

Unit Operator, and said First Party desires to assume all the rights, duties, and obligations of Unit Operator under the said unit agreement:

Now, therefore, in consideration of the premises hereinbefore set forth and the promises hereinafter stated, the First Party hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of the _____ unit agreement, and the Second Parties covenant and agree that, effective upon approval of this indenture by the (Name and Title of authorized officer, BLM) First Party shall be granted the exclusive right and privilege of exercising any and all rights and privileges as Unit Operator, pursuant to the terms and conditions of said unit agreement; said Unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

(Witnesses)

(Witnesses)

(First Party)

(Second Party)

I hereby approve the foregoing indenture designating _____ as Unit Operator under the unit agreement for the _____ Unit Area, this _____ day of _____, 19____.

Authorized officer of the Bureau of Land Management.

§ 228.17 Model for change in unit operator by assignment.

Change in Unit Operator _____ Unit Area, County of _____, State of _____, No. _____. This indenture, dated as of the _____ day of _____, 19____, by and between _____ hereinafter designated as "First Party," and _____ hereinafter designated as "Second Party."

Witnesseth: Whereas under the provisions of the Act of February 25, 1920, 41 Stat. 437 30 U.S.C. secs. 181, *et seq.*, as amended by the Act of August 8, 1946, 60 Stat. 950, the Department of the Interior, on the _____ day of _____, 19____, approved a unit agreement for the _____ Unit Area, wherein the First Party is designated as Unit Operator; and

Whereas the First Party desires to transfer, assign, release, and quitclaim, and the Second Party desires to assume all the rights, duties and obligations of Unit Operator under the unit agreement; and

Whereas for sufficient and valuable consideration, the receipt whereof is hereby acknowledged, the First Party has transferred, conveyed, and assigned all his/its rights under certain operating agreements involving lands within the area set forth in said unit agreement unto the Second Party;

Now, therefore, in consideration of the premises hereinbefore set forth, the First Party does hereby transfer, assign, release, and quitclaim unto Second Party all of First Party's rights, duties, and obligations as Unit Operator under said unit agreement; and

Second Party hereby accepts this assignment and hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of said unit agreement to the full extent set forth in this assignment, effective upon approval of this indenture by the (Name and Title of authorized officer, BLM); said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

(Witnesses)

(Witnesses)

(First Party)

(Second Party)

I hereby approve the foregoing indenture designating _____ as Unit Operator under the unit agreement for the _____ Unit Area, this _____ day of _____, 19____.

Authorized officer of the Bureau of Land Management

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Minerals Management Service

30 CFR Part 256

Offshore Lessee/Payor; Payment by Electronic Funds Transfer (EFT)

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Interim rule with request for comments.

SUMMARY: The MMS is publishing an interim regulation requiring any offshore lessee/payor to remit payment to MMS by Electronic Funds Transfer (EFT), when the total payment on any given day to MMS at the Royalty Management Accounting Center (RMAC) Lakewood, Colorado, totals \$50,000 or more for royalties and rentals. Payment of the four-fifth bonus and first year's rental shall also be made by EFT.

This remittance method will provide the U.S. Treasury with funds on the actual date of transfer rather than several days later, as is the case with current manual check clearing procedures. It will also significantly improve MMS internal controls for handling cash receipts.

DATES: Interim rule effective July 11, 1983. Comments must be received on or before August 9, 1983.

ADDRESS: Send written comments to Deputy Associate Director for Royalty Management (Policy), 12203 Sunrise

Valley Drive, Mail Stop 660, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Ori L. Kelm, (703) 860-7511, (FTS) 928-7511.

SUPPLEMENTARY INFORMATION: This rule requires EFT payment utilizing the Treasury Financial Communications System (TFCS), when the aggregated amount paid to MMS on any given day is \$50,000 or more for royalties and rentals. Payments to MMS by EFT for royalties and rentals shall begin only after payor is notified by RMAC. The four-fifths bonus amounts and first year's rentals are also to be paid by EFT, beginning January 1, 1984. Detailed instructions will be provided in the notice of each lease offering.

Payors will not be held responsible for late payments resulting from any third party, mechanical or systems failure of the TFCS. However, late payments resulting from a payor's action, such as improper coding instructions that he gives to his bank to authorize EFT, will be the payor's responsibility.

Daily payments to the RMAC for royalties and rentals totaling less than \$50,000 may be made by check, bank draft, or money order payable to MMS. Because the payments for royalties, rentals, and the four-fifths bonus amount are often significant amounts, MMS intends to mandate the use of available technology for larger payments to ensure earlier funds availability for the Government. This interim rule will remain in effect until superseded by the final rulemaking to be published on or after January 1, 1984, after consideration of comments.

In the past, the one-fifth bid deposit received by the Government has occasionally been returned to the high bidder due to later rejection of the bid for the convenience of the Government. The bid money was held by the Government and was returned without interest. This action places an unreasonable risk on bidders. This interim intends to provide for payment of any interest earned by the Government on the one-fifth bid deposit, if it is later returned for Government convenience. The Government is authorized to pay interest, but has never done so in such situations in the past. The amount of interest estimated to be payable is relatively small (4% of the amount estimated to be saved through use of EFT to remove the present check clearing float time advantage to industry). This provision will become effective for lease offerings after January 1, 1984.

Administrative Procedure Act

Because the overall savings to the Government is considered significant even after consideration of possible interest payments if the one-fifth deposit is returned for Government convenience, the Department of the Interior has determined that the public interest requires that this interim rule be implemented before receipt of comments. Publication of a proposed rulemaking before this interim rule would not be in the public interest because it would prevent the speedup of receipt of monies due the Government, and is waived under 5 U.S.C. 553(b).

Executive Order 12291

The Department has determined that this rule is not a major rule and does not, therefore, require the preparation of a regulatory impact analysis under Executive Order 12291 because it is estimated to result in a total economic effect of less than \$5 million annually. The total and individual economic effect is not deemed significant.

Regulatory Flexibility Act

The Department has also determined that this interim rulemaking does not require a small entity flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because there will not be a substantial number of small entities affected and the economic impact on those affected will be insignificant.

National Environmental Policy Act of 1969

It is hereby determined that this interim rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Paperwork Reduction Act of 1980

The Department has also determined that this interim rulemaking does not constitute any action requiring collection of data and, therefore, the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) does not apply.

List of Subjects in 30 CFR Part 256

Administrative practice and procedure, Banks and banking, EFT, Minerals royalties, Royalty accounting, Continental shelf, Government contracts, Oil and gas exploration, Pipelines, Public lands—mineral resources, Public lands rights-of-way, Reporting and record keeping requirements, Surety bonds.

Under the authority of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1221 *et seq.*), Part 256, Chapter II of Title 30 of the Code of Federal Regulations is amended as set forth below.

Dated: May 26, 1983.
Daniel N. Miller, Jr.,
Assistant Secretary of the Interior.

PART 256—OUTER CONTINENTAL SHELF MINERAL AND RIGHTS-OF-WAY MANAGEMENT; GENERAL

Section 256.13 is revised to read as follows:

§ 256.13 Payment.

(a) Payments for Royalties and Rents: All payors whose combined remittance (on payment due date) totals \$50,000 or more in payment to MMS at the Royalty Management Accounting Center (RMAC), Lakewood, Colorado, for royalties and rents (note that bonuses and first year's rentals are separately considered under paragraph (c) of this section) must make payment by electronic funds transfer (EFT), utilizing the Treasury Financial Communications Systems (TFCS), unless otherwise directed by the Secretary. Payments to MMS by EFT for royalties and rents shall begin only after payor is notified by RMAC.

(b) Each payor for those items in paragraph (a) of this section, whose combined remittance on any given day is less than \$50,000 must use one of the following payment instruments made payable to MMS:

- (1) Federal Reserve check
- (2) Commercial check
- (3) Money order
- (4) Bank Draft

(c) Payment of bonus bid amounts and first year rental: Each bid must include a payment for the one-fifth bonus bid deposit amount unless otherwise directed by the Secretary. Detailed instructions of how to make payment with the bid will be included in the notice of each lease offering.

(1) Beginning with lease offerings held after January 1, 1984, the one-fifth bonus amount received from a high bidder shall be deposited into an interest bearing account pending issuance of the lease, in the Department of Treasury in an account created pursuant to an agreement between the Department of the Interior and Treasury. Investment of this amount by the Government does not indicate acceptance of the bid. The one-fifth bonus amounts submitted with bids other than the highest valid bid shall be returned to respective bidders after bids are opened, recorded and ranked. Return of such deposits will not affect

the status, validity, or ranking of bids. The one-fifth bonus amount received from the high bidder and held by the Government, will be returned with actual interest earned, if the bid is subsequently rejected for Government convenience. The interest accrued during the period held in the account pending issuance of the lease will accrue to the Government when the lease is issued.

(2) The payment of the four-fifths bonus amount and the first year's rental shall be made to MMS by EFT unless otherwise directed by the Secretary. The payment by EFT must be received by Federal Reserve Bank of New York no later than noon, eastern standard time, on the 10th business day after receipt of the lease forms by the successful bidder. The lease will not be executed by the authorized officer until payment is received. Failure to remit by EFT, or as directed by the Secretary, within the time specified above will result in forfeiture of the one-fifth bonus amount and the lease will not be executed by the authorized officer. Payors will not be held responsible for late payment due to third party, mechanical or systems failure of TFCS.

(d) Payments for pipeline rights-of-way and costs for grants of same, shall be remitted to MMS by cash, check, or bank draft unless otherwise directed by the Secretary.

(e) Payments for other items, such as filing charges and fees, shall be made to the manager of the appropriate Outer Continental Shelf field office by cash, check, or bank draft, payable to MMS unless otherwise directed by the Secretary.

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DEPARTMENT OF EDUCATION**34 CFR Part 668****Student Assistance General Provisions**

AGENCY: Department of Education.

ACTION: Notice regarding implementation of final regulations for the Student Assistance General Provisions—Selective Service Registration Requirements.

SUMMARY: The Secretary of Education announces that the regulations on registration with Selective Service as a condition for receipt of student financial assistance will not be enforced by the Secretary while a preliminary injunction prohibiting the enforcement of these regulations is in effect.