

under the non-arm's-length contract on a monthly basis. MMS requests comments on whether the volume transferred under a non-arm's-length arrangement should be evaluated on the basis of all gas under the contract or by the size of each individual delivery package. Second Benchmark: First bona-fide arm's-length sale by the affiliate, except to retail customers. Third Benchmark: Other relevant matters.

2. Adopt the Committee's recommendation for entitlements-based reporting for mixed agreements, but with no exception for small producers. Under limited circumstances, allow MMS-approved exceptions to entitlements-based reporting if all lessees agree.

3. Adopt industry's comments to include in this rule the explicit provision for takes-based reporting for 100 percent Federal agreements and stand alone leases.

4. In response to the State's comments and in order to provide more certainty and consistency, modify the "bright line" (distinction) between transportation and gathering to be at the FMP, consistent with the "bright line" test for the allowability of compression. We may approve exceptions on a case-by-case basis. Add a provision to prevent manipulation in the location of compressors.

IV. Request for Public Comments

It is our intent to publish regulations that are: (1) Clear and understandable (2) responsive to the changing needs of royalty payors, (3) equitable to all affected parties, and (3) practical for us to administer. Such regulations should reduce administrative costs to both payors and MMS, while not generating a significant loss of royalty revenues. Based on the comments received, we are concerned that the proposed rule may not satisfy these goals. Therefore, we request input on how to improve the gas valuation regulations so that all affected parties benefit.

We specifically request comments on the five options outlined above for finalizing the proposed regulations in light of the public comments we received. We recognize that, for each affected party, each option holds benefits in certain areas while containing drawbacks in other areas. We emphasize that the five listed options are not exhaustive but merely suggestions for an improved, simplified, and streamlined valuation process. We welcome any new options or any modifications to the proposed options for consideration.

We are not requesting comments on the summary of comments outlined in

this notice, only on the five options described above or other options suggested for valuing gas from Federal leases.

The policy of the Department is, whenever practicable, to give the public an opportunity to participate in the rulemaking process. Accordingly, you should submit written comments, suggestions, or objections regarding this notice to the location identified in the **ADDRESSES** section of this notice. You should submit comments on or before the date identified in the **DATES** section of this notice.

Dated: May 15, 1996.
Michael A. Miller,
Acting Associate Director for Royalty Management.
[FR Doc. 96-12723 Filed 5-20-96; 8:45 am]
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Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

[ND-033-FOR]

North Dakota Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of additional explanatory information pertaining to a previously proposed amendment to the North Dakota abandoned mine land reclamation (AMLR) plan (hereinafter, the "North Dakota plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The additional explanatory information for North Dakota's proposed statute and plan provisions pertain to contractor eligibility and sole-source procurement procedures and policies. The amendment is intended to revise the North Dakota plan to meet the requirements of the corresponding Federal regulations and to improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., m.d.t., June 20, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to Guy Padgett at the address listed below. Copies of the North Dakota plan, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday

through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Room 2128, Casper, Wyoming 82601-1918

Louis A. Ogaard, Director, AML Division, Public Service Commission, Capitol Building, Bismarck, ND 58505-0165

FOR FURTHER INFORMATION CONTACT:

Guy Padgett, Telephone: (307) 261-6555, Internet address: GPADGETT@CWYGW.OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Plan

On December 23, 1981, the Secretary of the Interior approved the North Dakota plan. General background information on the North Dakota plan, including the Secretary's findings and the disposition of comments, can be found in the December 23, 1981, Federal Register (46 FR 62253). Subsequent actions concerning North Dakota's plan and plan amendments can be found at 934.25.

II. Proposed Amendment

By letter dated September 20, 1995, North Dakota submitted a proposed amendment to its plan (administrative record No. ND-X-02) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). North Dakota submitted the proposed amendment in response to a September 26, 1994, letter (administrative record No. ND-X-01) that OSM sent to North Dakota in accordance with 30 CFR 884.15(b), and at its own initiative. The provisions of the North Dakota plan that North Dakota proposed to add or revise were: North Dakota Century Code (NDCC) 38-14.2-03(14), powers and duties of the Commission; procurement procedures; contract procedures; policy 2-01-81(5), procurement policy and contract policy; and State agency organizational chart.

OSM announced receipt of the proposed amendment in the October 16, 1995, Federal Register (60 FR 53564), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. ND-X-05). Because no one requested a public hearing or meeting, none was held. The public comment period ended on November 15, 1995.

During its review of the amendment, OSM identified concerns relating to (1)

the powers and duties of the Commission at NDCC 38-14.2-03(14), concerning the eligibility of successful bidders to receive AMLR contracts and (2) procurement procedures at section IV. C. 5 of the North Dakota plan provisions, concerning noncompetitive negotiation (sole-source procurement) when emergency or severe time constraints preclude issuing a formal request for proposals. OSM notified North Dakota of the concerns by letter dated December 7, 1995 (administrative record No. ND-X-04). North Dakota responded in a letter dated April 30, 1996, be submitting additional explanatory information (administrative record No. ND-X-09).

North Dakota proposes additional explanatory information for NDCC 38-14.2-03(14), contractor responsibility, in the form of a policy that provides guidelines to govern the selection of successful bidders for AMLR contracts, and section IV. C. 5 of its plan provisions, procurement procedures, in the form of a statement concerning sole-source procurement.

Specifically, North Dakota proposes to add a policy statement that requires a background search of successful bidders for AMLR contracts, provides the criteria to be used in determining the eligibility of the successful bidder under 30 CFR 773.15(b)(1) at the time of contract award, limits the award of the AMLR contract to a successful bidder who meets the criteria used to determine eligibility, and provides that the eligibility determination will be made through OSM's Applicant/Violator System for each AMLR contract to be awarded. North Dakota also proposes that the Federal regulation at 43 CFR 12.76(d)(4)(i)(B), which is cited in OSM's December 7, 1995, issue letter, and implements one part of the Office of Management and Budget (OMB) Circular A-102 (commonly known as the "Common Rule"), does not apply to States and that States are required to abide by 43 CFR 12-76(a) only.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed North Dakota plan amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the North Dakota plan.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

IV. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of Tribe or State AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific Tribe or State, not by OSM. Decisions on proposed Tribe or State AMLR plans and revisions thereof submitted by a Tribe or State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231-1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed Tribe or State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Tribe or State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was

prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the Tribe or State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

6. Unfunded Mandates Reform Act

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 934

Abandoned mine reclamation programs, Intergovernmental relations, Surface mining, Underground mining.

Dated: May 9, 1996.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 96-12726 Filed 5-20-96; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 936

[OK-018-FOR]

Oklahoma Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing receipt of a propose amendment to the Oklahoma regulatory program (hereinafter, the "Oklahoma program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to Oklahoma's Coal Program Rules and Regulations. Oklahoma proposes to recodify and reinstate rules pertaining to an exemption for coal extraction incidental to government-financed or other construction. The amendment is intended to revise the Oklahoma program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., c.d.t., June 20, 1996. If requested, a public hearing on the proposed amendment will be held on June 17, 1996. Requests to present oral testimony at the hearing must be received by 4:00 p.m., c.d.t., on June 5, 1996.