DEPARTMENT OF THE INTERIOR
Internal Revenue Service
26 CFR Part 1
[REG–106004–98]
RIN 1010–AC59
Workshop on Valuation of Federal Geothermal Resources
AGENCY: Minerals Management Service, Interior.
ACTION: Notice of public workshop.
SUMMARY: The Minerals Management Service (MMS) will hold a public workshop on valuing Federal geothermal resources in preparation for proposing amendments to its current royalty valuation rules. The purpose of the workshop is to provide an open forum for discussion of methods to value geothermal resources that are not subject to sales transactions (that is, the “no sales” resources). MMS announced its intent to amend the current valuation rules in the Federal Register on August 19, 1999 (Advance Notice of Proposed Rulemaking, 64 FR 45213).
DATES: The workshop will be held on October 7, 1999, beginning at 8:30 a.m. and ending by 5:00 p.m., Pacific Time.
ADDRESSES: The workshop will be held at the Holiday Inn Capitol Plaza, 300 J Street, Sacramento, California 95814; telephone (916) 446–0100.
FOR FURTHER INFORMATION CONTACT: Guy Traynor, Director, Rims Management.
SUPPLEMENTARY INFORMATION: The workshop is open to the public to discuss alternative methods of valuing, for royalty purposes, those Federal geothermal resources that are not subject to sales transactions, the so-called “no sales” resources. The workshop is being held in conjunction with MMS’s advance notice of proposed rulemaking, which was published in the Federal Register on August 19, 1999 (64 FR 45213), announcing our intent to amend the current Federal geothermal valuation regulations in 30 CFR part 206.

We are specifically seeking dialogue on alternatives to the netback procedure currently used to value “no sales” electrical generation resources. In the Federal Register notice, we offered three alternatives as a starting point for discussion: (1) Modification of the existing netback valuation procedure, (2) a “rate-of-return” method, and (3) a “percentage-of-revenue” method. In addition to these alternatives, we would like to explore other, new and different valuation methods offered by attendees during the course of the workshop. We are also asking for comments on options to the “alternative fuel” method used to value the “no sales” direct utilization resources. Alternative valuation methods should derive a value for the resource that reflects its market value and should be easy to apply and readily verifiable.

We encourage a workshop atmosphere where attendees can openly discuss alternative valuation methods. Please bring any written descriptions of alternative methods to share with MMS and other workshop attendees. Because space is limited, attendees should make reservations with Charles Brook at (303) 275–7250 or Shelia Dean at (303) 275–7201. We will post minutes of the workshop on the Internet at http://www.mms.gov.
report of affected areas to the director of the Indiana Department of Natural Resources (IDNR), Indiana intends to revise its program to improve operational efficiency. This document gives the times and locations that the Indiana program and amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments until 4:00 p.m., e.s.t., October 15, 1999. If requested, we will hold a public hearing on the amendment on October 12, 1999. We will accept requests to speak at the hearing until 4:00 p.m., e.s.t. on September 30, 1999.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Andrew R. Gilmore, Director, Indianapolis Field Office, at the address listed below.

You may review copies of the Indiana program, the amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM’s Indianapolis Field Office.

Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204, Telephone: (317) 226-6700.

Indiana Department of Natural Resources, Bureau of Mine Reclamation, 402 West Washington Street, Room W–295, Indianapolis, Indiana 46204, Telephone: (317) 232-1291.

Indiana Department of Natural Resources, Division of Reclamation, R.R. 2, Box 129, Jasonville, Indiana 47438-9517, Telephone: (812) 665-2207.


SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. You can find background information on the Indiana program, including the Secretary’s findings, the disposition of comments, and the conditions of approval in the July 26, 1982, Federal Register (47 FR 32107). You can find later actions on the Indiana program at 30 CFR 914.10, 914.15, 914.16, and 914.17.

II. Description of the Proposed Amendment

By letter dated August 31, 1999 (Administrative Record No. IND–1668), Indiana sent us an amendment to its program under SMCRA. Indiana sent the amendment at its own initiative. Indiana proposes to amend the Indiana Administrative Code (IAC) by adding 310 IAC 12–5–159. Below is a summary of the new section proposed by Indiana. The full text of the proposed program amendment is available for your inspection at the locations listed above under ADDRESSES.

310 IAC 12–5–159 Annual Report

Indiana proposes the following definition of “mined land” at subsection (a):

As used in this section, “mined land” means the following:

(1) Land from which coal has been extracted.

(2) Land from which overburden has been removed.

(3) Land upon which soil has been deposited to facilitate surface coal mining activities. Mined land does not include land where only auger mining has occurred as reported in subsection (c)(3)(D).

Indiana proposes to define “surface disturbed land” at subsection (b). As used in 310 IAC 12–5–159, “surface disturbed land” means land, other than mined land, that is disturbed by surface coal mining and reclamation operations. It includes areas where only topsoil is removed. Various examples of surface disturbed land are listed. When the surface disturbance will be reaffected by future overburden removal or deposition, the permittee need not report surface disturbed land in advance of the highwall.

At subsection (c), permittees must submit an annual report of affected areas for each permit for surface coal mining and reclamation operations. The reporting period is from November 1 through October 31 of each year. The report must be submitted to the Director of IDNR no later than 90 days after October 31 of each year. The report must document the acres affected annually as of October 31 of the reporting year. It must include the name and address of the permittee and, if different from the permittee, the name and address of the person or persons conducting the mining. It must also include the permit number and a summary of acres mined and disturbed during the reporting period. The acreage summary must include acres of mined land, acres of surface disturbed land, total permit acres, and acres of auger mining and highwall mining.

At subsection (d), Indiana requires a dated aerial photograph of the surface coal mining and reclamation operation taken between September 1 and December 31 of the reporting year to be included with the report. The photograph must be of the same scale as the permit maps. The photograph or a certified map must show the location of the permit boundary; acres reported; section, township, and range lines; all public roads within the permit area that are not permanently closed; all areas where coal has been removed by surface, auger, or highwall mining methods; and the highwall face as of November 1 of the reporting year.

At subsection (e), Indiana requires that the last report, after the permittee has completed all mining, include a summary of pre-mining land use acreage for the mined and surface disturbed area when the acres are available on a computer-aided design (CAD) or other digital data format.

At subsection (f), any associated map, whether separate from or created upon the photograph, must be prepared by or under the direction of and certified by a qualified registered professional engineer or certified professional geologist with assistance from experts in related fields such as land surveying or landscape architecture.

At subsection (g), permits issued and land affected before the effective date of 310 IAC 12–5–159 and for which a Report of Affected Area has not been filed, the initial photograph must show all areas disturbed since permit issuance. No distinction between mined land and surface disturbed land is required on the report form, photograph, or map. When available, the extent of auger areas must be shown.

At subsection (h), no report is necessary after the initial report is submitted if no additional acres have been disturbed during the reporting year.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Indiana program.

Written Comments

Our practice is to make comments, including names and home addresses of
respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative record a respondent’s identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include the Administrative Record any comments received after the time indicated under DATES or at locations other than the Indianapolis Field Office.

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include “Attn: SPATS No. IN–146–FOR” and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Indianapolis Field Office at (317) 226–6700.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under FOR FURTHER INFORMATION CONTACT by 4:00 p.m., e.s.t. on September 30, 1999. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodations to attend a public hearing, contact the individual listed under FOR FURTHER INFORMATION CONTACT. The hearing will not be held if no one requests an opportunity to speak at the public hearing.

You should file a written statement at the time you request the hearing. This will allow us to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with us to discuss the amendment, request a meeting by contacting the person listed under FOR FURTHER INFORMATION CONTACT. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under ADDRESSES. We also make a written summary of each meeting a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 et seq.).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 et seq.) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 8, 1999.

Brent Wahlquist,
Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 99–24061 Filed 9–14–99; 8:45 am]
BILLING CODE 4310–05–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

Agency Records Center Rule

AGENCY: National Archives and Records Administration.

ACTION: Initial Regulatory Flexibility Analysis.

SUMMARY: The National Archives and Records Administration (NARA) is publishing this initial regulatory flexibility analysis to aid the public in commenting upon the small business impact of its proposed rule revising and updating the standards that records center storage facilities must meet to store Federal records.

DATES: Written comments must be received at the address shown in the