Legal Deadline: None

Abstract: Amendments to the Department of the Interior (DOI) Air Quality regulation for oil and gas operations will be proposed for all Outer Continental Shelf (OCS) areas. The changes would update requirements and consider the need for
Government Levels Affected: Undetermined
Agency Contact: William B. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mall Stop 646, 381 Elyton Street, Herndon, VA 22070, 703-787-1610
RIN: 1010-AB14

1250. AMENDMENT TO 30 CFR 250.4 AND 250.34(J) TO ADD GUIDELINES FOR THE ACCEPTANCE OF CONTRIBUTIONS FOR MISSION ACTIVITIES SUCH AS THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS
Legal Authority: 43 USC 1334
CFR Citation: 30 CFR 250.4; 30 CFR 250.34(j)
Legal Deadline: None
Abstract: The Minerals Management Service (MMS) proposes to amend 30 CFR 250.4 and 250.34(j) to implement the authority provided in the Fiscal Year 1987 Department of the Interior Appropriation Act to facilitate preparation of Environmental Impact Statements associated with the approval of certain Development and Production Plans. The alternative of prescribing specific procedures for use of such funds would not allow the flexibility to respond when use of contractors and private contributions is the most sensible approach. There may be increased cost to some lessees; however, these costs represent a voluntary users fee comparable to the users fee provided in the Independent Offices Appropriation Act of 1952, as amended. No increase in cost or prices would result for any other entity.

**Timetable:**

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Small Entities Affected: Undetermined

**DEPARTMENT OF THE INTERIOR (DOI)**
Office of Surface Mining Reclamation and Enforcement (OSMRE)

1291. SURFACE COAL MINING AND RECLAMATION OPERATIONS; TWO ACRE EXEMPTION REPEAL
Legal Authority: 30 USC 1201 et seq; PL 100-34
CFR Citation: 30 CFR 700.11; 30 CFR 870.11
Legal Deadline: None

Abstract: Section 528(2) of the Surface Mining Control and Reclamation Act of 1977, exempted from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." On May 7, 1987, the President signed PL 100-34 which repealed the exemption. The rule action would remove the exemption provision from the regulations at 30 CFR 700 and 30 CFR 870.

**Timetable:**

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Small Entities Affected: Undetermined

Government Levels Affected: State, Federal
Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1931 Constitution Ave., NW, Washington, DC 20240, 202-343-3351
RIN: 1029-AB16

1292. ASSESSMENT CONFERENCE SCHEDULING
Legal Authority: 30 USC 1201 et seq; PL 100-34
CFR Citation: 30 CFR 843; 30 CFR 845
Legal Deadline: None

Abstract: The rule would eliminate some procedural inconsistencies remaining from previous 30 CFR 843 and 845 rulemakings. In particular, the rules would allow for a more efficient and practical time frame for scheduling assessment conferences. OSMRE is undertaking this action in response to suggestions from the Interior Department's Office of the Solicitor and from OSMRE personnel involved in administering the existing 30 CFR Parts 843 and 845 requirements.

**Timetable:**

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Small Entities Affected: Undetermined

Government Levels Affected: State, Federal