

comment period, and a public comment meeting was held in Elko, Nevada on September 10, 2008. The Final SEIS is published in an abbreviated format, and includes comments on the Draft SEIS and BLM's responses along with resultant changes in the document.

The documents will be available at [http://www.blm.gov/nv/st/en/fo/elko\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/elko_field_office.html), Elko District Office for at least 30-days, after which BLM will issue a Record of Decision on the proposed mine expansion.

(Authority: 43 CFR 3809)

**Kenneth E. Miller,**

*District Manager, Elko.*

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

[Docket No. MMS-2008-MRM-0029]

#### Agency Information Collection Activities: Proposed Collection, Comment Request

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of an extension of a currently approved information collection (OMB Control Number 1010-0103).

**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 parts 202, 206, and 207. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

**DATES:** Submit written comments on or before *April 27, 2009*.

**ADDRESSES:** Submit written comments by either FAX (202) 395-7245 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 1010-0103).

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

- Electronically go to <http://www.regulations.gov>. In the "Comment or Submission" column, enter "MMS-2008-MRM-0029" 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 Hyla Hurst, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. Please reference ICR 1010-0103 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 St., Denver, Colorado 80225. Please reference ICR 1010-0103 in your comments.

**FOR FURTHER INFORMATION CONTACT:** Hyla Hurst, telephone (303) 231-3495, or e-mail [Hyla.Hurst@mms.gov](mailto:Hyla.Hurst@mms.gov). You may also contact Hyla Hurst 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 parts 202, 206, and 207, Indian Oil and Gas Valuation.

*OMB Control Number:* 1010-0103.

*Bureau Form Number:* Forms MMS-4109, MMS-4110, MMS-4295, MMS-4410, and MMS-4411.

*Abstract:* The Secretary of the U.S. Department of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary is required by various laws to manage mineral resource production on Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds in accordance with those laws. Applicable laws pertaining to mineral leases on Federal and Indian lands are posted 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).

The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. The MMS performs the minerals revenue management functions and assists the Secretary in carrying out the Department's trust responsibility for Indian lands.

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 of such minerals. We collect this information to ensure that royalties are accurately valued and appropriately paid.

Information collections covered in this ICR are found at 30 CFR part 202, subparts C and J, which pertain to royalties; part 206, subparts B and E, which govern the valuation of oil and gas produced from leases on Indian lands; and part 207, which pertains to recordkeeping. Indian tribes and individual Indian mineral owners receive all royalties generated from their lands. Determining product valuation is essential to ensure that Indian tribes and individual Indian mineral owners receive payment on the full value of the minerals removed from their lands. Failure to collect the data described in this information collection could result in the undervaluation of leased minerals on Indian lands. All data reported is subject to subsequent audit and adjustment.

#### Indian Oil

Regulations at 30 CFR part 206, subpart B, govern the valuation for royalty purposes of all oil produced from Indian oil and gas leases (tribal and allotted), except leases on the Osage Indian Reservation, and must be consistent with mineral leasing laws, other applicable laws, and lease terms. Generally, the regulations provide that lessees determine the value of oil based upon the higher of (1) the gross proceeds under an arm's-length contract; or (2) major portion analysis.

These oil valuation methods are eligible for applicable transportation allowances. From information collected on Form MMS-4110, Oil Transportation Allowance Report, (1) MMS verifies transportation allowances to determine if the lessee reported and paid the proper royalty amount; and (2) MMS and tribal personnel evaluate whether the transportation allowances reported and claimed by lessees are within regulatory allowance limitations and are calculated in accordance with applicable regulations.

#### Indian Gas

Regulations at 30 CFR part 206, subpart E, govern the valuation for royalty purposes of natural gas produced from Indian oil and gas leases (tribal and allotted). The regulations

apply to all gas production from Indian oil and gas leases, except leases on the Osage Indian Reservation.

Most Indian leases contain the requirement to perform accounting for comparison (dual accounting) for gas produced from the lease. Lessees must elect to perform actual dual accounting as defined in 30 CFR 206.176 or alternative dual accounting as defined in 30 CFR 206.173. Lessees use Form MMS-4410, Accounting for Comparison [Dual Accounting], to certify that dual accounting is not required on an Indian lease or to make an election for actual or alternative dual accounting for Indian leases.

The regulations require lessees to submit Form MMS-4411, Safety Net Report, when gas production from an Indian oil or gas lease is sold beyond the first index pricing point. The safety net calculation establishes the minimum value, for royalty purposes, of natural gas production from Indian oil and gas leases. This reporting requirement ensures that Indian lessors receive all royalties due and aids MMS compliance efforts.

From information collected on Form MMS-4295, Gas Transportation Allowance Report, (1) MMS verifies transportation allowances to determine if the lessee reported and paid the proper royalty amount; and (2) MMS and tribal personnel evaluate whether the transportation allowances reported and claimed by lessees are within

regulatory allowance limitations and are calculated in accordance with applicable regulations.

From information collected on Form MMS-4109, Gas Processing Allowance Summary Report, (1) MMS verifies processing allowances to determine if the lessee reported and paid the proper royalty amount; and (2) MMS and tribal personnel evaluate whether the processing allowances reported and claimed by lessees are within regulatory allowance limitations and are calculated in accordance with applicable regulations.

**Indian Oil and Gas**

Form MMS-4393, Request to Exceed Regulatory Allowance Limitation, is used for both Federal and Indian leases. Most of the burden hours are incurred on Federal leases; therefore, the form is approved under ICR 1010-0136, pertaining to Federal oil and gas leases. However, we include a discussion of the form in this ICR, as well as the burden hours for Indian leases. To request permission to exceed a regulatory allowance limit, lessees must (1) submit a letter to MMS explaining why a higher allowance limit is necessary; and (2) provide supporting documentation, including a completed Form MMS-4393. This form provides MMS with the data necessary to make a decision whether to approve or deny the request and track deductions on royalty reports.

**Summary**

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 to Indian tribes and individual Indian mineral owners. Proprietary information submitted to MMS under this collection is protected, and no items of a sensitive nature are collected. The requirement to respond is mandatory for Form MMS-4410, Accounting for Comparison [Dual Accounting], and for Form MMS-4411, Safety Net Report, under certain circumstances. For all other forms in this collection, the requirement to respond is required to obtain a benefit.

*Frequency of Response:* Annually and on occasion.

*Estimated Number and Description of Respondents:* 302 potential Indian lessees.

*Estimated Annual Reporting and Recordkeeping "Hour" Burden:* 1,074 hours.

We have not included in our estimates certain requirements performed in the normal course of business and considered usual and customary. The following chart shows the estimated burden hours by CFR section and paragraph:

**RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS**

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
<b>202—ROYALTIES</b>				
<b>Subpart C—Federal and Indian Oil</b>				
202.101 .....	Standards for reporting and paying royalties ..... Oil volumes are to be reported in barrels of clean oil of 42 standard U.S. gallons (231 cubic inches each) at 60 °F. . . .	Burden covered under OMB Control Number 1010-0140 (expires 11/30/2009). Burden covered under §210.52.		
<b>Subpart J—Gas Production From Indian Leases</b>				
202.551(b) .....	How do I determine the volume of production for which I must pay royalty if my lease is not in an approved Federal unit or communitization agreement (AFA)?. (b) You and all other persons paying royalties on the lease must report and pay royalties based on your takes. . . .	Burden covered under OMB Control Number 1010-0140. Burden covered under §210.52.		
202.551(c) .....	(c) You and all other persons paying royalties on the lease may ask MMS for permission . . . . to report entitlements . . . .	1	1	1
202.558(a) and (b) .....	What standards do I use to report and pay royalties on gas?. (a) You must report gas volumes as follows: . . . .	Burden covered under OMB Control Number 1010-0140. Burden covered under §210.52.		

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
	(b) You must report residue gas and gas plant product volumes as follows: . . .			
<b>206—PRODUCT VALUATION Subpart B—Indian Oil</b>				
206.56(b)(2) .....	Transportation allowances—general ..... (b)(2) Upon request of a lessee, MMS may approve a transportation allowance deduction in excess of the limitation prescribed by paragraph (b)(1) of this section. . . . An application for exception (using Form MMS-4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant and supporting documentation necessary for MMS to make a determination. . . .	4	1	4
206.57(a)(1)(i) .....	Determination of transportation allowances ..... (a) <i>Arm's-length transportation contracts</i> (1)(i). . . . The lessee shall have the burden of demonstrating that its contract is arm's-length.	AUDIT PROCESS. See note.		
206.57(a)(1)(i) .....	(a) <i>Arm's-length transportation contracts</i> ..... (1)(i) . . . Before any deduction may be taken, the lessee must submit a completed page one of Form MMS-4110 (and Schedule 1), Oil Transportation Allowance Report . . .	Burden covered under § 206.57(c)(1)(i) and (iii).		
206.57(a)(1)(iii) .....	(a) <i>Arm's-length transportation contracts</i> ..... (1)(iii) . . . When MMS determines that the value of the transportation may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's transportation costs.	AUDIT PROCESS. See note.		
206.57(a)(2)(i) .....	(a) <i>Arm's-length transportation contracts</i> ..... (2)(i) . . . Except as provided in this paragraph, no allowance may be taken for the costs of transporting lease production which is not royalty-bearing without MMS approval.	Burden covered under § 206.57(a)(3).		
206.57(a)(2)(ii) .....	(a) <i>Arm's-length transportation contracts</i> ..... (2)(ii) Notwithstanding the requirements of paragraph (i), the lessee may propose to MMS a cost allocation method on the basis of the values of the products transported. . . .	20	1	20
206.57(a)(3) .....	(a) <i>Arm's-length transportation contracts</i> ..... (3) If an arm's-length transportation contract includes both gaseous and liquid products, and the transportation costs attributable to each product cannot be determined from the contract, the lessee shall propose an allocation procedure to MMS. . . . The lessee shall submit all available data to support its proposal. . . .	40	1	40
206.57(b)(1) .....	(b) <i>Non-arm's-length or no contract</i> ..... (1) . . . A transportation allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS-4110 is filed with MMS, unless MMS approves a longer period upon a showing of good cause by the lessee. . . .	Burden covered under § 206.57(c)(2)(i) and (iii).		
206.57(b)(1) .....	(b) <i>Non-arm's-length or no contract</i> ..... (1) . . . When necessary or appropriate, MMS may direct a lessee to modify its actual transportation allowance deduction.	Burden covered under OMB Control Number 1010-0140. Burden covered under § 210.52.		
206.57(b)(2)(iv) .....	(b) <i>Non-arm's-length or no contract</i> .....	20	1	20

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
	(2)(iv) . . . After a lessee has elected to use either method for a transportation system, the lessee may not later elect to change to the other alternative without approval of MMS.			
206.57(b)(2)(iv)(A) .....	(b) <i>Non-arm's-length or no contract</i> ..... (2)(iv)(A) . . . After an election is made, the lessee may not change methods without MMS approval. . . .	20	1	20
206.57(b)(3)(i) .....	(b) <i>Non-arm's-length or no contract</i> ..... (3)(i) . . . Except as provided in this paragraph, the lessee may not take an allowance for transporting lease production which is not royalty bearing without MMS approval.	40	1	40
206.57(b)(3)(ii) .....	(b) <i>Non-arm's-length or no contract</i> ..... (3)(ii) Notwithstanding the requirements of paragraph (i), the lessee may propose to MMS a cost allocation method on the basis of the values of the products transported. . . .	20	1	20
206.57(b)(4) .....	(b) <i>Non-arm's-length or no contract</i> ..... (4) Where both gaseous and liquid products are transported through the same transportation system, the lessee shall propose a cost allocation procedure to MMS. . . . The lessee shall submit all available data to support its proposal. . . .	20	1	20
206.57(b)(5) .....	(b) <i>Non-arm's-length or no contract</i> ..... (5) A lessee may apply to MMS for an exception from the requirement that it compute actual costs in accordance with paragraphs (b)(1) through (b)(4) of this section. . . .	20	1	20
206.57(c)(1)(i) .....	(c) <i>Reporting requirements</i> ..... (1) <i>Arm's-length contracts.</i> (i) With the exception of those transportation allowances specified in paragraphs (c)(1)(v) and (c)(1)(vi) of this section, the lessee shall submit page one of the initial Form MMS-4110 (and Schedule 1), Oil Transportation Allowance Report, prior to, or at the same time as, the transportation allowance determined, under an arm's-length contract, is reported on Form MMS-2014, Report of Sales and Royalty Remittance. . . .	4	4	16
206.57(c)(1)(iii) .....	(c) <i>Reporting requirements</i> ..... (1) <i>Arm's-length contracts.</i> (iii) After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS-4110 (and Schedule 1) within 3 months after the end of the calendar year, or after the applicable contract or rate terminates or is modified or amended, whichever is earlier, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period).	4	4	16
206.57(c)(1)(iv) .....	(c) <i>Reporting requirements</i> ..... (1) <i>Arm's-length contracts.</i> (iv) MMS may require that a lessee submit arm's-length transportation contracts, production agreements, operating agreements, and related documents. Documents shall be submitted within a reasonable time, as determined by MMS.	AUDIT PROCESS. See note.		
206.57(c)(2)(i) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i>	6	1	6

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
	(i) With the exception of those transportation allowances specified in paragraphs (c)(2)(v), (c)(2)(vii) and (c)(2)(viii) of this section, the lessee shall submit an initial Form MMS-4110 prior to, or at the same time as, the transportation allowance determined under a non-arm's-length contract or no-contract situation is reported on Form MMS-2014. . . . The initial report may be based upon estimated costs.			
206.57(c)(2)(iii) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i> (iii) For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS-4110 containing the actual costs for the previous reporting period. If oil transportation is continuing, the lessee shall include on Form MMS-4110 its estimated costs for the next calendar year. . . . MMS must receive the Form MMS-4110 within 3 months after the end of the previous reporting period, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period).	6	3	18
206.57(c)(2)(iv) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i> (iv) For new transportation facilities or arrangements, the lessee's initial Form MMS-4110 shall include estimates of the allowable oil transportation costs for the applicable period. . . .	Burden covered under § 206.57(c)(2)(i).		
206.57(c)(2)(v) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i> (v) . . . only those allowances that have been approved by MMS in writing . . .	Burden covered under § 206.57(c)(2)(i).		
206.57(c)(2)(vi) .....	(c) <i>Reporting requirements</i> ..... (2) <i>Non-arm's-length or no contract.</i> (vi) Upon request by MMS, the lessee shall submit all data used to prepare its Form MMS-4110. The data shall be provided within a reasonable period of time, as determined by MMS.	AUDIT PROCESS. See note.		
206.57(c)(4) and (e)(2) .....	(c) <i>Reporting requirements</i> ..... (4) Transportation allowances must be reported as a separate line item on Form MMS-2014, . . . (e) <i>Adjustments.</i> (2) For lessees transporting production from Indian leases, the lessee must submit a corrected Form MMS-2014 to reflect actual costs, . . .	Burden covered under OMB Control Number 1010-0140. Burden covered under § 210.52.		
206.59 .....	May I ask MMS for valuation guidance? ..... You may ask MMS for guidance in determining value. You may propose a value method to MMS. Submit all available data related to your proposal and any additional information MMS deems necessary. . . .	20	1	20
206.61(a) and (b) .....	What records must I keep and produce? ..... (a) On request, you must make available sales, volume, and transportation data for production you sold, purchased, or obtained from the field or area. You must make this data available to MMS, Indian representatives, or other authorized persons. (b) You must retain all data relevant to the determination of royalty value. . . .	AUDIT PROCESS. See note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
<b>206—PRODUCT VALUATION Subpart E—Indian Gas</b>				
206.172(b)(1)(ii) .....	How do I value gas produced from leases in an index zone? <i>(b) Valuing residue gas and gas before processing.</i> (1)(ii) Gas production that you certify on Form MMS-4410, . . . is not processed before it flows into a pipeline with an index but which may be processed later; . . .	4	25	100
206.172(e)(6)(i) and (iii) .....	<i>(e) Determining the minimum value for royalty purposes of gas sold beyond the first index pricing point.</i> (6)(i) You must report the safety net price for each index zone to MMS on Form MMS-4411, Safety Net Report, no later than June 30 following each calendar year; . . . (iii) MMS may order you to amend your safety net price within one year from the date your Form MMS-4411 is due or is filed, whichever is later. . . .	3	10	30
206.172(e)(6)(ii) .....	<i>(e) Determining the minimum value for royalty purposes of gas sold beyond the first index pricing point.</i> (6)(ii) You must pay and report on Form MMS-2014 additional royalties due no later than June 30 following each calendar year; . . .	Burden covered under OMB Control Number 1010-0140. Burden covered under §210.52.		
206.172(f)(1)(ii), (f)(2), and (f)(3) .....	<i>(f) Excluding some or all tribal leases from valuation under this section.</i> (1) An Indian tribe may ask MMS to exclude some or all of its leases from valuation under this section. . . . (ii) If an Indian tribe requests exclusion from an index zone for less than all of its leases, MMS will approve the request only if the excluded leases may be segregated into one or more groups based on separate fields within the reservation. (2) An Indian tribe may ask MMS to terminate exclusion of its leases from valuation under this section. . . . (3) The Indian tribe's request to MMS under either paragraph (f)(1) or (2) of this section must be in the form of a tribal resolution. . . .	40	1	40
206.173(a)(1) .....	How do I calculate the alternative methodology for dual accounting? <i>(a) Electing a dual accounting method.</i> (1) . . . You may elect to perform the dual accounting calculation according to either §206.176(a) (called actual dual accounting), or paragraph (b) of this section (called the alternative methodology for dual accounting).	2	19	38
206.173(a)(2) .....	<i>(a) Electing a dual accounting method</i> .....	Burden covered under §206.173(a)(1).		
206.174(a)(4)(ii) .....	How do I value gas production when an index-based method cannot be used? <i>(a) Situations in which an index-based method cannot be used.</i> (4)(ii) If the major portion value is higher, you must submit an amended Form MMS-2014 to MMS by the due date specified in the written notice from MMS of the major portion value. . . .	Burden covered under OMB Control Number 1010-0140. Burden covered under §210.52.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
206.174(b)(1)(i) and (iii); (b)(2); (d)(2)	<p>(b) <i>Arm's-length contracts</i> .....</p> <p>(1)(i) You have the burden of demonstrating that your contract is arm's-length. . . .</p> <p>(iii) . . . In these circumstances, MMS will notify you and give you an opportunity to provide written information justifying your value. . . .</p> <p>(2) MMS may require you to certify that your arm's-length contract provisions include all of the consideration the buyer pays, either directly or indirectly, for the gas, residue gas, or gas plant product.</p> <p>(d) <i>Supporting data.</i></p> <p>(2) You must make all such data available upon request to the authorized MMS or Indian representatives, to the Office of the Inspector General of the Department, or other authorized persons. . . .</p>	AUDIT PROCESS. See note.		
206.174(d) .....	(d) <i>Supporting data</i> If you determine the value of production under paragraph (c) of this section, you must retain all data relevant to determination of royalty value.	Burden covered under OMB Control Number 1010-0140.		
206.174(f) .....	(f) <i>Value guidance</i> You may ask MMS for guidance in determining value. You may propose a valuation method to MMS. Submit all available data related to your proposal and any additional information MMS deems necessary. . . .?	40	1	40
206.175(d)(4) .....	<p>How do I determine quantities and qualities of production for computing royalties?.</p> <p>(d)(4) You may request MMS approval of other methods for determining the quantity of residue gas and gas plant products allocable to each lease. . . .</p>	20	1	20
206.176(b) .....	<p>How do I perform accounting for comparison? .....</p> <p>(b) If you are required to account for comparison, you may elect to use the alternative dual accounting methodology provided for in §206.173 instead of the provisions in paragraph (a) of this section.</p>	Burden covered under §206.173(a)(1).		
206.176(c) .....	(c) . . . If you do not perform dual accounting, you must certify to MMS that gas flows into such a pipeline before it is processed.	Burden covered under §206.172(b)(1)(ii)		
Transportation Allowances				
206.177(c)(2) and (c)(3) .....	<p>What general requirements regarding transportation allowances apply to me?.</p> <p>(c)(2) If you ask MMS, MMS may approve a transportation allowance deduction in excess of the limitation in paragraph (c)(1) of this section. . . .</p> <p>(3) Your application for exception (using Form MMS-4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant and supporting documentation necessary for MMS to make a determination.</p>	Burden covered under §206.56(b)(2).		
206.178(a)(1)(i) .....	<p>How do I determine a transportation allowance? .....</p> <p>(a) <i>Determining a transportation allowance under an arm's-length contract.</i></p> <p>(1)(i) . . . You are required to submit to MMS a copy of your arm's-length transportation contract(s) and all subsequent amendments to the contract(s) within 2 months of the date MMS receives your report which claims the allowance on the Form MMS-2014.</p>	1	25	25
206.178(a)(1)(iii) .....	(a) <i>Determining a transportation allowance under an arm's-length contract.</i>	AUDIT PROCESS. See note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
	(1)(iii) If MMS determines that the consideration paid under an arm's-length transportation contract does not reflect the value of the transportation because of misconduct by or between the contracting parties . . . In these circumstances, MMS will notify you and give you an opportunity to provide written information justifying your transportation costs.			
206.178 ..... (a)(2)(i) and (ii) .....	(a) <i>Determining a transportation allowance under an arm's-length contract.</i> (2)(i) . . . you cannot take an allowance for the costs of transporting lease production that is not royalty bearing without MMS approval, or without lessor approval on tribal leases. (ii) As an alternative to paragraph (a)(2)(i) of this section, you may propose to MMS a cost allocation method based on the values of the products transported. . . .	20	1	20
206.178(a)(3)(i) and (ii) .....	(a) <i>Determining a transportation allowance under an arm's-length contract.</i> (3)(i) If your arm's-length transportation contract includes both gaseous and liquid products and the transportation costs attributable to each cannot be determined from the contract, you must propose an allocation procedure to MMS. . . . (ii) You are required to submit all relevant data to support your allocation proposal. . . .	40	1	40
206.178(b)(1)(ii) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (1)(ii) . . . You must submit the actual cost information to support the allowance to MMS on Form MMS-4295, Gas Transportation Allowance Report, within 3 months after the end of the 12-month period to which the allowance applies. . . .	15	3	45
206.178(b)(2)(iv) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (2)(iv) You may use either depreciation with a return on undepreciated capital investment or a return on depreciable capital investment. . . . you may not later elect to change to the other alternative without MMS approval.	20	1	20
206.178(b)(2)(iv)(A) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (2)(iv)(A) . . . Once you make an election, you may not change methods without MMS approval. . . .	20	1	20
206.178(b)(3)(i) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (3)(i) . . . Except as provided in this paragraph, you may not take an allowance for transporting a product that is not royalty bearing without MMS approval.	40	1	40
206.178(b)(3)(ii) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (3)(ii) As an alternative to the requirements of paragraph (b)(3)(i) of this section, you may propose to MMS a cost allocation method based on the values of the products transported. . . .	20	1	20
206.178(b)(5) .....	(b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i>	40	1	40



RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
	(5) If you transport both gaseous and liquid products through the same transportation system, you must propose a cost allocation procedure to MMS. . . . You are required to submit all relevant data to support your proposal. . . .			
206.178(d)(1) .....	(d) <i>Reporting your transportation allowance</i> ..... (1) If MMS requests, you must submit all data used to determine your transportation allowance . . .	AUDIT PROCESS. See note.		
206.178(d)(2), (e), and (f)(1) .....	(d) <i>Reporting your transportation allowance</i> .....  (2) You must report transportation allowances as a separate entry on Form MMS-2014. . . . (e) <i>Adjusting incorrect allowances.</i> If for any month the transportation allowance you are entitled to is less than the amount you took on Form MMS-2014, you are required to report and pay additional royalties due, plus interest computed under 30 CFR 218.54 from the first day of the first month you deducted the improper transportation allowance until the date you pay the royalties due. . . . (f) <i>Determining allowable costs for transportation allowances.</i> . . . (1) <i>Firm demand charges paid to pipelines.</i> . . . You must modify the Form MMS-2014 by the amount received or credited for the affected reporting period.	Burden covered under OMB Control Number 1010-0140. Burden covered under §210.52.		
Processing Allowances				
206.180(a)(1)(i) .....	How do I determine an actual processing allowance? (a) <i>Determining a processing allowance if you have an arm's-length processing contract.</i> (1)(i) . . . You have the burden of demonstrating that your contract is arm's-length. You are required to submit to MMS a copy of your arm's-length contract(s) and all subsequent amendments to the contract(s) within 2 months of the date MMS receives your first report that deducts the allowance on the Form MMS-2014.	1	15	15
206.180(a)(1)(iii) .....	(a) <i>Determining a processing allowance if you have an arm's-length processing contract.</i> (1)(iii) If MMS determines that the consideration paid under an arm's-length processing contract does not reflect the value of the processing because of misconduct by or between the contracting parties . . . In these circumstances, MMS will notify you and give you an opportunity to provide written information justifying your processing costs.	AUDIT PROCESS. See note.		
206.180(a)(3) .....	(a) <i>Determining a processing allowance if you have an arm's-length processing contract.</i> (3) If your arm's-length processing contract includes more than one gas plant product and the processing costs attributable to each product cannot be determined from the contract, you must propose an allocation procedure to MMS. . . . You are required to submit all relevant data to support your proposal. . . .	40	1	40
206.180(b)(1)(ii) .....	(b) <i>Determining a processing allowance if you have a non-arm's-length contract or no contract.</i>	20	5	100

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
	(1)(ii) . . . You must submit the actual cost information to support the allowance to MMS on Form MMS-4109, Gas Processing Allowance Summary Report, within 3 months after the end of the 12-month period for which the allowance applies. . . .			
206.180(b)(2)(iv) .....	(b) <i>Determining a processing allowance if you have a non-arm's-length contract or no contract.</i> (2)(iv) You may use either depreciation with a return on undepreciable capital investment or a return on depreciable capital investment. . . . you may not later elect to change to the other alternative without MMS approval.	20	1	20
206.180(b)(2)(iv)(A) .....	(b) <i>Determining a processing allowance if you have a non-arm's-length contract or no contract.</i> (2)(iv)(A) . . . Once you make an election, you may not change methods without MMS approval. . . .	20	1	20
206.180(b)(3) .....	(b) <i>Determining a processing allowance if you have a non-arm's-length contract or no contract.</i> (3) Your processing allowance under this paragraph (b) must be determined based upon a calendar year or other period if you and MMS agree to an alternative.	20	1	20
206.180(c)(1) .....	(c) <i>Reporting your processing allowance</i> .....	AUDIT PROCESS. See note.		
206.180(c)(2) and (d) .....	(c) <i>Reporting your processing allowance</i> .....	Burden covered under OMB Control Number 1010-0140. Burden covered under § 210.52.		
206.181(c) .....	How do I establish processing costs for dual accounting purposes when I do not process the gas? (c) A proposed comparable processing fee submitted to either the tribe and MMS (for tribal leases) or MMS (for allotted leases) with your supporting documentation submitted to MMS. If MMS does not take action on your proposal within 120 days, the proposal will be deemed to be denied and subject to appeal to the MMS Director under 30 CFR part 290.	40	1	40

**207—SALES AGREEMENTS OR CONTRACTS GOVERNING THE DISPOSAL OF LEASE PRODUCTS**  
**Subpart A—General Provisions**

207.4(b) .....	Contracts made pursuant to old form leases .....	AUDIT PROCESS. See note.		
	(b) The stipulation, the substance of which must be included in the contract, or be made the subject matter of a separate instrument properly identifying the leases affected thereby, is as follows . . . .			
207.5 .....	Contract and sales agreement retention .....	AUDIT PROCESS. See note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
	Copies of all sales contracts, posted price bulletins, etc., and copies of all agreements, other contracts, or other documents which are relevant to the valuation of production are to be maintained by the lessee and made available upon request during normal working hours to authorized MMS, State or Indian representatives, other MMS or BLM officials, auditors of the General Accounting Office, or other persons authorized to receive such documents, or shall be submitted to MMS within a reasonable period of time, as determined by MMS. Any oral sales arrangement negotiated by the lessee must be placed in written form and retained by the lessee. Records shall be retained in accordance with 30 CFR part 212.			
Total Burden .....	.....	.....	140	1,074

**Note:** AUDIT PROCESS—The Office of Regulatory Affairs determined that the audit process is exempt from the Paperwork Reduction Act of 1995 because MMS staff asks non-standard questions to resolve exceptions.

*Estimated Annual Reporting and Recordkeeping “Non-hour” Cost Burden:* We have identified no “non-hour” cost burdens.

*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:* Section 3506(c)(2)(A) of the PRA requires each agency to “\* \* \* publish a 60-day notice in the **Federal Register** \* \* \* 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 1, 2008 (73 FR 45055), announcing that we would submit this ICR to OMB for approval. (The **Federal Register** printed an additional notice correcting the response date for comments on August 8, 2008 (73 FR 46367).) 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 April 27, 2009.

*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 also will post all comments, including names and addresses of respondents, at <http://www.regulations.gov>. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised 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 from public view your personal identifying information, we cannot guarantee that we will be able to do so.

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

Dated: February 6, 2009.

**Mary A. Williams,**

*Acting Associate Director for Minerals Revenue Management.*

[FR Doc. E9-6901 Filed 3-26-09; 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 March 14, 2009. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by April 13, 2009.

**J. Paul Loether,**

*Chief, National Register of Historic Places/ National Historic Landmarks Program.*

**ARIZONA**

**Maricopa County**

Burgess Lateral Historic District, Adjacent to Arcadia Dr. between the Arizona Canal and Lafayette Blvd., between 47th Pl. and 47th St., Phoenix, 09000221

**COLORADO**

**Montrose County**

Denver & Rio Grande Western Railroad Caboose No. 0577, Approximately 1 mi. N. by NE. of US 50 at Cimarron, adjacent to