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**Authority:** 42 U.S.C. 7401-7671q.

Dated: June 7, 1995.

**Valdas V. Adamkus,**  
*Regional Administrator.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 3150

[WO-610-4110-02 1A]

RIN 1004-AC25

#### Onshore Oil and Gas Geophysical Exploration

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Bureau of Land Management gives notice of its intention to propose a rule to: Impose a fee to recover costs incurred for processing notices of intent to conduct onshore oil and gas geophysical exploration; and establish guidelines for charging fair market value for the use of Federal lands during onshore oil and gas geophysical exploration operations. The purpose of this notice is to solicit comments to help guide preparation of the proposed rule.

**DATES:** Comments on the advance notice of proposed rulemaking must be received by August 21, 1995. Comments postmarked after this date may not be considered in the preparation of the proposed rule.

**ADDRESSES:** Comments should be sent to: Director (140), Bureau of Land Management, Room 5555, 1849 C Street, N.W., Washington, D.C. 20240. Comments can also be sent to WO140@attmail.com. Please include "attn: AC25" and your name and return address in your internet message. Comments will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Erick Kaarlela, Leader, Compliance Team, Bureau of Land Management, (202) 452-0340.

**SUPPLEMENTARY INFORMATION:** The rule will be proposed based on recommendations by the Office of the Inspector General (OIG) for the Department of the Interior. The OIG recommended that the Bureau of Land

Management: (1) impose a \$500 fee to recover the costs of processing a notice of intent to conduct oil and gas geophysical exploration operations; and (2) establish and implement procedures for charging operators fair market value for use of Federal lands during onshore oil and gas geophysical exploration and seismic surveys.

Office of Management and Budget Circular No. A-25, as amended and supplemented, requires agencies to establish user charges based on sound management principles and, to the extent feasible, in accordance with commercial practices. The charges need not be limited to the recovery of costs; they may also produce net revenues to the Federal Government. The Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1701 *et seq.*) reaffirmed long-standing Congressional support of fair market value as a basis for fees. Section 102(a) of FLPMA (43 U.S.C. 1701(a)) states that it is the policy of the United States that the United States must receive fair market value for the use of the public lands and their resources unless otherwise provided for by statute. Section 304 of FLPMA (43 U.S.C. 1734) authorizes the Secretary to establish reasonable filing and service fees and reasonable charges.

This advance notice of proposed rulemaking presents only a general description of the actions being considered and includes no regulatory text.

The Bureau of Land Management currently charges no filing fee for notices of intent (NOI) for oil and gas geophysical exploration for lands outside of Alaska. Other Federal agencies, including the Forest Service, the Fish and Wildlife Service, and the Bureau of Indian Affairs, issue permits and charge fees for oil and gas geophysical exploration. Additionally, several State governments charge fees for geophysical exploration. Research has shown that BLM incurs costs per case estimated to range from \$450 to \$1,500 in processing and monitoring each NOI.

Most agencies base charges for conducting geophysical surveys on line miles of the seismic survey. However, some agencies use the number of shot holes or other criteria to calculate the charge and/or fee. Charges range from nothing up to about \$1,000 per line mile, with the average being a few hundred dollars per line mile.

In publishing this advance notice of intent to propose rulemaking, the Bureau of Land Management requests information and public comments on:

a. The effect of charging a \$500 fee to recover the cost of processing a notice

of intent to conduct onshore oil and gas geophysical exploration operations.

b. The effect of an additional charge for the use of the surface of Federal lands while conducting oil and gas geophysical surveys. (The additional charge would not apply to a Federal lessee conducting such activities on its own leases.)

c. The most appropriate method of determining the additional charge for surface use, including the following possibilities:

1. Whether the surface use charge should be based on a flat rate of \$200 per seismic line mile or fraction thereof;

2. Whether the surface use charge should be based on the size of the area affected by the survey, e.g., \$800 per section or square mile involved.

3. Whether the surface use charge options in 1. and 2., above, should be higher for those seismic methods involving more extensive surface disturbance.

The public is invited to raise any additional issues of concern related to the proposed processing fee and surface use charges for geophysical exploration operations, including any other factors that should be considered in determining the reasonableness of the proposed fee and charge.

The principal author of this advance notice of proposed rulemaking is Gloria Jean Austin of the of Fluids Group, Compliance Team, assisted by the staff of the Regulatory Management Team, Bureau of Land Management.

Dated: June 13, 1995.

**Sylvia V. Baca,**

*Acting Assistant Secretary of the Interior.*

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**48 CFR Parts 4, 12, 14, 15, 16, 31, 33, 36, 45, 46, 49, 52, and 53**

[FAR Case 94-721]

RIN 9000-AG30

#### Federal Acquisition Regulation; Truth in Negotiations Act and Related Changes

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).