

relative to the value of the credit and agrees that the minimum level at which fees are charged should be raised further. Under the current fee schedule, a review fee of \$500 is charged for projects less than \$100,000, equivalent to 12.5% of the value of the incentive (20% of the cost of the rehabilitation) for a \$20,000 project; and under the initially proposed schedule, the review fee would be equal to 8% of the value of the incentive for a \$50,000 project. After considering the costs to the Government of administering the program, the value of the service to the recipient, and the public policy of promoting investment in our Nation's historic buildings, the NPS considers that raising the minimum project level at which fees are assessed to \$80,000 (with a review fee equivalent to 5.3% of the value of the incentive) effectively balances these goals. It would preserve the long-standing NPS practice of not charging for the smallest projects, and promote the rehabilitation of historic buildings without substantially increasing the cost of administering the program or resulting in significant loss of fee revenues. Raising the level further, however, would mean more substantial loss of such revenues or require that fees be increased.

In consideration of this change, the fee schedule has been revised as set forth below so that no fee is charged for projects with rehabilitation costs less than \$80,000. There is no change as the result of this revision to the fees charged to projects with rehabilitation costs of \$80,000 and above to that previously proposed.

### III. Action

#### *Fee Schedule Information and Instructions*

Fees will be charged for reviewing Historic Preservation Certification Applications in accordance with the schedule appearing below. The fee schedule and instructions concerning the same may also be obtained through the NPS's Web site at <http://www.nps.gov/tps/tax-incentives.htm>.

The new fee schedule applies only to new applications received by State Historic Preservation Offices after the effective date of this fee schedule. Part 3 applications describing completed work in previously reviewed Part 2 applications will be charged according to the schedule in effect at the time the Part 2 was reviewed.

#### *Fee Schedule*

Applicants should make no payment until requested to do so by the NPS. A certification decision will not be issued

on an application until the appropriate remittance is received. Fees are nonrefundable.

Application review fees (rounded to the nearest dollar) are based on the applicant's estimated rehabilitation costs (defined as "Qualified Rehabilitation Expenditures," or "QREs," pursuant to section 47 of the Internal Revenue Code).

Cost of rehabilitation	Fee
\$0–\$79,999 .....	\$–0–.
\$80,000–\$3,849,999	\$845 + 0.15% (0.0015) of rehabilitation costs over \$80,000.
\$3,850,000 or more ..	\$6,500.

1. The application review fee will, upon request by the NPS, be payable one-half upon NPS receipt of a Part 2—Description of Rehabilitation, and one-half upon NPS receipt of a Part 3—Request for Certification of Completed Work.

2. If the estimated rehabilitation costs reported on the Part 3 application are lower than those reported on the Part 2 application previously submitted, then the Part 3 portion of the application review fee will be based on the costs reported on the Part 3. No refund of the Part 2 fee difference—if any—will be made.

3. If the estimated rehabilitation costs reported on the Part 3 application are higher than those reported on the Part 2 application previously submitted, then the Part 3 portion of the fee will be 100% of the review fee less the Part 2 portion of the fee previously paid.

4. If Part 2 and Part 3 applications are received at the same time, the application review fee will be assessed on the estimated rehabilitation costs reported on the Part 3.

5. For a project involving multiple buildings that were functionally related historically pursuant to 36 CFR part 67, the application review fee will be based on the estimated rehabilitation costs of the entire project.

6. For a phased project pursuant to 36 CFR part 67, the application review fee will be based on the total estimated rehabilitation costs for all phases.

7. Projects requiring submittal of a new Part 2 application will be assessed an application review fee equal to the fee for a new Part 2 application. No refunds or credits toward the new application will be issued for the fees paid for the prior Part 2 application.

Dated: November 5, 2012.

**Jonathan B. Jarvis,**

*Director, National Park Service.*

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**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### Office of Natural Resources Revenue

[Docket No. ONRR–2011–0002]

#### **States' Decisions on Participating in Accounting and Auditing Relief for Federal Oil and Gas Marginal Properties**

**AGENCY:** Office of Natural Resources Revenue, Interior.

**ACTION:** Notice.

**SUMMARY:** Final regulations that the Office of Natural Resources Revenue (ONRR) published September 13, 2004 (69 FR 55076), provide two types of accounting and auditing relief for Federal onshore or Outer Continental Shelf lease production from marginal properties. As the regulations require, ONRR provided a list of qualifying marginal Federal oil and gas properties to States that received a portion of Federal royalties. Each State then decided whether to participate in one or both relief options. For calendar year 2013, we provide in this notice the affected States' decisions to allow one or both types of relief.

**DATES:** Effective January 1, 2013.

#### **FOR FURTHER INFORMATION CONTACT:**

Richard Adamski, Program Manager, Asset Valuation, at (303) 231–3410; or (303) 231–3744 via fax; or via email to [richard.adamski@onrr.gov](mailto:richard.adamski@onrr.gov).

**SUPPLEMENTARY INFORMATION:** The regulations, codified at 30 CFR part 1204, subpart C, implement certain provisions of section 7 of the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (RSFA) (30 U.S.C. 1726), which allows States to relieve the lessees of marginal properties from certain reporting, accounting, and auditing requirements. States make an annual determination of whether or not to allow relief. Two options for relief are provided: (1) Notification-based relief for annual reporting and (2) other requested relief, as industry proposed and ONRR and the affected State approved. The regulations require ONRR to publish by December 1 of each year a list of the States and their decisions regarding marginal property relief.

To qualify for the first relief option (notification-based relief) for calendar year 2013, properties must have

produced less than 1,000 barrels-of-oil-equivalent (BOE) per year for the base period (July 1, 2011, through June 30, 2012). Annual reporting relief will begin January 1, 2013, with the annual report and payment due February 28, 2014, or March 31, 2014, if you have an estimated payment on file. To qualify for the second relief option (other requested relief), the combined equivalent production of the marginal properties during the base period must equal an average daily well production of less than 15 BOE per well, per day calculated under 30 CFR 1204.4(c).

The following table shows the States that have qualifying marginal properties and the States' decisions to allow one or both forms of relief.

State	Notification-based relief (less than 1,000 BOE per year)	Request-based relief (less than 15 BOE per well per day)
Alabama .....	No .....	No.
California .....	No .....	No.
Colorado .....	No .....	No.
Kansas .....	No .....	No.
Louisiana .....	Yes .....	Yes.
Michigan .....	Yes .....	Yes.
Mississippi .....	No .....	No.
Montana .....	No .....	No.
Nebraska .....	No .....	No.
Nevada .....	No .....	No.
New Mexico .....	No .....	Yes.
North Dakota .....	Yes .....	Yes.
Oklahoma .....	No .....	No.
South Dakota .....	No .....	No.
Utah .....	No .....	No.
Wyoming .....	No .....	No.

Federal oil and gas properties located in all other States where ONRR does not share a portion of Federal royalties with the State are eligible for relief if they qualify as marginal under the regulations (See section 117(c) of RSFA (30 U.S.C. 1726(c))). For information on how to obtain relief, please refer to 30 CFR 1204.205 or to the published rule, which you may view at [www.onrr.gov/Laws\\_R\\_D/FRNotices/AC30.htm](http://www.onrr.gov/Laws_R_D/FRNotices/AC30.htm).

Unless the information that ONRR received is proprietary data, all correspondence, records, or information that we receive in response to this notice may be subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552 *et seq.*). If applicable, please highlight the proprietary portions, including any supporting documentation, or mark the page(s) that contain proprietary data. We protect the proprietary information under the Trade Secrets Act (18 U.S.C. 1905); FOIA, Exemption 4 (5 U.S.C. 552(b)(4)); and Department regulations (43 CFR part 2).

Dated: November 16, 2012.

**Gregory J. Gould,**

*Director, Office of Natural Resources Revenue.*

[FR Doc. 2012-28935 Filed 11-29-12; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

On November 26, 2012 the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Nebraska in the lawsuit entitled *United States and State of Nebraska v. Aaron Ferer & Sons, Company*, Civil Action No. 8:12-cv-00406.

The Complaint states claims on behalf of the United States and the State of Nebraska against Aaron Ferer & Sons, Company, under CERCLA Section 107 as the former owner and operator of a lead processing facility that contaminated the Omaha Lead Site in Omaha, Nebraska. Aaron Ferer & Sons, Company, is resolving its liability for a payment of \$500,000, \$20,000 of which is being paid to the State of Nebraska. Aaron Ferer & Sons, Company is receiving a covenant-not-to-sue from the United States and the State of Nebraska.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Aaron Ferer & Sons, Company*, D.J. Ref. No. 90-11-3-07834/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the consent decree upon written request and payment of

reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$4.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Robert E. Maher, Jr.,**

*Acting Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2012-28942 Filed 11-29-12; 8:45 am]

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Benefit Accuracy Measurement Program

**ACTION:** Notice.

**SUMMARY:** On November 30, 2012, the Department of Labor (DOL) will submit the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, "Benefit Accuracy Measurement Program," to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

**DATES:** Submit comments on or before December 31, 2012.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, <http://www.reginfo.gov/public/do/PRAMain>, as of December 1, 2012, or by contacting Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202-395-6881 (this is not a toll-free number), email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).