

**DEPARTMENT OF THE INTERIOR****Minerals Management Service****[Docket No. MMS-2008-MRM-0008]****Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request****AGENCY:** Minerals Management Service (MMS), Interior.**ACTION:** Notice of an extension of a currently approved information collection (OMB Control Number 1010-0122).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to the Office of Management and Budget (OMB) an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR part 243. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements. We changed the title of this ICR to clarify the regulatory language we are covering under 30 CFR part 243. The previous title of this ICR was "30 CFR 243—Suspensions Pending Appeal and Bonding—Minerals Revenue Management (Forms MMS-4435, Administrative Appeal Bond; MMS-4436, Letter of Credit; and MMS-4437, Assignment of Certificate of Deposit)." The new title of this ICR is "30 CFR Part 243—Suspensions Pending Appeal and Bonding—Minerals Revenue Management."

**DATES:** Submit written comments on or before *July 31, 2008*.**ADDRESSES:** Submit written comments by either FAX (202) 395-6566 or e-mail (*OIRA\_Docket@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010-0122).

Please submit copies of your comments to MMS by the following methods:

- Electronically go to <http://www.regulations.gov>. In the "Comment or Submission" column, enter "MMS-2008-MRM-0008" to view supporting and related materials for this ICR. Click on "Send a comment or submission" link to submit public comments. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link. All

comments submitted will be posted to the docket.

- Mail comments to Armand Southall, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. Please reference ICR 1010-0122 in your comments.

- Hand-carry comments or use an overnight courier service. Our courier address is Building 85, Room A-614, Denver Federal Center, West 6th Ave. and Kipling Blvd., Denver, Colorado 80225. Please reference ICR 1010-0122 in your comments.

**FOR FURTHER INFORMATION CONTACT:**

Armand Southall, telephone (303) 231-3221, or e-mail

*armand.southall@mms.gov*. You may also contact Armand Southall to obtain copies, at no cost, of (1) the ICR, (2) any associated forms, and (3) the regulations that require the subject collection of information.**SUPPLEMENTARY INFORMATION:***Title:* 30 CFR Part 243—Suspensions Pending Appeal and Bonding—Minerals Revenue Management.*OMB Control Number:* 1010-0122.*Bureau Form Number:* Forms MMS-4435, MMS-4436, and MMS-4437.

*Abstract:* The Secretary of the United States Department of the Interior (Secretary) is responsible for matters relevant to mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary, under the Mineral Leasing Act of 1920 (30 U.S.C. 1923), Indian Mineral Development Act of 1982 (Pub. L. 97-382—Dec. 22, 1982), and the Outer Continental Shelf Lands Act (43 U.S.C. 1353), is responsible for managing the production of minerals from Federal and Indian lands and the OCS, collecting royalties and other mineral revenues from lessees who produce minerals, and distributing the funds collected in accordance with applicable laws. The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. The MMS performs the mineral revenue management functions for the Secretary and assists the Secretary in carrying out the Department's trust responsibility for Indian lands. Public laws pertaining to mineral revenues are on our Web site at [http://www.mrm.mms.gov/Laws\\_R\\_D/PublicLawsAMR.htm](http://www.mrm.mms.gov/Laws_R_D/PublicLawsAMR.htm).

Regulations at 30 CFR 243 govern the suspension of orders or decisions pending administrative appeal for Federal and Indian leases. These regulations require the submission of information demonstrating financial

solvency by the person who represents the appellant, requesting a suspension without the need to provide a surety. For Federal leases, the RSFA Section 4(l), "Stay of Payment Obligation Pending Review," requires MMS to evaluate any person, ordered by the Secretary or a delegated state to pay any obligation (other than an assessment) subject to RSFA, to determine whether that person is entitled to a stay of the order without bond or other surety instrument, pending an administrative or judicial proceeding, based on the financial solvency of that person. For those appellants who are not financially solvent or for appeals involving Indian leases, MMS requires that a surety instrument be posted to secure the financial interest of the public and Indian lessors during the entire administrative or judicial appeal process. This information collection request covers the burden hours associated with appellants submitting financial statements or surety instruments, subject to annual audit, required to stay an MMS order.

Minerals produced from Federal and Indian leases vary greatly in the nature of occurrence, production, and processing methods. When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share in an amount or value of production from the leased lands. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling such minerals. The information collected includes data necessary to ensure that the royalties are accurately valued and appropriately paid.

Proprietary information submitted to MMS under this collection is protected, and no items of a sensitive nature are collected. A response is voluntary and required to obtain the benefit of suspending compliance of an order pending appeal.

**Stay of Payment Pending Appeal**

Title 30 CFR 243.1 states that lessees or recipients of MMS Minerals Revenue Management (MRM) orders may suspend compliance with an order if they appeal in accordance with 30 CFR Part 290, Subpart B—Minerals Revenue Management Appeal Procedures. Pending appeal, MMS suspends the payment requirement if the appellant submits a formal agreement of payment

in case of default, such as a bond or other surety, or demonstrates financial solvency. The MMS accepts the following surety types: Form MMS-4435, Administrative Appeal Bond; Form MMS-4436, Letter of Credit; Form MMS-4437, Assignment of Certificate of Deposit; Self-bonding; and U.S. Treasury Securities.

When one of the surety types is selected and put in place, appellants must maintain the surety until completion of the appeal. If the appeal is decided in favor of the appellant, MMS returns the surety to the appellant. If the appeal is decided in favor of MMS, then MMS will take action to collect full royalty payment or draw down on the surety. The MMS draws down on a surety if the appellant fails to comply with requirements relating to amount due, timeframe, or surety submission or resubmission. Whenever MMS must draw down on a surety, MMS must draw down the total amount due, which is defined as unpaid principal plus the interest accrued to the projected receipt date of the surety payment. Appellants may refer to the Surety Instrument Posting Instructions for each of the five surety types to submit the respective information. These instructions for the five surety types discussed below can also be found at <http://www.mrm.mms.gov/ReportingServices/PDFDocs/SuretyInst.pdf>.

#### Forms and Other Surety Types

##### *Form MMS-4435, Administrative Appeal Bond*

Appellants may file Form MMS-4435, Administrative Appeal Bond, which MMS uses to secure the financial interests of the public and Indian lessors during the entire administrative and judicial appeal process. Under 30 CFR 243.4, appellants are required to submit their contact and surety amount information on the bond to obtain the benefit of suspension of an obligation to comply with an order. The bond must be issued by a qualified surety company that is approved by the Department of the Treasury (see Department of the Treasury Circular No. 570, revised periodically in the **Federal Register**). The Associate Director for MRM (Associate Director) or the MRM-delegated bond-approving officer (officer) maintains these bonds in a secure facility. Once the appeal has concluded, MMS may release and return the bond to the appellant or collect royalty payment on the bond. If collection is necessary for a remaining royalty payment balance, MMS will issue a demand for payment to the

surety company with a notice to the appellant. The MMS will also include all interest accrued on the affected bill.

##### *Form MMS-4436, Letter of Credit*

Appellants may choose to file Form MMS-4436, Letter of Credit, with no modifications. Requirements of 30 CFR 243.4 continue to apply. The Associate Director or officer maintains the Letter of Credit (LOC) in a secure facility. A bank must notarize and issue the LOC for appellants in which the bank has a minimum Fitch rating of "C" for an LOC of less than \$1 million, "B/C" for an LOC between \$1 million and \$10 million, or "B" for an LOC over \$10 million. The LOC must have a minimum coverage period of 1 year and be automatically renewable for up to 5 years.

The appellant is responsible for verifying that the bank provides a current rating to MMS. If the issuing bank's rating falls below the minimum acceptable level, a satisfactory replacement surety must be submitted within 14 days, or MMS will draw down the existing LOC. If the bank issuing the LOC chooses not to renew the existing LOC, it must provide MMS with a notice of its decision not to renew 30 days prior to expiration of the LOC. Once the appeal has been concluded, MMS may release and return the LOC to the appellant or collect royalty payment on the LOC. If collection is necessary for a remaining royalty payment balance, MMS will issue a demand for payment, which includes all interest assessed on the affected bill, to the bank with a notice to the appellant.

##### *Form MMS-4437, Assignment of Certificate of Deposit*

Appellants may choose to secure their debts by requesting to use a Certificate of Deposit (CD) from their bank and submitting Form MMS-4437, Assignment of Certificate of Deposit. Requirements of 30 CFR 243.4 continue to apply. Appellants must file the request with MMS prior to the invoice due date. The MMS will accept a book-entry CD that explicitly assigns the CD to the Associate Director. A bank must issue the CD in which the bank has a minimum Fitch rating or is confirmed by a bank with an acceptable rating. The acceptable ratings for a CD are the same as for an LOC. If collection of the CD is necessary for a royalty payment balance, MMS will return unused CD funds to the appellant after total settlement of the appealed issues, including applicable interest charges.

#### *Self-Bonding*

For Federal oil and gas leases, RSFA Section 4(l), as promulgated at 30 CFR 243.201, provides that no surety instrument is required when a person representing the appellant periodically demonstrates, to the satisfaction of MMS, that guarantor or appellant is financially solvent or otherwise able to pay the obligation. Appellants must submit a written request to "self-bond" every time a new appeal is filed. To evaluate the financial solvency and exemption from requirements of appellants to maintain a surety related to an appeal, MMS requires appellants to submit a consolidated balance sheet, subject to annual audit. In some cases, MMS also requires copies of the most recent tax returns—up to 3 years—filed by appellants.

In addition, appellants must annually submit financial statements, subject to annual audit, to support their net worth. The MMS uses the consolidated balance sheet or business information supplied to evaluate the financial solvency of a lessee, designee, or payor seeking a stay of payment obligation pending review. If appellants do not have a consolidated balance sheet documenting their net worth, or if they do not meet the \$300 million net worth requirement, MMS selects a business information or credit reporting service to provide information concerning an appellant's financial solvency. We charge the appellant a \$50 fee each time we need to review data from a business information or credit reporting service. The fee covers our costs in determining an appellant's financial solvency.

#### *U.S. Treasury Securities*

Appellants may choose to secure their debts by requesting to use a U.S. Treasury Security (TS). Appellants must file the letter of request with MMS prior to the invoice due date. The TS must be a U.S. Treasury note or bond with maturity equal to or greater than 1 year. The TS must equal 120 percent of the appealed amount plus 1 year of estimated interest (necessary to protect MMS against interest rate fluctuations). The MMS accepts only a book-entry TS.

#### **Request to OMB**

The MMS is requesting OMB's approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge his/her duties and may also result in loss of royalty payments.

*Frequency:* Annually and on occasion.  
*Estimated Number and Description of Respondents:* 140 Federal/Indian appellants.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: 140 hours.

The following chart shows the estimated annual burden hours by CFR section and paragraph. We have not included in our estimates certain

requirements performed in the normal course of business and considered usual and customary.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR 243	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
<b>Subpart A—General Provisions</b>				
243.4(a)(1) .....	How do I suspend compliance with an order? (a) If you timely appeal an order, and if that order or portion of that order: (1) Requires you to make a payment, and you want to suspend compliance with that order, you must post a bond or other surety instrument or demonstrate financial solvency * * *	1 hour	75 surety instruments (including Forms MMS-4435, MMS-4436, and MMS-4437, or TS).	75
243.6 .....	When must I or another person meet the bonding or financial solvency requirements under this part? If you must meet the bonding or financial solvency requirements under § 243.4(a)(1), or if another person is meeting your bonding or financial solvency requirements, then either you or the other person must post a bond or other surety instrument or demonstrate financial solvency within 60 days after you receive the order or the Notice of Order.	Burden hours covered under § 243.4(a)(1).		
243.7(a) .....	What must a person do when posting a bond or other surety instrument or demonstrating financial solvency on behalf of an appellant? If you assume an appellant's responsibility to post a bond or other surety instrument or demonstrate financial solvency * * * (a) Must notify MMS in writing * * * that you are assuming the appellant's responsibility * * *.	Burden hours covered under § 243.4(a)(1).		
243.8(a)(2) and (b)(2) .....	When will MMS suspend my obligation to comply with an order? (a) <i>Federal leases.</i> * * * (2) If the amount under appeal is \$10,000 or more, MMS will suspend your obligation to comply with that order if you: (i) Submit an MMS-specified surety instrument under subpart B of this part within a time period MMS prescribes; or (ii) Demonstrate financial solvency under subpart C. (b) <i>Indian leases.</i> * * * (2) If the amount under appeal is \$1,000 or more, MMS will suspend your obligation to comply with that order if you submit an MMS-specified surety instrument under subpart B of this part within a time period MMS prescribes.	Burden hours covered under § 243.4(a)(1).		
<b>Subpart B—Bonding Requirements</b>				
243.101(b) .....	How will MMS determine the amount of my bond or other surety instrument? * * * (b) If your appeal is not decided within 1 year from the filing date, you must increase the surety amount to cover additional estimated interest for another 1-year period. You must continue to do this annually * * *.	Burden hours covered under § 243.4(a)(1).		
<b>Subpart C—Financial Solvency Requirements</b>				
243.200(a) and (b) .....	How do I demonstrate financial solvency? (a) To demonstrate financial solvency under this part, you must submit an audited consolidated balance sheet, and, if requested by the MMS bond-approving officer, up to 3 years of tax returns to the MMS, * * *. (b) You must submit an audited consolidated balance sheet annually, and, if requested, additional annual tax returns on the date MMS first determined that you demonstrated financial solvency as long as you have active appeals, or whenever MMS requests. * * *	1 hour	65 self-bonding submissions (demonstration of financial solvency).	65

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR 243	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
243.201(c)(1), (c)(2)(i) and (c)(2)(ii) and 243.201(d)(2).	How will MMS determine if I am financially solvent? * * * (c) If your net worth, minus the amount we would require as surety under subpart B for all orders you have appealed is less than \$300 million, you must submit * * *: (1) A written request asking us to consult a business-information, or credit-reporting service or program to determine your financial solvency; and (2) A nonrefundable \$50 processing fee: (i) You must pay the processing fee * * *; (ii) You must submit the fee with your request * * * and then annually on the date we first determined that you demonstrated financial solvency, as long as you are not able to demonstrate financial solvency * * * and you have active appeals. (d) * * * (2) For us to consider you financially solvent, the business-information or credit-reporting service or program must demonstrate your degree of risk as low to moderate: * * *	Burden hours covered under §§ 243.4(a)(1) and 243.200(a) and (b).		
243.202(c) .....	When will MMS monitor my financial solvency? * * * (c) If our bond-approving officer determines that you are no longer financially solvent, you must post a bond or other MMS-specified surety instrument under subpart B.			
Total Burden .....			140 .....	140

*Estimated Annual Reporting and Recordkeeping “Non-hour” Cost Burden:* There are no additional recordkeeping costs associated with this information collection. However, MMS estimates 15 appellants will pay MMS a \$50 fee to obtain credit data from a business information or credit reporting service as a “non-hour” cost burden over the next three years, or 5 appellants per year, for a total of \$250 per year (5 appellants per year × \$50 = \$250).

*Public Disclosure Statement:* The PRA (44 U.S.C. 3501 *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

*Comments:* Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency “\* \* \* to provide notice \* \* \* and otherwise consult with members of the public and affected agencies concerning each proposed collection of information \* \* \*.” Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the

information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a notice in the **Federal Register** on August 13, 2007 (72 FR 45264), announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. We received no comments in response to the notice.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by July 31, 2008.

*Public Comment Policy:* We will post all comments in response to this notice on our Web site at [http://www.mrm.mms.gov/Laws\\_R\\_D/InfoColl/InfoColCom.htm](http://www.mrm.mms.gov/Laws_R_D/InfoColl/InfoColCom.htm). We will also make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Before including your address, phone number, e-mail address, or other personal identifying

information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

*MMS Information Collection Clearance Officer:* Arlene Bajusz (202) 208-7744.

Date April 24, 2008.

**Richard J. Adamski,**  
*Acting Associate Director for Minerals Revenue Management.*  
 [FR Doc. E8-14894 Filed 6-30-08; 8:45 am]  
**BILLING CODE 4310-MR-P**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**National Register of Historic Places; Notification of Pending Nominations and Related Actions**

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before June 14, 2008. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under