

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
NATIONAL NOTICE**

NTL No: 2009-N09

Effective Date: 1 November 2009

**NOTICE TO LESSEES AND OPERATORS OF FEDERAL
OIL AND GAS LEASES IN THE OUTER CONTINENTAL SHELF**

MMS Policy on Refund Requests for Service Fees

This Notice to Lessees and Operators (NTL) provides clarification and information to operators, lessees, and pipeline right-of-way holders on our policies and procedures on refunding a service fee.

Background

The Independent Offices Appropriation Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (P. L. 104-133, 110 Stat. 1321, April 26, 1996), and the Office of Management and Budget Circular A-25 authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's implementing policy, the Minerals Management Service (MMS) is required to charge the full cost for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large.

Policy

Parts 250, 251, 256, and 280 of Title 30 CFR list service fees that MMS collects to recover the cost of services that we provide. The regulations state that these fees are non-refundable. However, the regulations contemplated fees and applications or plans being submitted simultaneously. Due to the mandated use of Pay.Gov for the electronic payment of fees, you must now pay your fees prior to submitting the plans and applications. This process has resulted in certain payment errors not addressed by the regulations. The MMS has determined that certain situations warrant a refund. These situations are as follows:

- (1) You submitted more than one payment with a single request;
- (2) You submitted an incorrect fee or fee amount;
- (3) You submitted payment without submitting any application or plan and did not proceed further.

You must submit all refund requests to MMS within 30 days of the initial service fee payment, with the reason stated for the refund. If you do not submit your request within the 30-day timeframe, MMS will not issue a refund.

Refund Instructions

If you meet the criteria for a refund, you must fill out a Refund Request form, which can be found at <http://www.mms.gov/offshore/paygov.htm> (click on Refund Request to the right of the page).

On the Refund Request form, in the *Memo to MMS field, you must list the reason for the refund based on one of the three policy situations listed in this NTL. You must use the information from your original receipt to prepare your refund request. The refund request form has required fields (*) that must be populated with the correct information from your original receipt. If the information provided is determined to be incorrect, the refund request will not be processed. Failure to follow this format will result in no refund.

Contact(s)

The table contains a list of the people to contact in the various MMS offices if you have any questions pertaining to eligibility to obtain a refund or to the preparation of the refund request.

Regional Office	Name	Email	Telephone
Alaska	Mary Felter	Mary.felter@mms.gov	907-337-5300
Pacific	Elverlene Williams	Elverlene.williams@mms.gov	805-389-7837
Gulf of Mexico	Warren Williamson, FO	Warren.williamson@mms.gov	504-736-2874
	James Swaney, PD	James.swaney@mms.gov	504-736-2677
	Colette Worcester, LE	Colette.worcester@mms.gov	504-736-2756
	Harshad Patel, RE	Harshad.patel@mms.gov	504-736-5712

If you have any policy questions concerning refunds of service fees, please contact: Angela Mazzullo at angela.mazzullo@mms.gov or 703-787-1700.

Rulemaking

The MMS plans to also promulgate a rule addressing these issues and imposing a fee to recover the costs MMS incurs in processing these refunds. The public will have an opportunity to comment on this rulemaking.

Guidance Document Statement

The MMS issues NTLs as guidance documents in accordance with 30 CFR 250.103 to clarify, supplement, and provide more detail about certain MMS regulatory requirements, and to outline

the information you must provide in your various submittals. Under that authority, this NTL clarifies the regulatory requirements pertaining to cost recovery refunds.

Paperwork Reduction Act of 1995 Statement

This NTL provides clarification, description, or interpretation of requirements contained in 30 CFR Parts 250, 251, 256, and 280 and is not subject to the Paperwork Reduction Act of 1995.

[original signed]

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Offshore Energy and Minerals Management