Par. 4. Section 20.2056(b)–10 is revised to read as follows:

§ 20.2056(b)–10 Effective dates.
Except as specifically provided in §§ 20.2056(b)–5(c)(3)(ii) and (iii), 20.2056(b)–7T(d)(3), 20.2056(b)–7(e)(5), and 20.2056(b)–8(b), the provisions of §§ 20.2056(b)–5(c), 20.2056(b)–7, 20.2056(b)–8, and 20.2056(b)–9 are effective with respect to estates of decedents dying after March 1, 1994. With respect to decedents dying on or before March 1, 1994, the executor of the decedent’s estate may rely on any reasonable interpretation of the statutory provisions. For these purposes, the provisions of §§ 20.2056(b)–5(c), 20.2056(b)–7, 20.2056(b)–8, and 20.2056(b)–9 (as well as project LR–211–76 (1984–1 C.B. 598), see § 601.601(d)(2)(ii)(b) of this chapter), are considered a reasonable interpretation of the statutory provisions.

Margaret Milner Richardson, Commissioner of Internal Revenue.

[FR Doc. 97–3399 Filed 2–14–97; 8:45 am]
BILLING CODE 4310–01–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 206 and 208

RIN 1010–AC09

Establishing Oil Value for Royalty due on Federal Leases, and on Sale of Federal Royalty Oil

AGENCY: Minerals Management Service, Interior.

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

SUMMARY: The Minerals Management Service (MMS) hereby gives notice that it is extending the public comment period on a Notice of proposed rule, which was published in the Federal Register on January 24, 1997, (62 FR 3742). The proposed rule would amend the regulations governing the valuation for royalty purposes of oil produced from Federal leases. In response to requests for additional time, MMS will extend the comment period from March 25, 1997, to April 28, 1997.

DATE: Comments must be submitted on or before April 28, 1997.

ADDRESSES: Written comments, suggestions, or objections regarding this proposed amendment should be sent to the following addresses:

For comments sent via U.S. Postal Service use: Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3101, Denver, Colorado 80225–0165.


For further information contact:

David F. Guzy, Chief, Rules and Publications Staff, phone (303) 231–3432, FAX (303) 231–3194, e-mail David_Guzy@smtp.mms.gov.


Lucy R. Querques, Associate Director for Royalty Management.

[FR Doc. 97–3908 Filed 2–14–97; 8:45 am]
BILLING CODE 4310–MR–P

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SPATS No. IN–136–FOR; Amendment No. 95–4]

Indiana Regulatory Program

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

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

SUMMARY: OSM is announcing receipt of a proposed amendment to the Indiana regulatory program (hereinafter the “Indiana program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to Indiana’s regulation pertaining to repair or compensation for material damage resulting from subsidence caused by underground coal mining operations and to replacement of water supplies adversely impacted by coal mining operations. The amendment is intended to revise the Indiana program to be consistent with the corresponding Federal regulations.

DATES: Written comment must be received by 4:00 p.m., e.s.t., March 20, 1997. If requested, a public hearing on the proposed amendment will be held on March 16, 1997. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t., on March 5, 1997.

ADDRESSES: Written comment and requests to speak at the hearing should be mailed or hand delivered to Ronald F. Griffin, Acting Director, Indianapolis Field Office, at the address listed below.

Covers of the Indiana program, the proposed amendment, a listing of any scheduled public hearings, 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 Indianapolis Field Office.

Ronald F. Griffin, Acting Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204–1521, Telephone: (317) 226–6700.

Indiana Department of Natural Resources, 402 West Washington Street, Room C256, Indianapolis, Indiana 46204, Telephone: (317) 232–1547.

FOR FURTHER INFORMATION CONTACT: Ronald F. Griffin, Acting Director, Indianapolis Field Office, Telephone: (317) 226–6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary’s findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, Federal Register (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

II. Description of the Proposed Amendment

By letter dated January 14, 1997 (Administrative Record No. IND–1551), the Indiana Department of Natural Resources (IDNR) submitted to proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment in response to a May 20, 1996, letter (Administrative Record No. IND–1540) that OSM sent to Indiana in accordance with 30 CFR 732.17(c). Indiana proposes to amend the following regulations of the Indiana Administrative Code (IAC) pertaining to repair or compensation for material damage resulting from subsidence and to replacement of water supplies.

1. 310 IAC 12–0.5 Definitions

a. Indiana proposes to add a definition at 310 IAC 12–0.5–39.5 for
the term “Drinking, domestic or residential water supply.”

b. Indiana proposes to add a definition at 310 IAC 12–0.5–72.1 for the term “Material damage.”

c. Indiana proposes to add a definition at 310 IAC 12–0.5–75.5 for the term “Non-commercial building.”

d. Indiana proposes to add a definition at 310 IAC 12–0.5–77.5 for the term “Occupied residential dwelling and structures related thereto.”

e. Indiana proposes to add a definition at 310 IAC 12–0.5–107.5 for the term “Replacement of water supply.”

2. 310 IAC 12–3–81 Underground Mining Permit Applications; Reclamation Plan; Protection of Hydrologic Balance

Indiana proposes to amend 310 IAC 12–3–81(c) by redesignating the introductory paragraph as subsection (c)(1) and by adding new subsection (c)(2). New subsection (c)(2) requires the PHC determination to include findings on “whether the underground mining activities may result in contamination, diminution, or interruption of a well or spring in existence at the time the permit application is submitted and used for domestic, drinking, or residential purposes within the permit or adjacent areas.” Existing subsections (c)(1) through (c)(3) were redesignated subsections (d)(1) through (d)(3), and existing subsections (d) and (e) were redesignated subsections (e) and (f), respectively.

3. 310 IAC 12–3–87.1 Underground Mining Permit Applications; Reclamation Plan; Subsidence Control Plan

Indiana proposes extensive revisions to this section. The substantive revisions are discussed below.

a. Subsections (a)(1) through (a)(3) require an application to include a map, a narrative, and a pre-subsidence survey indicating the location, type, and condition of structures and renewable resource lands that subsidence may materially damage or diminish in value and of drinking, domestic, and residential water supplies that subsidence may contaminate, diminish, or interrupt. Subsection (a)(3) also requires the applicant to notify property owners of the effect that denial of access for purposes of conducting a presubsidence survey will have on their rights, to pay for any technical assessment or engineering evaluation, and to provide copies of the survey, geological assessment, or engineering evaluation to the property owner and the director of IDNR.

b. Subsection (b) contains revised requirements for a subsidence control plan. A new introductory paragraph provides that no further information need be provided in the application under this section if the survey conducted under subsection (a) shows that no structures, drinking, domestic, or residential water supplies, or renewable resource lands exist or that no material damage or diminution in value or reasonably foreseeable use of such structures or lands and no contamination, diminution, or interruption of such water supplies would occur as a result of mine subsidence. The director of IDNR must agree with the conclusion of the survey. A subsidence control plan is required if the survey identifies the existence of structures, renewable resource lands, or water supplies and if subsidence could cause material damage to the identified structures and renewable resource lands diminution in value or foreseeable use, or contamination, diminution, or interruption of the protected water supplies.

c. Subsection (b)(7) requires a description of the methods that will be taken to minimize damage to noncommercial buildings and occupied residential dwellings and related structures; or a submittal of the written consent of the owner of the structure or facility that minimization measures need not be taken; or, unless the anticipated damage would constitute a threat to health or safety, a demonstration that the costs of minimizing damage to these structures or facilities exceed the anticipated cost of repair for areas where planned subsidence is projected.

d. Subsection (b)(8) requires a description of the measures to be taken to replace adversely affected protected water supplies or to mitigate or remedy any subsidence-related material damage to protected land and structures.

4. 310 IAC 12–5–94 Underground Mining; Hydrologic Balance; Water Rights and Replacement

Indiana proposes to revise 310 IAC 12–5–94 to require the permittee to replace any drinking, domestic or residential water supply that is contaminated, diminished or interrupted by underground mining activities if the affected well or spring was in existence before the date the director of IDNR received the permit application. The baseline hydrologic information and geologic information concerning baseline hydrologic conditions required in the permit application will be used to determine the impact of mining activities upon water supply.

5. 310 IAC 12–5–130.1 Underground Mining; Subsidence Control; General Requirements

Indiana proposes extensive revisions to this section. The substantive revisions are discussed below.

a. Indiana proposes to revise subsection (a) by redesignating the existing provisions (1)(A) and (1)(B) and by adding two new provisions Subsection (a)(2) provides that if planned subsidence is used, the permittee must minimize material damage to noncommercial buildings and occupied residential dwellings and related structures to the extent technologically and economically feasible. Except this is not required if he has the written consent of the owners or unless the anticipated damage would constitute a threat to health or safety, the costs would exceed the anticipated costs of repair. Subsection (a)(3) provides that the standard method of room-and-pillar mining is not prohibited.

b. Indiana proposes to revise subsection (c)(2) by deleting the existing language and adding new language. New subsection (c)(2) requires the permittee to repair or compensate the owner for subsidence-related material damage to non-commercial buildings or occupied residential dwellings that existed at the time of mining. It also specifies the responsibilities of the permittee under both the repair and compensation options.

c. Indiana proposes to add new subsection (c)(3) to provide for repair or compensation for subsidence-related material damage to structures or facilities not protected by subdivision (2).

d. Indiana proposes to add new subsection (c)(4)(A) to provide that if damage to non-commercial buildings or occupied residential dwellings and related structures occurs as a result of earth movement within the area determined by projecting a specified angle of draw from underground mine workings to the surface, a rebuttable presumption exists that the permittee caused the damage. The presumption will normally apply to a 30-degree angle of draw. The director of IDNR may apply the presumption to a different angle. Draw under specified circumstances.

e. Indiana proposes to add new subsection (c)(4)(B) to provide that the permittees or permit applicant may request that the standard method of room-and-pillar mining apply to a different site-specific angle of draw based on a site-specific geotechnical
analysis of the potential surface impact of the mining operation that demonstrates that the proposed angle of draw has a more reasonable basis than the one established in the Indiana program.

f. Indiana proposes to add new subsection (c)(4)(E) to provide that no rebuttable presumption will exist if the permittee is denied access to the land or property for the purpose of conducting a pre-subsidence survey.

g. Indiana proposes to add new subsection (c)(4)(D) to provide for a rebuttal of presumption under specified circumstances.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, the hearing will not be held. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under FOR FURTHER INFORMATION CONTACT.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, the hearing will not be held. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under FOR FURTHER INFORMATION CONTACT.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, the hearing will not be held. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under FOR FURTHER INFORMATION CONTACT.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.