

proposed extension of the withdrawal may present their views in writing to the address above.

The application case file is available for public inspection at the address above and at the California Desert District, 6221 Box Springs Blvd., Riverside, CA 92507.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

David McIlnay,

*Chief, Branch of Lands.*

[FR Doc. 97-3733 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-40-P

## Minerals Management Service

### DEPARTMENT OF TRANSPORTATION

#### Research and Special Programs Administration

#### Outer Continental Shelf Pipelines

**AGENCY:** Minerals Management Service (MMS), Department of the Interior (DOI), and Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

**ACTION:** Notice of memorandum of understanding.

**SUMMARY:** DOI and DOT have revised a Memorandum of Understanding (MOU) on their respective responsibilities for pipelines on the Outer Continental Shelf (OCS). The revised MOU will replace an MOU in effect since May 6, 1976.

**EFFECTIVE DATE:** December 10, 1996.

**FOR FURTHER INFORMATION CONTACT:**

L. E. Herrick, Office of Pipeline Safety Regulatory Programs, RSPA; telephone (202) 366-5523; e-mail

[l.e.herrick@rspa.dot.gov](mailto:l.e.herrick@rspa.dot.gov); or Carl W. Anderson, Operations Analysis Branch, MMS; telephone (703) 787-1608; e-mail [Carl\\_Anderson@mms.gov](mailto:Carl_Anderson@mms.gov).

**SUPPLEMENTARY INFORMATION:**

#### Background

On May 24, 1995, MMS and RSPA published a notice with request for comments in the Federal Register (60 FR 27546; May 24, 1995). The notice announced a proposed MOU between the two agencies re-defining their respective responsibilities for pipelines on the OCS. Over 70 people attended a public meeting in New Orleans on August 1, 1995, to discuss the proposal. A transcript of this meeting is available through the agency representatives listed in the "For Further Information" section of this notice. The public meeting generated over 100 pages of transcribed comments from natural gas

and petroleum trade organizations, natural gas and oil exploration and production companies, transmission companies, offshore construction companies, and industry consultants. The DOI and DOT received twenty-three written comments on the Federal Register Notice.

Before the close of the comment period, the American Petroleum Institute requested a 30-day extension to provide time to convene a regulated community task team, review the proposal, and prepare a detailed response. RSPA and MMS responded by extending the comment period to September 22, 1995 (60 FR 43611; August 22, 1995).

The MOU places, to the greatest extent practicable, producer operated pipelines under DOI responsibility and transporter operated pipelines under DOT responsibility. Producers are companies which are engaged in the extraction and processing of hydrocarbons on the OCS. Transporters are companies which are engaged in the transportation of those hydrocarbons. As a result of this revision, some pipelines, predominantly producer operated pipelines, currently under DOT responsibility, will be under DOI responsibility.

Each agency will initiate separate public rulemakings which will reflect the new boundaries. The DOI and DOT will propose that any changes in requirements for design or construction of pipelines which result from the transfer of pipelines to another agency's responsibility not apply to existing pipeline segment until each operator makes significant repairs or modifications to those segments.

This MOU also establishes an agreement between the two agencies for DOI to act as agent for DOT in identifying and reporting potential violations of DOT regulations at offshore platforms on the OCS. As an agent, DOI may inspect all DOT-regulated pipeline facilities on production platforms during DOI inspections. DOI may also perform coordinated DOI/DOT inspections of pipeline facilities on DOT-regulated platforms. The inspections may include reviewing any operating or maintenance records or reports that are located at the inspected OCS platform facility.

Once implemented through regulation, the changes described in the MOU will substantially reduce the burden of overlapping Federal jurisdictions and inconsistencies between agency requirements. This will substantially increase the efficiency of governmental resources on the OCS without compromising safety.

Dated: February 10, 1997.

Richard B. Felder,

*Associate Administrator for Pipeline Safety.*

Dated: February 10, 1997.

Carolita U. Kallaur,

*Associate Director for Offshore Minerals Management.*

The MOU reads as follows:

Memorandum of Understanding Between the Department of Transportation and the Department of the Interior, Regarding Outer Continental Shelf Pipelines

#### I. Purpose

This Memorandum of Understanding (MOU) establishes the boundaries that will be used to delineate the locations over which the Department of Transportation (DOT), Research and Special Programs Administration (RSPA), and the Department of the Interior (DOI), Minerals Management Service (MMS), will exercise their respective regulatory authority over pipelines located on the Outer Continental Shelf (OCS). This MOU replaces the MOU between DOT and DOI regarding OCS pipelines which was signed and became effective May 6, 1976, and which terminates as of the effective date of this MOU.

In recognition of each of the parties' respective regulatory responsibilities for OCS pipelines, DOI and DOT agree that an MOU is needed to avoid duplication of regulatory efforts regarding OCS pipelines, to assure coordination and consultation during the development and implementation of regulatory requirements, to facilitate compatible regulatory requirements for all OCS pipelines whether under DOI or DOT jurisdiction, and to promote safety and environmental protection on the OCS. This MOU puts, to the greatest extent practicable, OCS production pipelines under DOI responsibility and OCS transportation pipelines under DOT responsibility.

#### II. Authority

DOT has the responsibility for promulgating and enforcing regulations for the safe and environmentally sound transportation of gases and hazardous liquids by pipeline. DOT administers the following laws as they relate to pipelines: (1) the pipeline safety laws (49 U.S.C. 60101 et seq.); (2) the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524); (3) the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1251-1375), as amended by the Oil Pollution Act of 1990 (OPA) (P.L. 101-380) and implemented under Executive Order (E.O.) 12777; and (4)

the Hazardous Materials Transportation Act (49 U.S.C. 5101 et seq.).

DOI has responsibilities for promulgating and enforcing regulations for the promotion of safe operations, protection of the environment, and conservation of the natural resources of the OCS, as that area is defined in the OCS Lands Act (OCSLA) (43 U.S.C. 1331 et seq.). DOI also has certain responsibilities for granting rights-of-way for the construction of pipelines and associated facilities on the OCS. DOI administers the following laws as they related to OCS pipelines: (1) The OCSLA for the transportation of minerals by pipeline, (2) the Federal Oil and Gas Royalty Management Act of 1982 for oil and gas production measurement, and (3) the FWPCA, as amended by OPA and implemented under E.O. 12777.

### III. Division of Responsibilities

DOI and DOT agree to the following division of OCS pipeline regulatory responsibilities with respect to design, construction, operation, and maintenance regulations for all pipelines on the OCS pursuant to the statutes cited above.

#### *DOI Responsibilities*

1. DOI will establish and enforce design, construction, operation, and maintenance regulations and investigate significant accidents pursuant to the OCSLA for all OCS pipelines located upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator. Such points shall be fixed and clearly designated by the operators of the facilities.

2. DOI will perform authorized inspection tasks for OCS pipelines under DOT responsibility, also described under paragraph 8, "Joint Responsibilities," as an agent of DOT, under DOT pipeline safety regulations and enforcement guidelines.

3. DOI will consult with DOT during the development of regulatory requirements and will send a copy of each draft notice of proposed rulemaking (NPR) concerning OCS pipelines to DOT for review at least 60 days before the NPR is published in the Federal Register.

4. DOI will require all applications concerning pipelines and pipeline rights-of-way to include a statement concerning which agency has responsibility for the pipeline. When DOI grants rights-of-way for pipelines which are under DOT responsibility, DOI will condition its approval on the pipelines being designed, constructed, operated, and maintained in compliance

with DOT regulations. Upon approval of grants for right-of-way pipelines under DOT responsibility, DOI will provide copies of its approval letters to DOT.

5. DOI will allow DOT to use, on a reimbursable basis, DOI-contracted helicopters for the inspection of OCS pipelines, subject to helicopter availability.

6. For pipelines under DOT responsibility, DOI will report to DOT in writing any apparent violation of DOT regulations that is identified during the course of DOI inspections.

#### *DOT Responsibilities*

1. DOT will establish and enforce design, construction, operation, and maintenance regulations and investigate significant accidents for all OCS transportation pipelines beginning downstream of the point at which operating responsibility transfers from a producing operator to a transporting operator. Such points shall be fixed and clearly designated by the operators of the facilities.

2. DOT delegates authorized inspection tasks for OCS pipelines under DOT responsibility to DOI, also described under paragraph 8, "Joint Responsibilities," as an agent of DOT, under DOT pipeline safety regulations and enforcement guidelines.

3. DOT will consult with DOI during the development of regulatory requirements and will send a copy of each draft NPR concerning OCS pipelines to DOI for review at least 60 days before the NPR is published in the Federal Register.

4. For pipelines under DOI regulatory authority, DOT will report to DOI in writing any apparent violation of DOI regulations that is identified during the course of DOT inspections.

#### *Joint Responsibilities*

1. DOI and DOT will consult and coordinate all of their respective rulemaking efforts affecting OCS pipelines. Supporting regulatory analyses (e.g., Determinations of Effects of Rules, Regulatory Impact Analyses, and information collection burdens, etc.) will also be coordinated, although the analyses will be appropriate for each agency and the industry segments it regulates.

2. DOI and DOT will coordinate all of their respective research and development projects concerning OCS pipelines.

3. DOI and DOT may perform joint inspections of pipeline segments and facilities where either has jurisdiction, particularly when there are potential safety impacts from one facility on another.

4. DOI and DOT may perform joint or independent investigations of accidents involving OCS pipeline segments where either has jurisdiction.

5. DOI and DOT will each provide the other agency with any final rule, notice, agreement, or MOU with any Federal or State agency concerning OCS pipelines.

6. At least once every 3 calendar years, DOI and DOT will jointly review existing standards, regulations, orders, operating practices, and environmental and safety issues concerning OCS pipelines.

7. DOI and DOT may, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to this MOU on a facility by facility or area by area basis. Operators may also petition DOI and DOT for exceptions to this MOU.

8. DOI is authorized by DOT to perform coordinated OCS platform inspection tasks for pipelines under DOT responsibility. DOI will advise pipeline operators and DOT of inspection findings and will refer all cases of apparent noncompliance with DOT regulations to DOT.

### IV. Implementation

1. Within 120 days of the signing of this MOU, DOI and DOT will develop and initiate a joint implementation plan and rulemakings. The plan will also establish the procedures under which the point of demarcation at each facility will be fixed, marked, and reported.

2. Thereafter, DOI and DOT will meet periodically to review and update the joint implementation plan and to review this MOU for any needed revisions.

3. The respective points of contact for the provisions of this MOU are:

Associate Administrator for Pipeline Safety, Research and Special Programs Administration, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590  
Associate Director for Offshore Minerals Management, Minerals Management Service, Department of the Interior, 1849 C Street, NW., Washington, D.C. 20240

### V. Limitations

1. Nothing in this MOU is intended to alter, limit, or expand the statutory or regulatory authority of DOT or DOI until implementing regulations are adopted.

2. Nothing in this MOU limits informal consultations not otherwise mentioned in this agreement.

3. Nothing in this MOU relieves an OCS pipeline owner or operator from complying with the regulations of any State of Federal agency.

4. Under a separate MOU among DOI, DOT, and the U.S. Environmental

Protection Agency pursuant to the OPA, the agencies have divided their respective responsibilities for oil spill prevention and response according to the definition of "coast line" contained in the Submerged Lands Act, 43 U.S.C. 1301(c) (59 FR 9494-9495). Nothing herein is intended to affect the implementation or administration of that MOU.

#### VI. Modification

Either party to this agreement may propose modifications by submitting them in writing to the head of the other Department. No modification may be adopted except with the consent of both parties. Both parties shall indicate their consent to or disagreement with any proposed modification within 60 days of receipt. Upon the request of either party, representatives of both parties shall meet for the purpose of considering modifications to this agreement.

#### VII. Termination

This MOU may be terminated by either party upon 60-day written notice to the other party.

#### VIII. Administration

This MOU will be administered by DOI's Minerals Management Service and DOT's Research and Special Programs Administration or such successor agencies as may be designated by the respective Secretaries.

#### IX. Effective Date

This MOU is effective upon acceptance by both parties as indicated by the signatures below.

Dated: December 10, 1996.

Department of the Interior.

Bruce Babbitt,

*Secretary.*

Dated: December 10, 1996.

Department of Transportation

Federico Peña,

*Secretary.*

[FR Doc. 97-3769 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-MR-M

#### National Park Service

##### **Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of Bandelier National Monument, National Park Service, Los Alamos, NM—Correction**

AGENCY: National Park Service, Interior.

ACTION: Notice.

*Correction*

In notice document 96-32095 beginning on page 66694 in the issue of Wednesday, December 18, 1996 make the following corrections:

On page 66694, in the third column, in the second paragraph, include the Pueblo of Santa Ana in the list of consulted Indian tribes.

On page 66695, in the second column, in the second paragraph, include the Pueblo of Santa Ana in the list of Indian tribes with a shared group identity reasonably traced to the 37 sets of Native American human remains and ten associated funerary objects.

On page 66695, in the second column, in the third paragraph, include the Pueblo of Santa Ana in the list of notified Indian tribes.

On page 66695, in the third column, in the first paragraph, include the Pueblo of Santa Ana, the Pueblo of Santa Clara, and the Pueblo of Santo Domingo in the list of Indian tribes to whom the 37 sets of Native American human remains and ten associated funerary objects may be repatriated.

Dated: February 5, 1997.

Francis P. McManamon,

*Departmental Consulting Archeologist,*

*Manager, Archeology and Ethnography*

*Program.*

[FR Doc. 97-3684 Filed 2-13-97; 8:45 am]

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##### **Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from near Yerington, Nevada, in the Possession of the Nevada State Museum, Carson City, NV**

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003 (d), of the completion of an inventory of human remains and associated funerary objects near Yerington, Nevada, in the possession of the Nevada State Museum, Carson City, NV.

A detailed assessment of the human remains and associated funerary objects was made by the Nevada State Museum professional staff in consultation with representatives of the Yerington Paiute Tribe.

Before 1970, human remains representing one individual were collected by an unknown person and delivered to the Nevada State Museum. "Yerington" was written on the box the human remains were delivered in. No known individual was identified. No associated funerary objects are present.

Morphological evidence indicates this individual is Native American based on cranial shape and dental traits. One tooth in the cranium shows pre-contact type wear and lingual tilting, supporting precontact but otherwise unknown age. Historic and ethnographic evidence indicates only the Yerington Paiute Tribe has occupied the Yerington area in historic times, and no non-Paiute precontact cultures have been identified within the Yerington area. Oral tradition presented by representatives of the Yerington Paiute Tribe supports this conclusion.

In 1984, human remains representing one individual were recovered during water line construction by the City of Yerington, Nevada. No known individual was identified. The 759 associated funerary objects include: 12 white buttons, one blue button, and 745 turquoise-colored, blue and black glass trade beads.

Morphological evidence indicates this individual is Native American based on cranial shape and dental traits. The associated funerary objects date this burial to after 1840. The manner of internment and the presence of glass beads and clothing buttons are consistent with Northern Paiute burials in this region. Consultation evidence indicates the Yerington Paiute Tribe has occupied this area since precontact times. Historic and ethnographic evidence indicates only the Yerington Paiute Tribe has occupied the Yerington area in historic times, and no non-Paiute precontact cultures have been identified within the Yerington area.

In 1987, human remains representing one individual were recovered from Smith Valley, Lyon County, NV, by the Nevada Division of Investigations and turned over to the Nevada State Museum when it was determined to be a Native American individual. No known individual was identified. No associated funerary objects are present.

Historic and ethnographic evidence indicates only the Yerington Paiute Tribe has occupied the Yerington area in historic times, and no non-Paiute precontact cultures have been identified within the Yerington area. Oral tradition presented by representatives of the Yerington Paiute Tribe support this conclusion.

In May of 1990, human remains representing one individual was found by a private citizen near Yerington, Nevada, and reported to the Lyon County Sheriff's Office. No known individual was identified. The eight associated funerary objects include: denim jeans, a wool army jacket, a braided hackamore bosal, metal rings and leather representing a saddle, and