



United States Department of the Interior



MINERALS MANAGEMENT SERVICE
WASHINGTON, DC 20240

AUG 3 1993

Dear Royalty Payor or Reporter:

The Minerals Management Service (MMS) has recently completed a thorough review of its administrative appeal process as provided for in 30 CFR 290 (1992). In conducting our review, we sought the comments and recommendations from our constituents, industry, States and tribes, and from our own staff on ways to improve the process. We are pleased to announce that the MMS has identified a number of improvements to the appeals process which will be implemented in the coming weeks. Each change is briefly summarized below.

1. Filing Statements of Reasons (SOR).

When MMS issues an Order to Pay (Bill for Collection) or an Order to Perform to the reporter, the language in the order will inform the reporter that in the event the order is timely appealed, the SOR providing the appellant's argument for reversing or modifying the order will be due within 60 days of the receipt date of the order. However, in response to industry requests, for certain complex issue appeals mainly from audit offices, appellants will now have 90 days from the receipt date of the order to supply any SOR. (Before this change, appellants had only 60 days to file SORs, but extensions were common).

Time extensions to these filing periods will not be permitted unless requested in writing by the appellant, with justification showing good cause for the time extension, and submitted to the designated Deputy Associate Director, at the address shown on the order. We expect that delays in processing the appeal for lack of information will be significantly reduced by this change.

2. MMS Field Reports

When the responsible MMS office completes the field report after an appeal is filed, the report will be sent simultaneously to the MMS Appeals and Litigation Support Division and to the appellant. (Currently, field reports are sent out later in the process by the Appeals and Litigation Support Division). MMS will consider any response to the field report provided by the appellant if it is received by MMS at the appropriate address within 21 days of the date of the letter transmitting the field report to the appellant. This accelerated process of information sharing will more quickly clarify the factual record and reduce the time needed to process the appeal.

3. Time Frames for MMS.

MMS has established internal time frames for each phase of the appeals process. Starting with the preparation of the field report and progressing through the issuance of the final decision, each step of the process will be monitored to eliminate unnecessary delay. Because of the current appeals workload, however, it may take some time to see the full benefit of these improvements.

4. MMS Appeals Tracking System.


A new common MMS appeals tracking system is being established that will consolidate the various systems currently being used throughout MMS to record and monitor appeals cases. Starting when the appeal is filed by the appellant, a docket number will be assigned to the case and entered into an automated tracking system. We expect that this system will allow MMS to be more responsive to an appellant's requests on the status of an appeal.

5. MMS Appeals Coordinator.

An appeals coordinator is being designated in each MMS operating division along with select members of the State and Tribal Royalty Audit Committee to facilitate inquiries by the appellant. The coordinator will be identified in the acknowledgment letter to the appellant upon receipt of the appeal. More effective communication and follow up on the appeal status will result because of the designated MMS contact point for appeal inquiries.

As we implement these recommendations in the near term, we will continue to seek ways to further improve the appeals process over the long term. We already have received many suggestions that merit further consideration, and we welcome any suggestions you may have. Most of these near term initiatives are in the process of implementation and will take effect on September 1, 1993. We ask for your continued support as we endeavor to streamline government and improve the MMS administrative appeals process.

Sincerely,


Lucy R. Querques
Associate Director for Policy
and Management Improvement