

record of each client served and submitted to the CoC central server at least once annually for purposes of unduplication and data analysis. Domestic violence providers may also choose to adopt a delayed data entry protocol whereby client records are not entered into the HMIS system until a set period of time after exit.

CoC representatives are instructed to meet with domestic violence providers to develop and implement a method by which the CoC can unduplicate data across all providers in the HMIS. HUD fully supports alternative methods of participation by domestic violence providers including those that incorporate technological or administrative solutions that adequately protect data and allow for an accurate unduplicated local count of homeless persons and analysis of homeless data to meet the goals of the Congressional directive.

Dated: October 14, 2004.

**Patricia A. Carlile,**

*Deputy Assistant Secretary for Special Needs Assistance.*

[FR Doc. 04-23438 Filed 10-15-04; 12:08 pm]

BILLING CODE 4210-29-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-952-05-1420-BJ]

#### Notice of Filing of Plats of Survey; New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

#### SUPPLEMENTARY INFORMATION:

##### Indian Meridian, Oklahoma

The Plat representing the dependent resurvey and survey in Township 10 North, Range 26 East, of the Arkansas River and Historic Riverbed, accepted September 28, 2004, for Group 61 Oklahoma.

If a protest against a survey, as shown on any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the New Mexico State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

#### FOR FURTHER INFORMATION CONTACT:

These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502-0115. Copies may be obtained from this office upon payment of \$1.10 per sheet.

Dated: October 7, 2004.

**Jay Innes,**

*Acting Chief Cadastral Surveyor for New Mexico.*

[FR Doc. 04-23364 Filed 10-18-04; 8:45 am]

BILLING CODE 4310-FB-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-957-00-1420-BJ: GP05-0001]

#### Filing of Plats of Survey: Oregon/ Washington

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey of the following described lands were officially filed in the Oregon State Office, Portland, Oregon, on August 11, 2004.

#### Willamette Meridian

##### Oregon

T. 29 S., R. 8 W., accepted May 20, 2004  
T. 32½ S., R. 33 E., accepted May 20, 2004  
T. 33 S., R. 33 E., accepted May 20, 2004  
T. 37 S., R. 2 E., accepted May 20, 2004  
T. 39 S., R. 13 W., accepted May 20, 2004  
T. 15 S., R. 8 W., accepted May 28, 2004  
T. 22 S., R. 10 E., accepted May 28, 2004  
T. 7 S., R. 3 E., accepted June 8, 2004  
T. 9 S., R. 3 E., accepted June 8, 2004  
T. 12 S., R. 2 E., accepted June 8, 2004  
T. 15 S., R. 7 W., accepted June 8, 2004  
T. 22 S., R. 4 W., accepted June 8, 2004  
T. 1 N., R. 34 E., accepted June 24, 2004  
T. 23 S., R. 3 W., accepted June 24, 2004  
T. 23 S., R. 4 W., accepted June 24, 2004  
T. 25 S., R. 2 W., accepted June 24, 2004  
T. 27 S., R. 11 W., accepted June 24, 2004  
T. 33 S., R. 5 W., accepted June 24, 2004  
T. 38 S., R. 4 W., accepted June 24, 2004

##### Washington

T. 31 N., R. 1 E., accepted May 20, 2004  
T. 23 N., R. 11 W., accepted July 13, 2004

The plat of survey of the following described lands is scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

#### Oregon

T. 16 S., R. 16 E., accepted September 7, 2004  
T. 17 S., R. 16 E., accepted September 7, 2004

A copy of the plats may be obtained from the Public Room at the Oregon State Office, Bureau of Land Management, 333 S.W. 1st Avenue, Portland, Oregon 97204, upon required payment. A person or party who wishes to protest against a survey must file a notice that they wish to protest (at the above address) with the State Director, Bureau of Land Management, Portland, Oregon.

#### FOR FURTHER INFORMATION CONTACT:

Chief, Branch of Geographic Sciences, Bureau of Land Management, (333 SW. 1st Avenue) P.O. Box 2965, Portland, Oregon 97208.

Dated: October 7, 2004.

**Robert D. DeViney, Jr.,**

*Branch of Realty and Records Services.*

[FR Doc. 04-23380 Filed 10-18-04; 8:45 am]

BILLING CODE 4310-33-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 a revision of a currently approved information collection (OMB control number 1010-0107).

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. We changed the title of this information collection request (ICR) to clarify the regulatory language we are covering under 30 CFR part 218. The previous title of this ICR was "30 CFR part 218, subpart B—Oil and Gas, General." The new title of this ICR is "30 CFR part 218, subpart A—General Provisions, § 218.42 Cross-lease netting in calculation of late-payment interest; subpart B—Oil and Gas, General, § 218.52 How does a lessee designate a Designee? (Form MMS-4425, Designation Form for Royalty Payment Responsibility) and § 218.53

Recoupment of overpayments on Indian mineral leases; and subpart E—Solid Minerals—General, § 218.203  
Recoupment of overpayments on Indian mineral leases.”

**DATES:** Submit written comments on or before December 20, 2004.

**ADDRESSES:** Submit written comments to Sharron L. Gebhardt, Lead Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A-614, Denver Federal Center, Denver, Colorado 80225. You may also e-mail your comments to us at [mrm.comments@mms.gov](mailto:mrm.comments@mms.gov). Include the title of the information collection and the OMB control number in the “Attention” line of your comment. Also include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your e-mail, contact Ms. Gebhardt at (303) 231-3211.

**FOR FURTHER INFORMATION CONTACT:** Sharron L. Gebhardt, telephone (303) 231-3211, FAX (303) 231-3781, or e-mail [Sharron.Gebhardt@mms.gov](mailto:Sharron.Gebhardt@mms.gov).

**SUPPLEMENTARY INFORMATION:** Title: 30 CFR part 218, subpart A—General Provisions, § 218.42 Cross-lease netting in calculation of late-payment interest; subpart B—Oil and Gas, General, § 218.52 How does a lessee designate a Designee? (Form MMS-4425, Designation Form for Royalty Payment Responsibility) and § 218.53 Recoupment of overpayments on Indian mineral leases; and subpart E—Solid Minerals—General, § 218.203 Recoupment of overpayments on Indian mineral leases.

OMB Control Number: 1010-0107.

Bureau Form Number: Form MMS-4425.

**Abstract:** The Secretary of the U.S. Department of the Interior is responsible for collecting royalties from lessees who produce minerals from leased Federal and Indian lands. The Secretary is required by various laws to manage mineral resources production on Federal and Indian lands, collect the royalties due, and distribute the funds in accordance with those laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. The MMS performs the royalty management functions and assists the Secretary in carrying out the Department's Indian trust responsibility.

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 (royalty) of the value received from production from the leased lands. The lease creates a business relationship between the lessor and the lessee. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is similar to data reported to private and public mineral interest owners and is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals. The information collected includes data necessary to ensure that the royalties are paid appropriately.

This ICR includes unique reporting circumstances including designation of designee, cross-lease netting in calculation of late-payment interest, and tribal permission for recoupment on Indian leases.

#### Applicable Public Laws

Applicable citations of the laws pertaining to mineral leases include Public Law 97-451—Jan. 12, 1983 (Federal Oil and Gas Royalty Management Act of 1982 [FOGRMA]), Public Law 104-185—Aug. 13, 1996 (Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 [RFSA]) as corrected by Public Law 104-200—Sept. 22, 1996), and the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 *et seq.*). Public laws pertaining to mineral royalties are located 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).

#### Designation of Designee

The RSFA established that owners of, primarily, operating rights or, secondarily, lease record title (both referred to as “lessees”) are responsible for making royalty and related payments on Federal oil and gas leases. These RSFA requirements were promulgated in regulations at 30 CFR 218.52. It is common, however, for a payor rather than a lessee to make these payments. When a payor makes payments on behalf of a lessee, RSFA section 6(g) requires that the lessee designate the payor as its designee and notify MMS of this arrangement in writing. The MMS designed Form MMS-4425, Designation Form for Royalty Payment Responsibility, to request all the information necessary for lessees to comply with these RSFA requirements when they choose to designate an agent to pay for them. The MMS requires this

information to ensure proper mineral revenue collection.

#### Cross-Lease Netting in Calculation of Late-Payment Interest

Regulations at 30 CFR 218.54 require MMS to assess interest on unpaid or underpaid amounts. The MMS distributes these interest revenues to states, Indians, and the U.S. Treasury, based on financial lease distribution information. Current regulations at 30 CFR 218.42 provide that an overpayment on a lease or leases may be offset against an underpayment on a different lease or leases to determine the net payment subject to interest, when certain conditions are met. This is called cross-lease netting.

However, RSFA sections 6(a), (b), and (c) require MMS to pay interest on lessees' Federal oil and gas overpayments made on or after the February 13, 1997, enactment of RSFA. The MMS implemented this RSFA provision in 1997, and began calculating interest on both underpayments and overpayments for Federal oil and gas leases, making the cross-lease netting provisions at 30 CFR 218.42 no longer applicable for these leases. The MMS is currently developing regulations to amend 30 CFR 218.42 to limit its applicability to payments made under Indian tribal leases and Federal leases for minerals other than oil and gas. The MMS estimates that in about 7 cases per year, lessees must comply with the provisions of 30 CFR 218.42(b) and (c) for Indian tribal leases or Federal leases other than oil and gas, demonstrating that cross-lease netting is correct by submitting production reports, pipeline allocation reports, or other similar documentary evidence. This information is necessary for MMS to determine the correct amount of interest owed by the lessee, and to ensure proper value is collected.

#### Tribal Permission for Recoupment on Indian Leases

In order to report cross-lease netting on Indian leases, lessees must also comply with regulations at 30 CFR 218.53(b) and 218.203(b), allowing only lessees with written permission from the tribe to recoup overpayments on one lease against a different lease for which the tribe is the lessor. The payor must furnish MMS with a copy of the tribe's written permission. Generally, a payor may recoup an overpayment against the current month's royalties or other revenues owed on the same tribal lease. For any month, a payor may not recoup more than 50 percent of the royalties or other revenues owed in that month under an individual allotted lease or

more than 100 percent of the royalties or other revenues owed in that month under a tribal lease. Lessees use Form MMS-2014, Report of Sales and Royalty Remittance, for oil and gas lease recoupments (burden covered under ICR 1010-0140, expires October 31, 2006) and Form MMS-4430, Solid Mineral Production and Royalty Report, for solid

mineral lease recoupments (burden covered under ICR 1010-0120, expires October 31, 2007). The MMS requires tribal permission to ensure tribes and individual Indian mineral owners receive correct revenues from production on their leases.

*Frequency:* On occasion.

*Estimated Number and Description of Respondents:* 1,613 Federal and Indian lessees.

*Estimated Annual Reporting and Recordkeeping "Hour" Burden:* 1,220 hours.

The following chart shows the estimated burden hours by CFR section and paragraph:

#### RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR 218	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
<b>Subpart A—General Provisions—Cross-lease netting in calculation of late-payment interest.</b>				
218.42(b) and (c)	Cross-lease netting in calculation of late-payment interest. (b) Royalties attributed to production from a lease or leases which should have been attributed to production from a different lease or leases may be offset * * * if * * * the payor submits production reports, pipeline allocation reports, or other similar documentary evidence pertaining to the specific production involved which verifies the correct production information * * *. (c) If MMS assesses late-payment interest and the payor asserts that some or all of the interest assessed is not owed * * * the burden is on the payor to demonstrate that the exception applies * * *.	2	7	4
<b>Subpart B—Oil and Gas, General—How does a lessee designate a Designee?</b>				
218.52 (a), (c), and (d)	How does a lessee designate (a) If you are a lessee under 30 U.S.C. 1701(7), and you want to designate a person to make all or part of the payments due under a lease on your behalf * * * you must notify MMS * * * in writing of such designation * * *. (c) If you want to terminate a designation * * * you must provide [the following] to MMS in writing * * *. (d) MMS may require you to provide notice when there is a change in the percentage of your record title or operating rights ownership. <b>Note:</b> The MMS currently uses Form MMS-4425, Designation Form for Royalty Payment Responsibility to collect this information.	0.75	1,600	1,200
<b>Subpart B—Oil and Gas, General—Recoupment of overpayments on Indian mineral leases.</b>				
218.53(b)	Recoupment of overpayments on Indian mineral leases. (b) With written permission authorized by tribal statute or resolution, a payor may recoup an overpayment against royalties or other revenues owed * * * under other leases * * *. A copy of the tribe's written permission must be furnished to MMS * * *.	1	5	5
<b>Subpart E—Solid Minerals—General—Recoupment of overpayments on Indian mineral leases.</b>				
218.203(b)	Recoupment of overpayments on Indian mineral leases. (b) With written permission authorized by tribal statute or resolution, a payor may recoup an overpayment against royalties or other revenues owed in that month under other leases for which that tribe is the lessor. A copy of the tribe's written permission must be furnished to MMS * * * [following] instructions * * *.	1	1	1
Total Burden	.....		1,613	1,220

We are revising this ICR to cover regulations at 30 CFR 218.42 (b) and (c), Cross-Lease Netting in Calculation of Late-Payment Interest and 30 CFR 218.203(b), Recoupment of Overpayments on Indian Mineral Leases. Previously addressed burden hours for 30 CFR 218.57 are currently covered in ICR 1010-0120 (expires October 31, 2007).

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

*Comments:* 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. 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.

The PRA also requires agencies to estimate the total annual reporting "non-hour cost" burden to respondents or recordkeepers resulting from the collection of information. We have not identified non-hour cost burdens for this information collection. 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, sampling, and testing equipment; and record storage facilities. Generally, your estimates should not include 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 ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request. The ICR also will be posted on our Web site at [http://www.mrm.mms.gov/Laws\\_R\\_D/FRNotices/FRInfColl.htm](http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRInfColl.htm).

**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/FRNotices/FRInfColl.htm](http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRInfColl.htm). We also will 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. Upon request, we will withhold an individual respondent's home address from the public record, as allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's

identity, as allowable by law. If you request that we withhold your name and/or address, state your request prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

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

Dated: October 12, 2004.

**Cathy J. Hamilton,**

*Acting Associate Director for Minerals Revenue Management.*

[FR Doc. 04-23303 Filed 10-18-04; 8:45 am]

**BILLING CODE 4310-MR-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 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 inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. We changed the title of this information collection request (ICR) to clarify the regulatory language we are covering under 30 CFR Part 243. The previous title of this ICR was "30 CFR Part 243 Suspensions Pending Appeal and Bonding (formerly Filing Sureties)." The new title of this ICR is "30 CFR Part 243, Suspensions Pending Appeal and Bonding—Minerals Revenue Management (Forms MMS-4435, Administrative Appeal Bond, and MMS-4436, Letter of Credit)."

**DATES:** Submit written comments on or before December 20, 2004.

**ADDRESSES:** Submit written comments to Sharron L. Gebhardt, Lead Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A-614, Denver Federal Center, Denver, Colorado 80225. You may also e-mail your comments to

us at [mrm.comments@mms.gov](mailto:mrm.comments@mms.gov). Include the title of the information collection and the OMB control number in the "Attention" line of your comment. Also include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your e-mail, contact Ms. Gebhardt at (303) 231-3211.

#### FOR FURTHER INFORMATION CONTACT:

Sharron L. Gebhardt, telephone (303) 231-3211, FAX (303) 231-3781, or e-mail [sharron.gebhardt@mms.gov](mailto:sharron.gebhardt@mms.gov).

#### SUPPLEMENTARY INFORMATION:

**Title:** 30 CFR Part 243, Suspensions Pending Appeal and Bonding—Minerals Revenue Management (Forms MMS-4435, Administrative Appeal Bond, and MMS-4436, Letter of Credit).

**OMB Control Number:** 1010-0122.

**Bureau Form Number:** Forms MMS-4435 and MMS-4436.

**Abstract:** The Secretary of the U.S. Department of the Interior is responsible for collecting royalties from lessees who produce minerals from leased Federal and Indian lands. The Secretary is required by various laws to manage mineral resources production on Federal and Indian lands, collect the royalties due, and distribute the funds in accordance with those laws. The MMS performs the royalty management functions for the Secretary.

Applicable citations of the laws pertaining to mineral leases include Public Law 97-451—Jan. 12, 1983 (Federal Oil and Gas Royalty Management Act of 1982 [FOGRMA]), Public Law 104-185—Aug. 13, 1996 (Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 [RFSA]) as corrected by Public Law 104-200—Sept. 22, 1996), and the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 *et seq.*). Public laws pertaining to mineral royalties are located 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). Proprietary information submitted to MMS under the collection is protected.

#### Stay of Payment Pending Appeal

Lessees or recipients of MMS's Minerals Revenue Management (MRM) orders may suspend compliance with an order if they appeal in accordance with 30 CFR 290, Subpart B. 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. The MMS accepts the following surety types: Form MMS-4435, Administrative Appeal Bond; Form MMS-4436, Letter