

**Executive Order 12866**

The proposed amendments do not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

**Drafting Information**

The principal author of this document was Keith B. Rudich, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

**List of Subjects in 19 CFR Part 24**

Accounting, Canada, Claims, Customs duties and inspection, Fees, Financial and accounting procedures, Harbors, Reporting and recordkeeping requirements, Taxes, User fees.

**Proposed Amendment**

It is proposed to amend part 24, Customs Regulations (19 CFR part 24) as set forth below:

**PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE**

1. The general authority citation for part 24 will continue to read as follows:

**Authority:** 5 U.S.C. 301, 19 U.S.C. 58a–58c, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1505, 1624; 26 U.S.C. 4461, 4462; 31 U.S.C. 9701.

\* \* \* \* \*

2. It is proposed to amend § 24.24 by removing in paragraph (e)(2)(ii) the reference to (e)(3)(iii)" and adding "(e)(2)(iii)"; and by revising paragraph (e)(4) to read as follows:

**§ 24.24 Harbor Maintenance Fee.**

\* \* \* \* \*

**(e) Collections.**

\* \* \* \* \*

(4) *Supplemental payments and refunds.* If a supplemental payment is made for a harbor maintenance fee that was paid quarterly, it must be mailed to the U.S. Customs Service, P.O. Box 70915, Chicago, Illinois 60673–0915. The envelope containing a supplemental payment must also have enclosed both a Harbor Maintenance Fee Amended Quarterly Summary Report, Customs Form 350, and a copy of the Harbor Maintenance Fee Quarterly Summary Report, Customs Form 349, that was submitted at the time the fee for which the supplemental payment is being made was originally paid. Requests for refunds of a quarterly harbor maintenance fee payment, specifying the grounds of the claim along with the required documentation, must be received by Customs within one year from the date the fee for which the refund is sought was paid to Customs;

or in the case of merchandise admitted into a foreign trade zone and subsequently withdrawn from the zone for any purpose specified in 19 U.S.C. 1309, within one year from the date of withdrawal from the zone. A request for a refund of a quarterly harbor maintenance fee payment must be submitted to Customs with both a Harbor Maintenance Fee Amended Quarterly Summary Report, Customs Form 350, and a copy of the Harbor Maintenance Fee Quarterly Summary Report, Customs Form 349, that was submitted at the time the fee for which a refund is sought was originally paid. The request for a refund of a quarterly harbor maintenance fee payment must be mailed to the U.S. Customs Service, HMF Refunds, 6026 Lakeside Blvd., Indianapolis, IN 46278.

\* \* \* \* \*

3. It is proposed to revise § 24.73 to read as follows:

**§ 24.73 Miscellaneous claims.**

Every claim of whatever nature arising under the Customs laws which is not otherwise provided for shall be forwarded directly to Office of Finance, Headquarters, U.S. Customs Service, specifying the grounds of the claim together with all supporting documents and information available. Any claims within this section must be submitted within one year of the act giving rise to the claim.

**Raymond W. Kelly,**

*Commissioner of Customs.*

Approved: December 11, 2000.

**Helen B. Belt,**

*Acting Deputy Assistant Secretary of the Treasury.*

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**DEPARTMENT OF THE INTERIOR****Minerals Management Service****30 CFR Part 203****RIN 1010–AC71****Royalty or Reduction in Royalty Rates—Deep Water Royalty Relief for OCS Oil and Gas Leases Issued After 2000**

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

**ACTION:** Extension of comment period for proposed rule.

**SUMMARY:** This document extends to January 9, 2001, the deadline for submitting comments on the proposed rule revising regulations on royalty

relief for oil and gas producers on the Outer Continental Shelf (OCS). The proposed rule provides for suspension or reduction of royalty on a case-by-case basis for certain additional categories of OCS leases under 30 CFR part 203. Also, it identifies circumstances when we may consider special royalty relief outside our established end-of-life and deep water royalty relief programs.

**DATES:** We will consider all comments received by January 9, 2001, and we may not fully consider comments received after January 9, 2001.

**ADDRESSES:** Mail or hand-carry written comments (three copies) to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 4024; Herndon, Virginia 20170–4817; Attention: Rules Processing Team. You may also e-mail your comments to RPT at:

[rules.comments@MMS.gov](mailto:rules.comments@MMS.gov). Please mark your message for return receipt and identify the rule identification number "RIN 1010–AC71" in the subject line of your message. Include your name and return address in your message text.

**FOR FURTHER INFORMATION CONTACT:** Marshall Rose, Economic Division, at (703) 787–1536.

**SUPPLEMENTARY INFORMATION:** MMS was asked to extend the deadline for submitting comments on the proposed regulations revising 30 CFR part 203, Relief or Reduction in Royalty Rates, published on November 16, 2000 (65 FR 69259, with a subsequent correction on November 22, 2000 (65 FR 70386)). The requests indicate a need to wait for the conclusion of two MMS-sponsored workshops the week of December 11, which are designed, in part, to discuss the content and rationale of the proposed rule.

**Public Comments Procedures**

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this 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.

Dated: December 11, 2000.

**Carolita U. Kallaur,**

*Associate Director for Offshore Minerals Management.*

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 256

RIN 1010-AC74

#### Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf—Definition of Affected State

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

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** This proposed rule would eliminate the definition of “Affected State” from Subpart B, the Oil and Gas Leasing Program. This would mean that the definition of “Affected State” in Subpart A would apply and would eliminate the need for unaffected coastal States to participate in the preparation of a 5-year program.

**DATES:** We will consider all comments received by February 13, 2001. We will begin reviewing comments then and may not fully consider comments we receive after February 13, 2001.

**ADDRESSES:** Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817; Attention: Rules Processing Team.

**FOR FURTHER INFORMATION CONTACT:** Ralph Ainger or Jane Roberts at (703) 787-1215.

**SUPPLEMENTARY INFORMATION:** This proposed rule would eliminate the definition of “Affected State” at 30 CFR 256.14 as it applies only to the “Subpart B, Oil and Gas Leasing Program.” Because of the Presidential proclamation withdrawing areas of the Outer Continental Shelf (OCS) from leasing consideration, it is virtually impossible for many currently listed States to be affected under the Act. The definition in subpart B is therefore erroneous.

The definition of the term already is found at 30 CFR 256.5(g), which applies to the entire part and follows the definition in the Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331(f). The definition at § 256.5(g) reads as follows: “‘Affected State’

means, with respect to any program, plan, lease sale, or other activity, proposed, conducted, or approved pursuant to the provisions of the act, any State—

(1) The laws of which are declared, pursuant to section 4(a)(2) of the Act, to be the law of the United States for the portion of the Outer Continental Shelf on which such activity is, or proposed to be conducted;

(2) Which is, or is proposed to be, directly connected by transportation facilities to any artificial island or structure referred to in section 4(a)(1) of the Act;

(3) Which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the Outer Continental Shelf and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) Which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the Outer Continental Shelf; or

(5) In which the Secretary finds that because of such activity there is, or will be a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities.”

At this time, listing all the States adjacent to the OCS as “affected” is contrary to the intent as well as the letter of the statute and may cause unnecessary administrative burden for those States that are not affected under the legal definition. In June 1998, President Clinton acted under the authority of section 12 of the OCS Lands Act to withdraw the Atlantic and Pacific coasts from leasing until the year 2012.

As a result of Presidential and congressional actions, there can be no leasing off the Atlantic coast until 2012. The other criteria in the statutory definition of affected State relate to post-lease activity. As there are no active leases off the Atlantic coast, it is virtually impossible for any Atlantic States to be affected by the 5-year program. Automatically treating such States as affected requires the Federal Government to involve them in the preparation of the multi-phased 5-year program that would not affect them. In

addition, some States have their own administrative processes that come into play if they are deemed affected. These States should not be automatically involved if they do not meet the statutory definition. Because of the Presidential Proclamation, these States cannot be affected under the Act; therefore, the definition in Subpart B is erroneous. However, there is nothing that precludes any State’s participation if they wish and to the extent they wish, as the 5-year process contains multiple periods for public comment. Elimination of the definition also reduces the burden on the Government to involve States that are not affected by the program.

#### Procedural Matters

##### *Public Comments Procedure*

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking record a respondent’s identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this 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.

##### *Federalism (Executive Order 13132)*

According to Executive Order 13132, this rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State Governments. Elimination of the redundant and unnecessary definition of an Affected State could reduce costs on States that are not affected by the 5-year program and the cost to the Federal Government of involving unaffected States.

##### *Takings Implications Assessment (Executive Order 12630)*

According to Executive Order 12630, the rule does not have significant Takings implications. A Takings Implication Assessment is not required. This rule has no effect on Takings, as it only applies to States that would no longer be automatically involved in the