

List of Subjects in 40 CFR Part 281

Environmental protection,
Administrative practice and procedure,
Hazardous materials, State program
approval, Underground storage tanks.

Authority: This notice is issued under the authority of sections 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6974(b), and 6991(c).

Dated: March 1, 1995.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 95-5657 Filed 3-7-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Part 2720**

RIN 1004-AB86

[WO-690-02-4120-24 1A; Circular No. 2658]

Conveyance of Federally-Owned Mineral Interests

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends 43 CFR part 2720 in order to streamline and clarify the procedures for conveying Federally-owned mineral interests to the owner of the surface estate overlying the mineral interests. Section 209 of the Federal Land Policy and Management Act (FLPMA) allows such conveyances when there are no known mineral values present, or when the reservation of the mineral rights is interfering with or precluding appropriate nonmineral development of the land that would be more beneficial than mineral development. The rule is necessary because the wording of the existing regulation has caused considerable confusion on the part of both the public and public land managers, and has been interpreted to require expensive mineral surveys in many cases where such surveys were unnecessary. The final rule will simplify the conveyance of Federally-owned mineral interests.

EFFECTIVE DATE: April 7, 1995.

ADDRESSES: Suggestions or inquiries should be sent to: Director (690), Bureau of Land Management, 1849 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Clyde Topping, (202) 452-0380.

SUPPLEMENTARY INFORMATION: Five sections of subpart 2720 are amended in this final rule. The amendments in two

of these sections are substantive and are designed to meet the objectives stated above in the Summary, and are explained below in the discussion of the comments received on the rule. The remaining three sections—sections 2720.0-6, 2720.1-3, and 2720.3—contain minor clarifications and corrections in language that were explained in the preamble to the proposed rule published in the **Federal Register** on September 28, 1993 (58 FR 50536). The rule allowed 60 days for public comment. During this public comment period, 1 public comment was received.

The comment basically supported the rule. It also asked for a reaffirmation of BLM's policy regarding exchanges involving surface and mineral rights, which allows both parties to an exchange to reserve mineral rights or to convey other mineral rights in order to keep the exchange balanced. This final rule has no effect on this BLM policy.

The statute that is implemented in these regulations allows conveyance of the mineral rights when the Secretary of the Interior finds that there are no known mineral values or that the mineral reservation is interfering with or precluding appropriate nonmineral development that is more beneficial than mineral development. It requires payment of administrative costs and the current fair market value of the minerals conveyed. It does not require the retention of non-valuable minerals in Federal ownership where there is a beneficial use of the surface with which mineral development would interfere. If the Secretary finds that mineral development in a particular case may be more beneficial than the surface use planned by the non-Federal owner, the conveyance would not be allowed.

The definition of "known mineral value" has been amended in the final rule to make it clear that mineral values will be determined in light of the current market, and to refer to lands containing mineral formations rather than to lands with underlying formations.

Minor changes in style have been made in the regulatory text to improve clarity and readability.

The principal author of this final rule is Clyde Topping of the Biotic and Landscape Resource Team, assisted by the Regulatory Management Team, BLM.

It is hereby determined that this final rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C.

4332(2)(C)) is required. The BLM has determined that this final rule is categorically excluded from further environmental review. Under the Council on Environmental Quality regulations (40 CFR 1508.4) and environmental policies and procedures of the Department of the Interior, "categorical exclusions" means a category of actions that do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required. The BLM has made this determination under 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10, which includes "regulations * * * the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case," because the environmental effects of the transactions covered by this rule (a great variety of possible proposed uses of non-Federal surface) are entirely speculative and conjectural, and the transactions covered by the regulations will be subject to the NEPA process on a case-by-case basis as they are proposed. The BLM further determined that the rule will not trigger any of the 10 exceptions disallowing categorical exclusions listed in 516 DM 2, Appendix 2. These 10 exceptions apply to individual actions, not broad regulations covering a multitude of possible individual actions.

This rule was not subject to review by the Office of Management and Budget under Executive Order 12866.

The Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the final rule will not have a significant economic impact on a substantial number of small entities. The rule, by clarifying provisions that have been misinterpreted in the past, obviates unneeded and expensive mineral exploration programs to prove the market value of reserved mineral rights that are not valuable in the market sense. The rule imposes no costs, and makes the regulatory process less cumbersome.

The Department certifies that this final rule does not represent a governmental action capable of interference with constitutionally protected property rights. The rule does not require the taking of any property rights. Therefore, as required by Executive Order 12630, the Department

of the Interior has determined that the rule will not cause a taking of private property.

The information collection requirements contained in part 2720 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1004-0153.

The Department has certified to the Office of Management and Budget that this rule meets the applicable standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

List of Subjects in 43 CFR Part 2720

Administrative practice and procedure, Public lands-mineral resources, Public lands-sale.

Dated: March 2, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

For the reasons stated in the preamble, and under the authorities stated below, part 2720 of Group 2700, Subchapter B, Chapter II, Title 43 of the Code of Federal Regulations is amended as follows:

PART 2720—CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS

Subpart 2720—Conveyance of Federally-Owned Mineral Interests

1. The authority citation for part 2720 is revised to read as follows:

Authority: 43 U.S.C. 1719 and 1740.

2. Section 2720.0-5(b) is revised to read as follows:

§ 2720.0-5 Definitions.

* * * * *

(b) *Known mineral values* means mineral rights in lands containing geologic formations that are valuable in the monetary sense for exploring, developing, or producing natural mineral deposits. The presence of such mineral deposits with potential for mineral development may be known because of previous exploration, or may be inferred based on geologic information.

* * * * *

3. Section 2720.0-6 is amended by revising the first sentence thereof to read as follows:

§ 2720.0-6 Policy.

As required by the Federal Land Policy and Management Act, the Bureau of Land Management may convey a federally owned mineral interest only when the authorized officer determines that it has no known mineral value, or that the mineral reservation is

interfering with or precluding appropriate nonmineral development of the lands and that nonmineral development is a more beneficial use than mineral development. * * *

4. Section 2720.0-9 is added to read as follows:

§ 2720.0-9 Information collection.

(a) The Office of Management and Budget has approved under 44 U.S.C. 3507 the information collection requirements contained in part 2720 and assigned clearance number 1004-0153. The Bureau of Land Management is collecting the information to permit the authorized officer to determine whether the Bureau of Land Management should dispose of Federally-owned mineral interests. The Bureau of Land Management will use the information collected to make these determinations. A response is required to obtain a benefit.

(b) The Bureau of Land Management estimates the public reporting burden for this information to average 8 hours per response, including the time for reviewing regulations, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer (783), Bureau of Land Management, Washington, D.C. 20240, and the Office of Management and Budget, Paperwork Reduction Project, 1004-0153, Washington, D.C. 20503.

5. Section 2720.1-3 is amended by revising the concluding text of paragraph (b) to read as follows:

§ 2720.1-3 Action on application.

* * * * *

(b) * * *

The authorized officer, in reaching a determination as to whether there are any known mineral values in the land and, if so, the estimated costs of an exploratory program, if one is needed, will rely upon reports on minerals prepared by or reviewed and approved by the Bureau of Land Management.

* * * * *

6. Section 2720.2 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 2720.2 Determination that an exploratory program is not required.

(a) * * *

(b) The authorized officer will not require an exploratory program to ascertain the presence of mineral values

where the authorized officer determines that a reasonable person would not make exploration expenditures with expectations of deriving economic gain from the mineral production.

(c) The authorized officer will not require an exploratory program if the authorized officer determines that, for the mineral interests covered by the application, sufficient information is available to determine their fair market value.

7. Section 2720.3 is amended by revising the fourth sentence of paragraph (a), and paragraph (b) in its entirety, to read as follows:

§ 2720.3 Action upon determination of the fair market value of the mineral interests.

(a) * * * The notice must require the applicant to pay both the fair market value of the Federal mineral interests and the remaining administrative costs owed within 90 days after the date the authorized officer mails the notice.

* * * * *

(b) The Bureau of Land Management will convey mineral rights on lands for which this part does not require an exploratory program upon payment by the applicant of fair market value for those mineral interests and all administrative costs of processing the application to acquire the mineral rights.

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OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Chapter 99

Cost Accounting Standards Board; Interim Interpretation 95-01, Allocation of Contractor Restructuring Costs Under Defense Contracts

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Interpretation.

SUMMARY: The Cost Accounting Standards Board is issuing an interim interpretation designed to address period cost assignment and allocability criteria for restructuring costs incurred under certain national defense contracts.

DATES: *Effective Date:* August 15, 1994. Comments on this interim interpretation must be in writing and must be received by May 8, 1995.

ADDRESSES: Comments upon this interim interpretation should be