

Dated: July 31, 2003.

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[FR Doc. 03-20058 Filed 8-5-03; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

National Park Service

30-Day Notice of Submission to the Office of Management and Budget, Opportunity for Public Comment

AGENCY: National Park Service, Interior.

ACTION: Notice of submission to Office of Management and Budget and request for comments on information collection related to National Park Service mining regulations.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the National Park Service (NPS) invites comments on a submitted request to the Office of Management and Budget (OMB) to approve an extension, with revision, to a currently approved information budget for the NPS's minerals management regulatory program inside park units. Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the park protection functions of the NPS, including whether the information has practical utility; (2) the accuracy of the NPS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) the quality, utility and clarity of the information to be collected; (4) ways to minimize the burden of the information collection on respondents, including use of automated, electronic, mechanical, or other forms of information technology; and (5) on the typical costs that prospective operators incur in preparing complete plans of operation under NPS mining regulations. OMB has up to 60 days to approve or disapprove the requested information collection budget but may respond after 30 days. Thus, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration.

Primary Purpose of the Proposed Information Collection Request: The NPS requires the submittal of information on prospective mineral development activities associated with mining claims and non-Federal oil and gas rights within National Park System units to ensure that only operations that mitigate adverse impacts to park resources and values are permitted to operate in parks.

DATES: Public comments on this notice must be received by September 5, 2003.

ADDRESSES: Please send comments Office of Management and Budget, Office of Information and Regulatory Affairs, ATTN: Desk Officer for the Interior Department (1024-0064), via facsimile (202-395-5806) or e-mail (Ruth.Solomon@omb.eop.gov). Please also forward a copy of your comments to Edward O. Kassman, Jr., Regulatory Specialist, Policy and Regulations Branch, Geologic Resources Division, NPS, P.O. Box 25287, Lakewood, Colorado 80225, (303) 969-2146.

All comments will become a matter of public record. Copies of the information collection request may be obtained by contacting Edward O. Kassman, Jr. at the above noted address or by calling him at (303) 969-2146.

SUPPLEMENTARY INFORMATION:

Title: NPS Minerals Management Program.

Form: None.

OMB Number: 1024-0064.

Expiration Date: June 30, 2003.

Type of Request: Revision of a currently approved information collection.

Description of Need: While surprising, outstanding mineral rights exist in many units of the National Park System. In most cases, these rights predate the establishment of the units. Currently, a little over 1,749 mining claims, which were located under the 1872 Mining Law, 30 U.S.C. 21 *et seq.*, exist in a total of 19 park units. The majority of these claims are located in Mojave National Preserve that was added to the National Park System through the California Desert Protection Act of 1994, 16 U.S.C. 410aaa. With respect to non-Federal oil and gas rights in park units, 703 non-Federal oil and gas operations exist in 12 park units. The potential for additional non-Federal oil and gas operations in additional units is tied to market forces and the quality and quantity of oil and gas reserves in park boundaries that coincide with the presence of private rights.

The NPS regulates mineral development activities inside park boundaries on mining claims and on non-Federal oil and gas rights under regulations codified at 36 CFR part 9, Subpart A for mining claims (*i.e.*, "9A Regulations"), and Subpart B for non-Federal oil and gas rights (*i.e.*, "9B Regulations"), respectively. The NPS promulgated both sets of regulations in the late 1970's. In the case of mining claims, the NPS did so under congressional authority granted under the Mining in the Parks Act of 1976, 16 U.S.C. 1901 *et seq.*, and individual park

enabling statutes. For non-Federal oil and gas rights, the NPS regulates development activities pursuant to authority under the NPS Organic Act of 1916, as amended, 16 U.S.C. 1 *et seq.*, and individual enabling statutes. As directed by Congress, the NPS developed the regulations in order to protect park resources and visitor values from the adverse impacts associated with mineral development in park boundaries.

The heart of the regulations is the approved "plan of operations" requirement. Essentially, a plan of operations is a prospective operator's blueprint setting forth all intended activities from access to extraction to reclamation related to developing a particular miner right in a given park unit. The information required in a plan of operations is set forth in NPS regulations. Before an operator can commence development activities in a park unit, the NPS must approve the plan of operations and the operator must secure a bond in an amount sufficient to cover the cost of reclamation to the Federal Government in the event the operator defaults on his/her obligations.

Usually, an approved plan of operations covers the life of the mine or well, from development and production to reclamation. Under NPS regulations, such plans, may be revised. No set form is required for a plan of operations. Each plan is tailored to the intended activities of an operator and the particulars of the environment, *e.g.*, hardwood forest or desert, presence of endangered species or cultural resources, location and extent of water resources including wetlands.

Because of the variability among plans of operations and the duration of such plans, assessing the annual paperwork burden of complying with the NPS's mining regulations is difficult. Below is the NPS's best estimate, pro-rated on an annual basis, as to the number of respondents and number of hours involved in complying with the Service's regulations governing mining claims and non-Federal oil and gas rights.

Respondents: 1/4 medium to large publicly owned companies and 3/4 private entities.

Estimate of Number of Respondents: On an annual basis, the NPS estimates that it receives a range of between 13 to 20 plans of operations under its regulations: 3 to 5 plans of operations for mining claims, and 10 to 15 plans of operations for non-Federal oil and gas rights. For analysis purposes, the NPS used an overall estimate of 17 plans of operations per year: 4 plans of