

Emission Standard for Hazardous Air Pollutants (NESHAPS) category in 40 CFR Part 61: Subpart A—General Provisions. These delegations do not include the exceptions noted in your May 9, 1985 letters. We have reviewed your request for delegation and have found your present programs and procedures to be acceptable.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61 including use of EPA approved test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the *Federal Register* in the near future.

Sincerely,

Judith E. Ayres,  
Regional Administrator.

June 24, 1985.

Dick Serdoz, P.E.  
Air Quality Officer, Nevada Dept. of Conservation and Natural Resources, Division of Environmental Protection, Capitol Complex, Carson City, NV 89710

Dear Mr. Serdoz: In response to your request of May 30, 1985, I am pleased to inform you that we are delegating to your agency authority to implement and enforce the New Source Performance Standard (NSPS) category in 40 CFR Part 60: Subpart EE—Standards of Performance for Surface Coating of Metal Furniture. We have reviewed your request for delegation and have found your present programs and procedures to be acceptable.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of EPA approved test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the *Federal Register* in the near future.

Sincerely,

Judith E. Ayres,  
Regional Administrator.

August 20, 1985.

Mr. Richard Serdoz, P.E.  
Air Quality Officer, Division of Environmental Protection, Nevada Department of Conservation and Natural Resources, Capitol Complex, Carson City, NV 89710.

Dear Mr. Serdoz: In response to your request of July 17, 1985, I am pleased to inform you that we are delegating to your agency authority to implement and enforce the New Source Performance Standard (NSPS) category in 40 CFR Part 60: Subpart KKK—Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants. We have reviewed your request for delegation and have found your present programs and procedures to be acceptable.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of

EPA approved test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the *Federal Register* in the future.

Sincerely,

Judith E. Ayres,  
Regional Administrator.

With respect to the areas under the jurisdiction of the NDCNR, all reports, applications, submittals, and other communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the NDCNR at the address shown in the letter of delegation.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

This Notice is issued under the authority of section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: September 17, 1985.

John Wise,  
Acting Regional Administrator.  
[FR Doc. 85-22909 Filed 9-24-85; 8:45 am]  
BILLING CODE 6560-50-M

#### 40 CFR Part 403

[OW-FRL-2855-2]

#### General Pretreatment Regulations for Existing and New Sources

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** On February 10, 1984, the Environmental Protection Agency (EPA) revised the fundamentally different factors (FDF) variance provision of the General Pretreatment Regulations (40 CFR 403.13). This action was taken in response to the decision of the United States Court of Appeals for the Third Circuit in *National Association of Metal Finishers (NAMF) v. EPA*, 719 F.2d 624 (3d Cir. 1983). On February 27, 1985, the United States Supreme Court reversed the portion of the *NAMF* decision affecting FDF variances from categorical pretreatment standards. *Chemical Manufacturers Association (CMA) et al. v. Natural Resources Defense Council (NRDC)*, Nos. 83-1013 and 83-1373. Today, EPA is reinstating the original FDF provision of the pretreatment regulations as authorized by *CMA v. NRDC*.

**DATE:** The effective date of this action is September 25, 1985.

**FOR FURTHER INFORMATION CONTACT:** Craig Jakubowics, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 426-4793.

**SUPPLEMENTARY INFORMATION:** Section 403.13 of the General Pretreatment Regulations establishes the criteria and procedures for a fundamentally different factors (FDF) variance. The variance would be an adjustment, on a case-by-case basis, to the discharge limits specified in a categorical pretreatment standard as they apply to an individual indirect discharger who is able to demonstrate that it is fundamentally different from those industrial facilities considered by EPA in establishing the categorical pretreatment standard in question.

In 1981, the Natural Resources Defense Council (NRDC) challenged the pretreatment FDF provision. NRDC argued that EPA has no authority under the Clean Water Act (CWA) to grant FDF variances, and that such a variance for toxic pollutants is prohibited by section 301(1) of the Act. The U.S. Third Circuit Court of Appeals held that 301(1) bars EPA from granting pretreatment FDF variances for toxic pollutants (*NAMF v. EPA*, 719 F.2d 624, 643-646 (3d Cir. 1983)), and remanded the FDF provision to EPA. The court did not rule on whether EPA generally has authority under the CWA to grant FDF variances from pretreatment standards.

In response to the court's ruling, EPA made a technical change to § 403.13 of the pretreatment regulations (49 FR 5131, February 10, 1984). EPA added a sentence to § 403.13 to make it clear that an FDF variance was not available for toxic pollutants covered by a categorical pretreatment standard. FDF variances, therefore, were available only for non-conventional and conventional pollutants regulated in categorical pretreatment standards.

In addition to this regulatory action, EPA and the Chemical Manufacturers Association (CMA) sought Supreme Court review of that part of the Third Circuit's decision addressing the FDF provision. On February 27, 1985, the Supreme Court reversed the decision of the Third Circuit, holding that section 301(1) of the Clean Water Act does not prohibit EPA from granting fundamentally different factors variances for toxic pollutants regulated in pretreatment standards (*CMA v. NRDC*, Nos. 83-1013 and 83-1373). In reaching this conclusion, the Court found EPA's interpretation of section

301(1) (*i.e.*, that section 301(1) does not apply to FDF variances) rational in view of the language of that section, the legislative history and the overall structure of the Act.

As authorized by the Supreme Court decision, EPA today is revising § 403.13 of the General Pretreatment Regulations to again permit FDF variances for toxic pollutants regulated in categorical pretreatment standards. The effect of this final action will be to remove the sentence added to the regulation in the wake of the Third Circuit's *NAMF* decision, thus putting the FDF provision back into the form as promulgated in 1981.

A remaining question that needs to be addressed concerns the timing for filing FDF applications. As provided in § 403.13, an FDF request must be filed within 180 days of the effective date of the categorical pretreatment standard in question, or, if the indirect discharger has filed a category determination request pursuant to § 403.6(a) of the pretreatment regulations, within 30 days after a final decision has been made on the category determination.

The deadline for submitting an FDF application for a number of indirect dischargers expired prior to the *NAMF* decision. Although some industrial facilities in this group did file FDF requests for toxic pollutants in a timely fashion, some of their applications were not acted upon because the Third Circuit ruling was issued before a decision was reached by the Approval Authority (*i.e.*, an approved pretreatment State or EPA Regional Office). The deadline for some other indirect dischargers to file an FDF request for toxic pollutants expired after the Third Circuit's *NAMF* decision. Indirect dischargers in this latter group were thus precluded from filing FDF requests for toxic pollutants.

Those indirect dischargers whose deadline for applying for an FDF variance from Toxic pollutants expired prior to the Third Circuit decision, but had submitted a request in a timely manner, should inform the Approval Authority if they wish their previously filed FDF application to be considered by the Approval Authority. These indirect dischargers should contact their Approval Authority within 60 days of this Federal Register notice. The categorical pretreatment standards in this group are (all of the following are in 40 CFR): Electroplating (Part 413) (except for TTO limits); Timber Products (Part 429); Iron and Steel (Part 420); Inorganic Chemicals (Phase I) (Part 415); Petroleum Refining (Part 419); Pulp and Paper Mills (Parts 430 and 431); Steam Electric Power Plants (Part 423); Leather Tanning and Finishing (Part 425);

Porcelain Enameling (Part 466); Coil Coating (Part 465).

Indirect dischargers wishing to reactivate their FDF application cannot submit a new or modified request raising new issues or criteria to justify an FDF variance. Only the basis alleged in the original, timely filed application can be relied upon. However, additional information can be submitted to update the original application, or to provide the Approval Authority with supplemental information that will assist in its decision on the FDF request.

Indirect dischargers in these categories who never applied for an FDF variance for toxic pollutants and whose deadline for filing an FDF request lapsed prior to the Third Circuit decision are barred from now applying for an FDF. It should be noted, however, that in some cases EPA has amended or is in the process of amending these categorical pretreatment standards. Therefore, an indirect discharger may have a new opportunity to apply for an FDF variance from such amended pretreatment standards.

With regard to those indirect dischargers whose period for filing an FDF request for toxics was totally preempted by the Third Circuit decision, EPA will consider any FDF request for toxic pollutants if filed within 180 days of the date of this Federal Register notice as a timely request. The categorical pretreatment standards affected by this condition are (all of the following are in 40 CFR): Electrical and Electronic Components (Phase II) Part 469; Copper Forming (Part 468); Aluminum Forming (Part 467); Pharmaceuticals (Part 439); Coil Coating (Canmaking) (Part 465); Nonferrous Metals Manufacturing (Phases I and II) (Part 421); Battery Manufacturing (Part 461); Inorganic Chemicals (Phase II) (Part 415); Nonferrous Metals Forming (Part 471).

Several industrial categories, while not completely precluded from filing an FDF application for toxics, had their deadlines cut short by the *NAMF* ruling. These are Electroplating (Part 413) (for TTO limits only), Metal Finishing (Part 433) and Electrical and Electronic Components (Phase I) (Part 469). In recognition of the fact that these groups did have some opportunity to file an FDF application, their time for filing for an FDF variance for toxic pollutants will be less than the 180 days provided those categories completely precluded because of the *NAMF* decision. Electroplating (TTO limits only) and Metal Finishing had 22 days prior to *NAMF*, and therefore EPA will consider as timely filed any FDF variance request for toxic pollutants submitted within 158

days of this notice. Electrical and Electronic Components (Phase I) had 125 days prior to *NAMF*, and EPA will consider as timely filed any FDF variance request for toxic pollutants filed within 55 days of the date of this notice.

It is important to note that the *NAMF* ruling, and subsequent regulatory changes to the FDF provision of the General Pretreatment Regulations, concerned only the prohibition of FDF variances for toxic pollutants. At no time were FDF variances eliminated for non-conventional or conventional pollutants regulated in categorical pretreatment standards. Therefore, even though today's action reinstates the time available for some industrial categories to file FDF requests for toxic pollutants where their time period was either cut short or preempted by *NAMF*, no additional time is being provided to these industrial categories to file FDF requests exclusively for non-conventional or conventional pollutants. However, under limited circumstances, EPA will consider as timely a request for an FDF variance for a non-conventional or conventional pollutant, filed in conjunction with the request for a variance for a toxic pollutant, submitted by a facility in these industrial categories. To be considered, the applicant must demonstrate that the pollutant is in the same waste stream as the toxic pollutant(s), that it is appropriately controlled by the treatment technology used to control the toxic pollutant(s) and that the FDF request for the non-conventional or conventional pollutant was not previously submitted because the need for the variance for such a pollutant is inextricable from the need for the variance for the toxic pollutant(s). Of course, the criteria for an FDF variance as provided in § 403.13 of the pretreatment regulations must be satisfied as well.

Some categorical pretreatment standards have not yet been promulgated by EPA. Indirect dischargers in these industrial categories will be bound by the deadlines for filing an FDF application as specified in § 403.13.

One final point deserves emphasis. The filing of an FDF request does not constitute grounds to avoid or delay compliance with discharge limits specified in the applicable pretreatment standards. Not unless and until a final decision is made to approve an FDF request can the limits in a pretreatment standard be considered modified.

**Executive Order 12291**

Under Executive Order 12291, EPA must determine whether a regulation is major and therefore subject to the requirement of a regulatory impact analysis. The change made by today's action does not satisfy any of the criteria specified in section 1(b) of Executive Order 12291 and, as such, does not constitute a major rulemaking. This rule has been reviewed by the Office of Management and Budget.

**Regulatory Flexibility Act**

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to prepare a regulatory flexibility analysis to assess the impact of all proposed rules on small entities. EPA has determined that the rule will not have a significant economic impact on a substantial number of small entities.

**Final Agency Action and Effective Date**

Today's action constitutes final Agency action. The Agency has determined that notice and public comment on this action are unnecessary and contrary to the public interest, and thus not required by section 4(a) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b). This action merely puts back into effect the previously existing regulation which was modified only to respond to a court order which has now been reversed by the Supreme Court. Thus, further comment on this regulation, which was originally promulgated after notice and comment, is unnecessary. Moreover, a notice and comment period would cause unwarranted delay and uncertainty for industries that have applied or wish to apply for FDF variances as authorized by the Supreme Court decision in *CMA v. NRDC*. Therefore, good cause exists for taking this action without providing for notice and comment as prescribed by the APA. For the same reason the Agency has determined that good cause exists for the final action taken today to become effective immediately.

**List of Subjects in 40 CFR Part 403**

Confidential business information, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: September 17, 1985.

Lee M. Thomas,  
Administrator.

**PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES**

For the reasons set out in the preamble, 40 CFR Part 403 is revised as follows:

1. The authority citation for Part 403 continues to read as follows:

**Authority:** Section 54(c)(2) of the Clean Water Act of 1977 (Pub. L. 95-217), Secs. 204(b)(1)(B), 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(b)(2)(C), 301(h)(5), 301(i)(2), 304(e), 304(g), 307, 308, 309, 402(b), 405 and 501(a) of the Federal Water Pollution Control Act (Pub. L. 92-500), as amended by the Clean Water Act of 1977.

**§ 403.13 [Amended]**

2. Section 403.13 is amended by removing paragraph (b)(2) of that section, and redesignating paragraph (b)(1) as (b).

[FR Doc. 85-22868 Filed 9-24-85; 8:45 am]  
BILLING CODE 6560-50-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Health Care Financing Administration****42 CFR Parts 435 and 436**

[BERC-507-CN]

**Medicaid Program; Federal Financial Participation for Inmates in Public Institutions and Individuals in an Institution for Mental Diseases; Correction**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Correction of Final Rule.

**SUMMARY:** This document corrects errors in a final rule published in the *Federal Register* on April 3, 1985 (50 FR 13196) on Federal financial participation for services furnished to certain institutionalized individuals. That final rule contained obsolete references to institutions for tuberculosis and an incorrect cross reference.

**EFFECTIVE DATE:** September 25, 1985.

**FOR FURTHER INFORMATION CONTACT:** Michelle French, (301) 594-5610.

**SUPPLEMENTARY INFORMATION:** The final rule, "Federal Financial Participation for Inmates in Public Institutions and Individuals in an Institution for Mental Disease or Tuberculosis", published in the *Federal Register* on April 3, 1985 (50 FR 13196), contained obsolete references to institutions for tuberculosis.

Section 2335 of the Deficit Reduction Act of 1984, Pub. L. 98-369, repealed special conditions and requirements applicable to institutional services provided to Medicare and Medicaid patients with tuberculosis. These special conditions were originally intended to assure that institutional services provided to tuberculosis patients were not custodial and could reasonably be expected to improve the patient's

condition or result in the condition being noncommunicable. The special provider category for tuberculosis hospitals was also eliminated. This is a self-implementing legislative provision. We, inadvertently, failed to remove the references to institutions for tuberculosis prior to publishing the final rule. In addition, two regulation sections include an incorrect cross-reference. Therefore, in FR Doc. 85-7885, beginning on page 13199, make the following corrections. The words "tuberculosis or" are removed from 42 CFR 435.1008 (a)(2) and (b) and 436.1004 (a)(2) and (b).

In §§ 435.1008(b) and 436.1004(b), the cross reference "(a)(2)" is corrected to read "(a)".

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: August 6, 1985.

Carolyn K. Davis,  
Administrator, Health Care Financing Administration.

Dated: September 20, 1985.

Margaret M. Heckler,  
Secretary.

[FR Doc. 85-22913 Filed 9-24-85; 8:45 am]  
BILLING CODE 4120-01-M

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Part 1820**

[Circular No. 2565]

**Application Procedures; Changes of Addresses of State Offices**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** The final rulemaking amends 43 CFR Part 1820 to reflect the new addresses of several of the State Offices of the Bureau of Land Management. All filings and other documents relating to public lands in the respective States shall be filed at the new addresses of the State Offices with the appropriate areas of jurisdiction.

**EFFECTIVE DATE:** September 25, 1985.

**FOR FURTHER INFORMATION CONTACT:** Eleanor R. Schwartz, (202)-343-8735.

**SUPPLEMENTARY INFORMATION:** This final rulemaking reflects the administrative action of changing or updating the addresses of several of the State Offices of the Bureau of Land Management. It changes the addresses for the filing of documents relating to

public lands in several States, but makes no other changes in filing requirements. Therefore, this amendment is published as a final rulemaking with the effective date shown above.

The Department of the Interior has determined that because this rule is an administrative action, it is not a major rule for purposes of E.O. 12291, and neither an environmental impact analysis nor a regulatory flexibility analysis is required. There are no additional information collection requirements imposed by this final rulemaking.

#### List of Subjects in 43 CFR Part 1820

Administrative practice and procedures, Alaska, Archives and records, Public lands.

Under the authority of section 2478 of the Revised Statutes (43 U.S.C. 1201), Subpart 1821, Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

J. Steven Griles,

Deputy Assistant Secretary of the Interior,  
September 18, 1985.

#### PART 1820—[AMENDED]

1. The authority citation for Part 1820 continues to read as follows:

Authority: R.S. 2478; 43 U.S.C. 1201, unless otherwise noted.

2. The portion of § 1821.2-1(d) beginning with the heading "State Office and Area of Jurisdiction" and ending after the address and Jurisdiction of the Wyoming State Office, is revised to read as follows:

#### § 1821.2-1 [Amended]

##### State Office and Area of Jurisdiction

Alaska State Office, 701, C Street, Box 13, Anchorage, Alaska 99513—Southern Alaska, plus all mineral leasing.<sup>1</sup>  
Fairbanks District Office, 1541 Gaffney Road, Fairbanks, Alaska 99703—Northern Alaska except for all minerals leasing.<sup>1</sup>  
Arizona State Office, 3707 North 7th Street, Phoenix, Arizona 85014; Mail: P.O. Box Phoenix, Arizona 85011—Arizona  
California State Office, Federal Building, 2800 Cottage Way, Sacramento, California 95825—California  
Colorado State Office, 2020 Arapahoe Street, Denver, Colorado 80205—Colorado  
Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304—Arkansas, Iowa, Louisiana, Minnesota, Missouri and all States east of the Mississippi  
Idaho State Office, 3380 Americana Terrace, Boise, Idaho, 83706—Idaho  
Montana State Office, Granite Tower, 222 North 32nd Street, P.O. Box 36800, Billings,

Montana 59107—Montana, North Dakota and South Dakota  
Nevada State Office, Federal Building, Room 3123, 300 Booth Street, Reno, Nevada 89509; Mail: P.O. Box 12000, Reno, Nevada 89520—Nevada  
New Mexico State Office, Joseph M. Montoya, Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, New Mexico 87504-1449—Kansas, New Mexico, Oklahoma, and Texas  
Oregon State Office, 825 Northeast Multnomah Street, P.O. Box 2965, Portland, Oregon 97208—Oregon and Washington  
Utah State Office, CFS Financial Center, 324 South State Street, Salt Lake City, Utah 84111-2303—Utah  
Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001; Mail: P.O. Box 1828, Cheyenne, Wyoming 82003—Wyoming and Nebraska

[FR Doc. 85-22916 Filed 9-24-85; 8:45 am]

BILLING CODE 4310-04-M

#### 43 CFR Part 3200

[Circular No. 2566]

#### Geothermal Resources Leasing; General Changes in Lease Acreage and Application Fees

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rule increases the limitation on acreage that can be held by a lessee under Federal geothermal leases to 51,200 acres per State. This final rule also increases the geothermal lease application fee to \$75.

EFFECTIVE DATE: December 26, 1985.

ADDRESS: Inquiries should be sent to: Director (140), Bureau of Land Management, Main Interior Building, Room 5555, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Karl F. Duscher, (202) 653-2187.

SUPPLEMENTARY INFORMATION: On April 16, 1985, a proposed rulemaking to increase the per State limitation on acreage that can be held by a lessee under Federal geothermal leases from 20,480 to 51,200 acres and to increase the lease application fee from \$50 to \$150 was published in the Federal Register (50 FR 14945). A 60-day comment period was provided and, consistent with section 7 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025), two public hearings were held to receive comments specifically on the acreage limitation increase. Eight comments were received: four from companies engaged in geothermal exploration (one of these commenters also represented an industry association), one from a

Federal agency, one from a State Government, one from an industry association, and one from an individual.

Six of the comments strongly favored the proposed acreage increase. Of the remaining two comments, one was neutral on the increase, the other did not address it. Accordingly, the final rulemaking adopts the language of the proposed rulemaking on the acreage limitation increase. However, consistent with authority granted by section 7 of the Geothermal Steam Act, this aspect of the final rulemaking will not be effective until December 26, 1985.

Only one comment was received with respect to the lease application fee increase. That comment objected to the three-fold increase, noting that the application fee to obtain a Federal geothermal lease would be twice the fee required to obtain a Federal oil and gas lease. In re-examining the proposed increase, the Bureau of Land Management has determined that certain streamlining actions can be taken with respect to processing geothermal lease applications so that administrative costs should more closely parallel those incurred for processing oil and gas lease applications (currently estimated to be \$75 per application). Therefore, the final rulemaking sets the application fee at \$75. For convenience, this aspect of the final rulemaking also will not become effective until December 26, 1985. Geothermal lease applications received on or after the effective date of this final rulemaking that are not accompanied by the required \$75 filing fee will be rejected.

The principal author of this final rulemaking is Karl Duscher, Division of Fluid Mineral Leasing, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The increase in lease size, which would be accomplished by this proposed rulemaking, will be equally favorable to anyone offering to lease the geothermal resources on the public lands.

There are no new information collection requirements contained in this rulemaking requiring approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

#### List of Subjects in 43 CFR Part 3200

Environmental protection, Geothermal energy, Mineral royalties, Public lands-