

National Park Service, Interior

§9.160

§9.142 Will the NPS adjust my financial assurance?

The Regional Director may require, or you may request, an adjustment to the financial assurance amount because of any circumstance that increases or decreases the estimated costs established under §9.141.

§9.143 When will the NPS release my financial assurance?

We will release your financial assurance within 30 days after the Regional Director:

- (a) Determines that you have met all applicable reclamation operating standards and any additional reclamation requirements that may be included in your operations permit; or
- (b) Accepts a new operator's financial assurance under §9.160(b) or (c).

§9.144 Under what circumstances will the NPS retain my financial assurance?

(a) We will retain all or part of your financial assurance if compliance with your reclamation responsibilities under the approved permit or any provisions of this subpart is incomplete.

(b) In addition, we may also:

- (1) Prohibit you from removing all structures, equipment, or other materials from your area of operations;
- (2) Require you to secure the operations site and take any necessary actions to protect federally owned or administered lands, waters, or resources of System units, visitor uses or experiences, or visitor or employee health and safety; and
- (3) Suspend review of any permit applications you have submitted until the Regional Director determines that all violations of permit provisions or of any provision of this subpart are resolved.
- (4) Seek recovery as provided in §9.141 for all costs of reclamation in excess of the posted financial assurance.

MODIFICATION TO AN OPERATION

§9.150 How can an approved permit be modified?

(a) You may request modification to a temporary access permit or operations permit by providing the Regional Director with written notice de-

scribing the modification and why you think it is needed.

(b) The Regional Director may propose to modify an approved temporary access or operations permit to address changed or unanticipated conditions within your area of operations. You will be notified in writing of the proposed modifications and the justifications therefore, and the time within which you must either notify the Regional Director that you accept the modifications to your permit or explain any concerns you may have

(c) The Regional Director will review requests made under paragraph (a) of this section or responses provided under paragraph (b) of this section applying the approval standards and timeframes at §9.62 or §9.104, respectively. You will be notified in writing of the Regional Director's decision and any revisions approved to the terms of the permit.

CHANGE OF OPERATOR

§9.160 What are my responsibilities if I transfer my operations?

(a) You must notify the Superintendent in writing within 30 calendar days after the date the new owner acquires the rights to conduct operations. Your written notification must include:

- (1) The names and contact information of the person or entity conveying the oil or gas right, and the names and contact information of the person or entity acquiring the oil or gas right;
- (2) The effective date of transfer;
- (3) The description of the rights, assets, and liabilities being transferred and those being reserved by the previous owner; and
- (4) A written acknowledgement from the new owner that the contents of the notification are true and correct.

(b) Until you meet the requirements of this section and the Regional Director provides notice to you that the new operator has complied with §9.161(a) you remain responsible for compliance with your operations permit, and we will retain your financial assurance.

(c) If you were operating without an operations permit, you are subject to §§9.120 through 9.122 and §§9.180 through 9.182 until the new operator