

SUBCHAPTER C—APPEALS

PART 290—APPEAL PROCEDURES

Subpart A—Bureau of Safety and Environmental Enforcement Appeal Procedures

Sec.

- 290.1 What is the purpose of this subpart?
- 290.2 Who may appeal?
- 290.3 What is the time limit for filing an appeal?
- 290.4 How do I file an appeal?
- 290.5 Can I obtain an extension for filing my Notice of Appeal?
- 290.6 Are informal resolutions permitted?
- 290.7 Do I have to comply with the decision or order while my appeal is pending?
- 290.8 How do I exhaust my administrative remedies?

Subpart B [Reserved]

AUTHORITY: 5 U.S.C. 305; 43 U.S.C. 1334.

SOURCE: 76 FR 64462, Oct. 18, 2011, unless otherwise noted.

Subpart A—Bureau of Safety and Environmental Enforcement Appeal Procedures

§ 290.1 What is the purpose of this subpart?

The purpose of this subpart is to explain the procedures for appeals of Bureau of Safety and Environmental Enforcement (BSEE) decisions and orders issued under 30 CFR chapter II.

§ 290.2 Who may appeal?

If you are adversely affected by a BSEE official's final decision or order issued under 30 CFR chapter II, you may appeal that decision or order to the Interior Board of Land Appeals (IBLA). Your appeal must conform with the procedures found in this subpart and 43 CFR part 4, subpart E.

§ 290.3 What is the time limit for filing an appeal?

You must file your appeal within 60 days after you receive BSEE's final decision or order. The 60-day time period applies rather than the time period provided in 43 CFR 4.411(a). A decision or order is received on the date you sign a receipt confirming delivery or, if

there is no receipt, the date otherwise documented.

§ 290.4 How do I file an appeal?

For your appeal to be filed, BSEE must receive all of the following within 60 days after you receive the decision or order:

(a) A written Notice of Appeal together with a copy of the decision or order you are appealing in the office of the BSEE officer that issued the decision or order. You cannot extend the 60-day period for that office to receive your Notice of Appeal;

(b) A nonrefundable processing fee of \$150 paid with the Notice of Appeal; and

(1) You must pay electronically through the Fees for Services page on the BSEE Web site at <http://www.bsee.gov>, and you must include a copy of the *Pay.gov* confirmation receipt page with your Notice of Appeal.

(2) You cannot extend the 60-day period for payment of the processing fee.

(c) If you are appealing a civil penalty assessment, either notification of payment of the penalty or documentation demonstrating satisfaction of the requirements in 30 CFR 250.1409(b). You cannot extend the 60-day period for satisfying this requirement, except as specifically provided in 30 CFR 250.1409(d).

[76 FR 64462, Oct. 18, 2011, as amended at 81 FR 36154, June 6, 2016; 89 FR 89926, Nov. 14, 2024]

§ 290.5 Can I obtain an extension for filing my Notice of Appeal?

You cannot obtain an extension of time to file the Notice of Appeal. See 43 CFR 4.411(c).

§ 290.6 Are informal resolutions permitted?

(a) You may seek informal resolution with the issuing officer's next level supervisor during the 60-day period established in § 290.3.

(b) Nothing in this subpart precludes resolution by settlement of any appeal or matter pending in the administrative process after the 60-day period established in § 290.3.

Safety & Environ'l Enforcement, Interior**§ 291.1****§ 290.7 Do I have to comply with the decision or order while my appeal is pending?**

(a) The decision or order is effective during the 60-day period for filing an appeal under § 290.3 unless:

(1) BSEE notifies you that the decision or order, or some portion of it, is suspended during this period because there is no likelihood of immediate and irreparable harm to human life, the environment, any mineral deposit, or property; or

(2) You post a surety bond under 30 CFR 250.1409 pending the appeal challenging an order to pay a civil penalty.

(b) This section applies rather than 43 CFR 4.21(a) for appeals of BSEE orders.

(c) After you file your appeal, IBLA may grant a stay of a decision or order under 43 CFR 4.21(b); however, a decision or order remains in effect until IBLA grants your request for a stay of the decision or order under appeal.

§ 290.8 How do I exhaust my administrative remedies?

(a) If you receive a decision or order issued under chapter II, subchapter B, you must appeal that decision or order to IBLA under 43 CFR part 4, subpart E to exhaust administrative remedies.

(b) This section does not apply if the Assistant Secretary for Land and Minerals Management or the IBLA makes a decision or order immediately effective notwithstanding an appeal.

Subpart B [Reserved]**PART 291—OPEN AND NON-DISCRIMINATORY ACCESS TO OIL AND GAS PIPELINES UNDER THE OUTER CONTINENTAL SHELF LANDS ACT**

Sec.

- 291.1 What is BSEE's authority to collect information?
- 291.100 What is the purpose of this part?
- 291.101 What definitions apply to this part?
- 291.102 May I call the BSEE Hotline to informally resolve an allegation that open and nondiscriminatory access was denied?
- 291.103 May I use alternative dispute resolution (ADR) to informally resolve an allegation that and nondiscriminatory access was denied?

291.104 Who may file a complaint or a third-party brief?

291.105 What must a complaint contain?

291.106 How do I file a complaint?

291.107 How do I answer a complaint?

291.108 How do I pay the processing fee?

291.109 Can I ask for a fee waiver or a reduced processing fee?

291.110 Who may BSEE require to produce information?

291.111 How does BSEE treat the confidential information I provide?

291.112 What process will BSEE follow in rendering a decision on whether a grantee or transporter has provided open and nondiscriminatory access?

291.113 What actions may BSEE take to remedy denial of open and nondiscriminatory access?

291.114 How do I appeal to the IBLA?

291.115 How do I exhaust administrative remedies?

AUTHORITY: 31 U.S.C. 9701, 43 U.S.C. 1334.

SOURCE: 76 FR 64462, Oct. 18, 2011, unless otherwise noted.

§ 291.1 What is BSEE's authority to collect information?

(a) The Office of Management and Budget (OMB) has approved the information collection requirements in this part under 44 U.S.C. 3501 *et seq.*, and assigned OMB Control Number 1014-0012.

(b) An agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

(c) We use the information collected to determine whether or not the shipper has been denied open and nondiscriminatory access to Outer Continental Shelf (OCS) pipelines as sections of 5(e) and (f) of the OCS Lands Act (OCSLA) require.

(d) Respondents are companies that ship or transport oil and gas production across the OCS. Responses are required to obtain or retain benefits. We will protect information considered proprietary under applicable law.

(e) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166.

[76 FR 64462, Oct. 18, 2011, as amended at 81 FR 36154, June 6, 2016]