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. A dopt 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. A dopt 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]
BILLING CODE 4310–MR–P

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

Louise A. Ogard, 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).

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) 38–142–03(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, by submitting additional
explanatory information in 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-
sourcing 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
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 8.48(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.