

public lands. Therefore, BLM has determined under the RFA that these proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

#### *Small Business Regulatory Enforcement Fairness Act (SBREFA)*

These supplementary rules do not constitute a "major rule" as defined at 5 U.S.C. 804(2). Again, the supplementary rules merely contain rules of conduct for recreational use of certain public lands. The supplementary rules have no effect on business, commercial or industrial, use of the public lands.

#### *Unfunded Mandates Reform Act*

These supplementary rules would not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than \$100 million per year; nor would these supplementary rules have a significant or unique effect on state, local or tribal governments or the private sector. The supplementary rules would not require anything of state, local, or tribal governments. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

#### *Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)*

The supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. The supplementary rules do not address property rights in any form, and do not cause the impairment of anybody's property rights. Therefore, the Department of the Interior has determined that the supplementary rules would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

#### *Executive Order 13132, Federalism*

The supplementary rules would not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The supplementary rules would affect land in only one state, Montana, and do not address jurisdictional issues involving the state government. Therefore, in accordance with Executive Order 13132, BLM has determined that these

supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

#### *Executive Order 12988, Civil Justice Reform*

Under Executive Order 12988, the Office of the Solicitor has determined that these supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

#### *Executive Order 3175, Consultation and Coordination With Indian Tribal Governments*

In accordance with Executive Order 3175, we have found that these supplementary rules do not include policies that have tribal implications. The supplementary rules contain only rules of conduct for recreation use of certain public lands managed by BLM.

#### *Paperwork Reduction Act*

These supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### *Author*

The principal author of these supplementary rules is BLM Ranger Anthony Lue of the Missoula Field Office, BLM, assisted by Ted Hudson of the Regulatory Affairs Group, Washington Office, BLM.

Under the authority of 43 CFR 8365.1-6, BLM issues the following supplementary rules on public lands of the Blackfoot River Corridor one-quarter mile on either side of the Blackfoot River and/or McNamara Road.

#### *Sec. 1 Prohibited Acts*

On public lands in Secs. 18 and 19, T. 14 N., R. 15 W., Secs. 4, 5, and 6, T. 13 N., R. 16 W., and Secs. 13 and 14, 20 to 29, inclusive, 32 and 33, T. 14 N., R. 16 W., Principal Meridian, Montana, that are within one-quarter mile on either side of the Blackfoot River or McNamara Road, or both, you must not:

- a. Camp outside of designated sites or areas.
- b. Light or maintain a fire except in designated areas or established by government fire rings.
- c. Operate a motor vehicle off a designated trail, road or route.
- d. Collect firewood for other than on-site use. You may burn only dead and down wood.
- e. Discharge a firearm or projectile (except for legal game hunting purposes as established by the Montana

Department of Fish, Wildlife and Parks), or engage in other recreational shooting including, but not limited to, plinking, target shooting, or shooting varmints, etc.

- f. Use of a firework.
- g. Violate a posted regulation pertaining to the protection of natural resources or public safety.
- h. Occupy or camp at an area longer than 7 days during any 30-day period.

#### *Sec. 2 Exemptions From the Supplementary Rules*

Persons who are exempt from these supplementary rules include any Federal, state, or local officer, and members of any organized search and rescue team or firefighting force in performance of an official duty, BLM employees on official administrative business, and any person authorized by the BLM.

#### *Sec. 3 Penalties*

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733 (a)) and 43 CFR 8360.0-7, any person who violates any of these supplementary rules on public lands within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$1000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Dated: January 30, 2004.

**Martin C. Ott,**

*State Director, Montana State Office.*

[FR Doc. 04-5094 Filed 3-5-04; 8:45 am]

**BILLING CODE 4310-SS-P**

## **DEPARTMENT OF THE INTERIOR**

### **Minerals Management Service**

#### **Agency Information Collection Activities: Proposed Collection; Comment Request**

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

**ACTION:** Notice of extension of an information collection (1010-0106).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), MMS is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in the regulations under "30 CFR Part 253, Oil Spill Financial Responsibility for Offshore Facilities."

**DATES:** Submit written comments by May 7, 2004.

**ADDRESSES:** Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817. If you wish to e-mail comments, the e-mail address is: [rules.comments@mms.gov](mailto:rules.comments@mms.gov). Reference "Information Collection 1010-0106" in your e-mail subject line and mark your message for return receipt. Include your name and return address in your message.

**FOR FURTHER INFORMATION CONTACT:** Arlene Bajusz, Rules Processing Team, (703) 787-1600. You may also contact Arlene Bajusz to obtain a copy, at no cost, of the regulations that require the subject collection of information.

**SUPPLEMENTARY INFORMATION:**

*Title:* 30 CFR Part 253, Oil Spill Financial Responsibility for Offshore Facilities.

*OMB Control Number:* 1010-0106.

*Abstract:* Title I of the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*), as amended by the Coast Guard Authorization Act of 1996 (Pub. L. 104-324), provides at section 1016 that oil spill financial responsibility (OSFR) for offshore facilities be established and maintained according to methods determined acceptable to the President. Section 1016 of OPA supersedes the offshore facility OSFR provisions of the Outer Continental Shelf Lands Act Amendments of 1978. These authorities and responsibilities are among those delegated to MMS under which we issue regulations governing oil and gas and sulphur operations in the OCS. This information collection request addresses the regulations at 30 CFR Part 253, Oil Spill Financial Responsibility for Offshore Facilities, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

The MMS will use the information collected under 30 CFR part 253 to verify compliance with section 1016 of OPA. The information is necessary to confirm that applicants can pay for cleanup and damages from oil-spill discharges from covered offshore facilities (COFs). Routinely, the information will be used: (a) To establish eligibility of applicants for an OSFR Certification; and (b) as a reference source for clean-up and damage claims associated with oil-spill discharges from COFs; the names, addresses, and telephone numbers of owners, operators, and guarantors; designated U.S. agents for service of

process; and persons to contact. To collect most of the information, MMS developed standard forms. The forms and their purposes are:

*Form MMS-1016, Designated Applicant Information Certification:* The designated applicant uses this form to provide identifying information (company legal name, address, contact name and title, telephone numbers) and to summarize the OSFR evidence. This form is required for each new OSFR Certification application.

*Form MMS-1017, Designation of Applicant:* When there is more than one responsible party for a COF, they must select a designated applicant. Each responsible party, as defined in the regulations, must use this form to notify MMS of the designated applicant. This form is also used to designate the U.S. agent for service of process for the responsible party(ies) should claims from an oil-spill discharge exceed the amount evidenced by the designated applicant; identifies and provides pertinent information about the responsible party(ies); and lists the covered offshore facilities for which the designated applicant is responsible for OSFR certification. The form identifies each COF by State or OCS region; lease, permit, right of use and easement, or pipeline number; aliquot section; area name; and block number. This form must be submitted with each new OSFR application in which there is at least one responsible party who is not the designated applicant for a COF.

*Form MMS-1018, Self-insurance or Indemnity Information:* This form is used if the designated applicant is self-insuring or using an indemnity as OSFR evidence. As appropriate, either the designated applicant or the designated applicant's indemnitor completes the form to indicate the amount of OSFR coverage and effective and expiration dates. The form also provides pertinent information about the self-insurer or indemnitor and is used to designate a U.S. agent for service of process for claims up to the evidenced amount. This form must be submitted each time new evidence of OSFR is submitted using either self-insurance or an indemnity.

*Form MMS-1019, Insurance Certificate:* The designated applicant (representing himself as a direct purchaser of insurance) or his insurance agent or broker and the named insurers complete this form to provide OSFR evidence using insurance. The number of forms to be submitted will depend upon the amount of OSFR required and the number of layers of insurance to evidence the total amount of OSFR required. One form is required for each

layer of insurance. The form provides pertinent information about the insurer(s) and designates a U.S. agent for service of process. This form must be submitted at the beginning of the term of the insurance coverage for the designated applicant's COFs.

*Form MMS-1020, Surety Bond:* Each bonding company that issues a surety bond for the designated applicant must complete this form indicating the amount of surety and effective dates. The form provides pertinent information about the bonding company and designates a U.S. agent for service of process for the amount evidenced by the surety bond. This form must be submitted at the beginning of the term of the surety bond for the named designated applicant.

*Form MMS-1021, Covered Offshore Facilities:* The designated applicant submits this form to identify the COFs to which the OSFR evidence applies. The form identifies each COF by State or OCS region; lease, permit, right of use and easement, or pipeline number; aliquot section; area name; block number; and potential worst case oil-spill discharge. This form is required to be submitted with each new OSFR Certification application which includes COFs.

*Form MMS-1022, Covered Offshore Facility Changes:* During the term of the issued OSFR Certification, the designated applicant submits changes to the current COF listings on this form, including changes to the worst case oil-spill discharge for a COF. This form must be submitted when identified changes occur during the term of an OSFR Certification.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.196, "Data and information to be made available to the public." No items of a sensitive nature are collected. Responses are mandatory.

*Frequency:* The frequency of submission will vary, but most will respond at least once per year.

*Estimated Number and Description of Respondents:* Some respondents are approximately 600 holders of leases, permits, and rights of use and easement in the OCS and in State coastal waters who will appoint approximately 200 designated applicants. Other respondents will be the designated applicants' insurance agents and brokers, bonding companies, and indemnitors. There are no recordkeeping requirements associated with this collection.

*Estimated Annual Reporting and Recordkeeping "Hour" Burden:* The currently approved "hour" burden for this information collection is a total of 19,504 hours. The following chart

details the individual components of this burden and estimated burden per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the

normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 253	Reporting requirement	Hour burden per response
Subpart B: 11(a)(1); Subpart D: 40; 41.	Form MMS-1016—Designated Applicant Information Certification .....	1
Subpart B: 11(a)(1); Subpart D: 40; 41.	Form MMS-1017—Designation of Applicant .....	9
Subpart C: 21; 22; 23; 24; 26; 27; 30; Subpart D: 40; 41.	Form MMS-1018—Self-Insurance or Indemnity Information .....	1
Subpart C: 29; Subpart D: 40; 41 .....	Form MMS-1019—Insurance Certificate .....	120
Subpart C: 31; Subpart D: 40; 41 .....	Form MMS-1020 Surety Bond .....	24
Subpart D: 40; 41 .....	Form MMS-1021—Covered Offshore Facilities .....	3
Subpart D: 40; 41; 42 .....	Form MMS-1022—Covered Offshore Facility Changes .....	1
Subpart B: 12 .....	Request for determination of OSFR applicability .....	2
Subpart B: 15 .....	Notice of change in ability to comply .....	1
Subpart B: 15(f) .....	Provide claimant written explanation of denial .....	1
Subpart C: 32 .....	Proposal for alternative method to evidence OSFR (anticipate no proposals, but the regs provide the opportunity).	120
Subpart F .....	Claims: MMS will not be involved in the claims process. Assessment of the burden for claims against the Oil Spill Liability Trust Fund (30 CFR parts 135, 136, 137) should be responsibility of the U.S. Coast Guard.	
Subpart F: 60 .....	Claimant request to determine whether a guarantor may be liable for a claim .....	2
1-62 .....	General departure and alternative compliance requests not specifically covered elsewhere in 30 CFR 253.	1

*Estimated Annual Reporting and Recordkeeping "Non-Hour Cost" Burden:* We have identified no cost burdens for this collection.

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

*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.

Agencies must also estimate the "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if

you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

*Public Comment Policy:* MMS's practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. If you wish your name and/or address to be

withheld, you must state this prominently at the beginning of your comment. MMS will honor this request to the extent allowable by law; however, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

*MMS Federal Register Liaison Officer:* Denise Johnson (202) 208-3976.

Dated: March 1, 2004.

**E.P. Danenberger,**  
Chief, Engineering and Operations Division.  
[FR Doc. 04-5047 Filed 3-5-04; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**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 1010-0120).

**SUMMARY:** To comply with the Paperwork Reduction Act (PRA) of