

**DATES:** We must receive your comments at the address below on or before April 12, 1999.

**ADDRESSES:** If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to: Administrative Record, Commissioner's Office, Bureau of Reclamation, 1849 C Street N.W., Washington, D.C. 20240. You may also comment via the Internet to [epetacchi@usbr.gov](mailto:epetacchi@usbr.gov) (see Public Comment Procedures under

**SUPPLEMENTARY INFORMATION** in the November 18, 1998, notice at 63 FR 64154). In addition, you may hand-deliver comments to Commissioner's Office, Bureau of Reclamation, 1849 C Street N.W., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Erica Petacchi, (202) 208-3368, or Richard Rizzi, (303) 445-2900.

**SUPPLEMENTARY INFORMATION:** We originally published the proposed rule on November 18, 1998, at 63 FR 64154-64165. We asked for public comments until January 19, 1999, but because several people requested an extension of that deadline, we accepted comments until February 18, 1999. After the close of the extended comment period, we again received requests for an extension. We are now reopening the comment period for an additional 30 days.

In the proposed rule, we asked for comments on the proposal to collect information from certain farm operators. We published an additional notice in the January 4, 1999, issue of the **Federal Register** (64 FR 174) to collect comments on this proposal, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). While the comment period on the Reclamation Reform Act of 1982 forms in general closes on March 5, 1999, we will continue to accept comments specific to the proposed information collection for farm operators and the possible new form that we have developed as part of the comment period on the proposed rule that now closes on April 12, 1999.

You can find a full description of the information collection proposal for farm operators in either the Paperwork Reduction Act statement in the preamble of the proposed rule, at 63 FR 64163; or in the separate **Federal Register** notice mentioned above, at 64 FR 174.

Dated: March 8, 1999.

**Patricia J. Beneke,**

*Assistant Secretary—Water and Science.*

[FR Doc. 99-6066 Filed 3-10-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Parts 3400 and 3420

[WO-320-3420-24 1A]

RIN 1004-AD27

#### Public Participation in Coal Leasing

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

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Land Management (BLM) is proposing this rule as a result of a settlement agreement and the passage of a new law. In the settlement agreement, BLM agreed to establish, by regulation, the points where the public may participate in the regional coal leasing process. This proposed rule would also amend the regulations to conform to statutory changes made by the Unfunded Mandates Reform Act of 1995 which exempted several types of meetings from Federal Advisory Committee Act requirements. BLM is proposing that Regional Coal Team meetings are no longer subject to the Federal Advisory Committee Act under the new law. The proposed changes do not substantially alter current BLM policy on public participation in coal leasing, they simply establish that policy by regulation.

**DATES:** You should submit your comments by May 10, 1999. BLM may not consider comments postmarked or received by electronic mail after the above date in the decision-making process on the final rule.

**ADDRESSES:** You may hand-deliver comments to Bureau of Land Management, Administrative Record, Room 401, 1620 L St., N.W., Washington, D.C., or mail comments to Bureau of Land Management, Administrative Record, Room 401LS, 1849 C St., N.W., Washington, D.C. 20240. You may also transmit comments electronically to [WOCComment@wo.blm.gov](mailto:WOCComment@wo.blm.gov); in that case please submit comments as an ASCII file to minimize computer problems, and please include "attn.:AD27." If you do not receive confirmation from the system that we received your Internet message, contact us directly.

**FOR FURTHER INFORMATION CONTACT:** Philip Allard, Solid Minerals Group, (202) 452-5195. For assistance in reaching the above contact, individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 between 8:00 a.m. and 8:00

p.m., Eastern time, Monday through Friday, except holidays.

#### SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Discussion of Proposed Rule
- IV. Procedural Matters

#### I. Public Comment Procedures

*How do I comment on the proposed rule?*

Please submit your comments on the proposed rule in writing. Please confine your comments to issues related to the proposed rule and explain the need for any changes you recommend. Where possible, your comment should refer to the specific section or paragraph of the proposal you are addressing.

*Will my comments be available to others?*

Yes. BLM will make your comments, including your name and address, available for public review at the "L Street" address listed in **ADDRESSES** above during regular business hours (7:45 a.m. to 4:15 p.m., Monday through Friday, except Federal holidays). BLM will also post all comments on its home page (<http://www.blm.gov>) at the end of the comment period.

*Can BLM keep my identity confidential?*

Yes, under certain conditions BLM can keep your personal information confidential. You must request confidentiality and prominently state your request at the beginning of your comment. BLM will consider withholding your name, street address, and other identifying information on a case-by-case basis to the extent allowed by law.

BLM will make publically available all submissions from organizations and businesses and from individuals identifying themselves as representatives or officials of organizations or businesses.

#### II. Background

*Why are we proposing to change the coal leasing regulations?*

BLM is proposing this rule for two reasons: to respond to a settlement agreement entered into in July 1997 and to respond to a new law passed in March 1995.

*What was the settlement agreement about?*

The Department of the Interior's coal leasing regulations were challenged in a lawsuit, *Natural Resources Defense Council, Inc., et al. v. Jamison, et al.*, Civil No. 82-2763 (D. D.C.). In December 1992, the court decided that

the Department had not complied with section 202(f) of the Federal Land Policy and Management Act, 43 U.S.C. 1712(f). The court held that although BLM's competitive leasing handbook describes public participation procedures, the Department should establish these procedures by regulation. During appeal of this decision, the parties negotiated to settle the case. In July 1997, the Department and the plaintiffs entered into a settlement agreement. Civil No. 82-2763 (D. C. Circuit No. 93-5029).

In the settlement, the Department agreed to propose a rule identifying the points where the public may participate in coal leasing decisions. Since BLM already provides this information in its competitive leasing handbook, this proposed rule does not substantially alter public participation opportunities in competitive leasing. Specific points of public participation are discussed in the "Discussion of Proposed Rule" section below.

#### *What is the new law about?*

On March 22, 1995, Congress passed the Unfunded Mandates Reform Act. Section 204(b) of this law (2 U.S.C. 1534) states that the requirements under another law, the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 1, do not apply to intergovernmental communications when:

- The meetings are exclusively between Federal officials and elected officers of State, local and tribal governments or their representatives, and
- The meetings are only to exchange views, information, or advice relating to Federal programs that share intergovernmental responsibilities.

The Solicitor's Office of the Department of the Interior determined that these provisions exempt Regional Coal Teams (RCTs) from the requirements of FACA. Because existing regulations at subpart 3400 incorporate FACA regulations at subpart 1784, the proposed rule amends that reference and clarifies which portion of the FACA regulations apply to RCTs.

#### *How does BLM lease coal?*

BLM primarily offers coal for lease competitively. There are two types of competitive leasing, "regional coal leasing" and "leasing-on-application."

#### *What is regional coal leasing?*

The Department of the Interior initiates the regional coal leasing process. Based on consideration of the demand for Federal coal, national energy needs, and other factors, BLM must determine whether to offer Federal

coal lands for lease and which coal to offer. Since issues surrounding coal leasing can vary greatly from region to region, Federal coal production regions assist BLM in this determination by grouping together areas with similar issues.

#### *What are Federal coal production regions?*

BLM has divided coal deposits into broad blocks of Federally owned coal called Federal coal production regions. There are six Federal coal production regions, principally located in the western United States. The Federal coal production regions are:

- The Southern Appalachian Region, in northwestern Alabama,
- The Fort Union Region of eastern Montana and western North Dakota,
- The Green River-Hams Fork Region of northwestern Colorado and southern Wyoming,
- The Powder River Region of northeastern Wyoming and southeastern Montana,
- The San Juan Region of northwestern New Mexico and southwestern Colorado, and
- The Uinta-Southwestern Utah Region of eastern Utah and western Colorado.

#### *What are regional coal teams?*

RCTs are composed of BLM employees and State Governors or their designees in the states where the coal tracts are located. The RCTs recommend the leasing level, a target amount of coal that BLM may offer for sale, and the lease sale schedule to the BLM Director. The BLM Director makes recommendations to the Secretary of the Interior. The Secretary makes the final decision on leasing levels and a lease sale schedule, taking into account recommendations from:

- The BLM Director,
- The RCT,
- The State Governors, and
- Other interested and affected groups, including members of the general public.

#### *How do we conduct the regional coal leasing process?*

First, BLM begins the process by creating a land use plan, in which BLM-managed lands are reviewed to determine, among many factors, the presence or absence of:

- Coal,
- Other resources that might preclude developing the coal,
- Other uses for the land that might be preferable to coal development, and
- Any qualified surface owners who oppose or favor coal development.

This review allows BLM to identify the land that is acceptable for further consideration for coal leasing.

Second, the Secretary sets the leasing level for the region after considering the land use plan, the amount of leasing interest in the region, national energy needs, and other factors.

Third, BLM initiates "regional coal activity planning," during which BLM prepares environmental documents that analyze one or more combinations of tracts that equal the leasing level and alternative combinations of tracts.

Finally, the Secretary determines the lease sale schedule based on the environmental analysis and public comments and comments from State Governors, tribal governments, and other Federal agencies. The schedule includes the number of tracts that will be offered for lease and the timing of the lease sales.

#### *What is leasing-on-application?*

The leasing-on-application process is one in which individuals or companies initiate, unlike regional coal leasing which is government initiated.

#### *How do we conduct the leasing-on-application process?*

Under this method of competitive leasing, an individual or company takes the first step by applying for a particular coal deposit. Two major differences from regional coal leasing are:

- There is no need to establish a leasing level because the amount of coal applied for provides a starting point for the amount of coal to be analyzed; and
- There is no leasing schedule because BLM usually offers coal tracts based on at most one or two applications in leasing-on-application lease sales.

The RCT located in the applicable coal production region may review the applications and may make whatever recommendations it believes are appropriate on the coal tracts. For a number of years, BLM has competitively leased Federal coal exclusively through the leasing-on-application process as it meets current demand for new coal leases.

### **III. Discussion of Proposed Rule**

#### *How would RCT meetings change under the proposed rule?*

This proposed rule would not substantially change RCT meetings. Section 204(b) of the Unfunded Mandates Reform Act identifies several types of meetings exempt from FACA. FACA requires that committees that advise the Secretary on particular issues follow certain procedures, including

those involving public participation. Although RCT meetings are now exempt from FACA requirements under the Unfunded Mandates Reform Act, BLM will, nevertheless, continue to provide public participation opportunities identified in FACA at RCT meetings when BLM determines RCT involvement is appropriate.

This proposed rule would amend regulations at section 3400.4 by replacing a subsection that incorporates all of the FACA regulations in 43 CFR 1784 with a subsection that references only the public participation regulations in sections 1784.4-2, 1784.4-3 and the operating procedures described in section 1784.5 of FACA. Accordingly, when RCTs are involved, they will:

- Open meetings to the public,
- Provide a period during each meeting for public comments,
- Keep minutes of the meeting, and
- Publish notices of the meetings in the **Federal Register**, at least 30 calendar days before the meetings take place.

RCTs will continue to consider any public comments received when making recommendations to the Director, and the Director will forward public comments to the Secretary.

*How would the competitive leasing process change under the proposed rule?*

This proposed rule would not substantially alter the competitive leasing process since BLM policy would not change. Although BLM currently identifies public participation procedures in its competitive leasing handbook, BLM is proposing these procedures in its regulations to comply with the settlement agreement.

Subpart 3420 addresses competitive coal leasing. This proposed rule would adopt eight amendments to subpart 3420, as follows:

- BLM would add a cross reference to part 1600 where we describe the specific points when BLM provides public participation opportunities in our land-use planning process. These opportunities for public participation occur:

- (1) at the initial identification of issues,
- (2) during review of proposed planning criteria,
- (3) during publication of the draft resource management plan and draft environmental impact statement,
- (4) during publication of proposed resource management plans and final environmental impact statements (an opportunity also provided for protest), and

(5) when significant changes are made as a result of a protest.

- BLM would include public comments as one of the factors that the State Director would consider in recommending an initial leasing level to the Secretary.

- BLM would include public comments, as well as comments from the State Governors, in the package the Secretary considers when determining a regional leasing level. In addition to the package of comments, BLM or other staff may also develop a summary that assists the Secretary in reviewing the comments.

- BLM would add public comments to the list of factors that the Secretary considers in reaching a decision about regional coal leasing levels.

- BLM would add a list of the points during regional activity planning when the public may participate. Regional activity planning starts when the Secretary makes the leasing level decision and ends when the Secretary determines the lease sale schedule.

- BLM would change provisions on RCTS by:

- (1) allowing the public to comment on all subfactors that the RCTs used to rank coal tracts for possible leasing,

- (2) requiring BLM to publish, at least 45 days before the meeting, the notice of the RCT meeting at which tracts would be ranked,

- (3) requiring BLM to give the public at least 60 days to comment on the draft regional coal leasing environmental impact statement (EIS),

- (4) requiring the RCTs to include all public comments received in the final EIS,

- (5) requiring the RCTs to consider public comments when revising tract ranking and selection.

- BLM would give the public 45 days prior notice of a RCT meeting when the team will recommend specific tracts for coal lease sale.

- BLM would give the public notice of and an opportunity to comment on any revisions to a lease sale schedule increasing the number or frequency of sales or increasing the amount of coal to be offered.

*How would the lease sales process change under the proposed rule?*

The proposed rule would not substantially alter the lease sales process since BLM already identifies public participation procedures in its competitive leasing handbook.

Subpart 3422 describes the procedures that BLM follows once the Secretary of the Interior determines what the lease sale schedule will be. Presently, BLM requests public

comments on the fair market value and the maximum economic recovery for the tracts to be offered. The proposed rule adds two new requirements to subpart 3422:

- The regulations at section 3422.1(a) would require BLM to publish our request for public comments on fair market value and maximum economic recovery in the **Federal Register** and for two consecutive weeks in a newspaper of general circulation in the area where the proposed sale would be held.

- A new requirement in section 3422.2(a) would have BLM send the lease sale notice to any person or group requesting notices of sales to be held in the area.

*How would the leasing-on-application process change under the proposed rule?*

The proposed rule does not substantially change the leasing-on-application process. BLM currently identifies public participation procedures in its competitive leasing handbook and is proposing them for its regulations in response to the settlement agreement.

Subpart 3425 describes the procedures that BLM uses to process applications for coal lease sales. Presently, the lease-on-application process is similar to the regional leasing process. We must screen the tract during land-use planning. Screening the tract can involve applying unsuitability criteria, identifying and consulting with any qualified surface owners, and considering alternative land uses. In addition, we must assess the environmental impacts of coal development before the coal can be offered for lease sale. The proposed rule makes two amendments to this subpart:

- The proposed rule would amend the regulations at section 3425.1-9 requiring BLM to ask for and consider public comments on any modification to the boundaries of a lease tract.

- The proposed rule would amend the regulations at § 3425.3. The proposal would require BLM to publish a notice of availability for a draft EIS in the **Federal Register** and in a general circulation newspaper. We would also announce any hearings on the draft EIS through similar publication.

#### IV. Procedural Matters

*Executive Order 12866, Regulatory Planning and Review*

This proposed regulation is not a significant regulatory action and is not subject to review by the Office of Management and Budget under Executive Order 12866. We have

determined that this proposed regulation does not: have an annual economic impact of \$100 million or more; have an adverse impact in a material way on the economy, environment, public health, safety, other units of government, or sectors of the economy; pose a serious inconsistency or interfere with an action taken or planned by another agency; have novel legal or policy implications; or have material effects on budgets or rights and obligations of recipients of entitlements, fees, grants, or loans. Therefore, we do not have to assess the potential costs and benefits of the rule under section 6(a)(3) of this order and no OMB review under the order is required.

Executive Order 12866 also requires each agency to write regulations that are easy to understand. We invite your comments on how to make this proposed rule easier to understand, including answers to the following questions:

- Are the requirements in the proposed rule clearly stated?
- Does the proposed rule contain unclear technical language or jargon?
- Does the format of the proposed rule aid or reduce its clarity?
- Would the rule be easier to understand if it were divided into more sections? and
- Is the description of the proposed rule in the "supplementary information" section helpful in understanding the proposed rule?

Send comments that concern how we could make this proposed rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C St., N.W., Washington, D. C. 20240. You may also e-mail the comments to: Execsec@ios.doi.gov.

#### *National Environmental Policy Act*

This proposed regulation is not a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The proposed changes do not directly affect the environment. Any coal tract considered for leasing will be subject to further NEPA analysis on a case-by-case basis.

#### *Regulatory Flexibility Act*

This proposed regulation does not require a regulatory flexibility analysis. Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately

burden small entities. The RFA requires a regulatory flexibility analysis if a rule has a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. This proposed regulation would not have significant economic impacts on small entities under the RFA, 5 U.S.C. 601 *et seq.* Small entities would be neither adversely nor beneficially affected by the proposals but would be given the opportunity to participate in the coal leasing process by regulation, rather than by internal agency guidance.

#### *Small Business Regulatory Enforcement Fairness Act*

These proposed regulations are not a "major rule" as defined by the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). The rule will not have a significant impact on the economy, or on small businesses in particular. As discussed above, this rule proposed rule would not substantially change BLM's existing policy.

#### *Unfunded Mandates Reform Act*

This proposed regulation does not impose an unfunded mandate on State, local or tribal governments or the private sector of more than \$100 million per year. This proposed regulation does not have a significant or unique effect on State, local, or tribal governments or the private sector. Current BLM policy on public participation in the coal leasing process is simply being put into regulatory form. Therefore, we are not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act, 2 U.S.C. 1531 *et seq.*

#### *Executive Order 12630, Takings*

The proposed regulation does not represent a government action capable of interfering with constitutionally protected property rights. Therefore, we have determined that the regulation would not cause a taking of private property. No further discussion of takings implications is required under this Executive Order.

#### *Executive Order 12612, Federalism*

This proposed regulation will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. The Federal Coal Management Program was designed to allow the maximum participation of affected States in decisions about coal leasing and development through RCTs. RCTs make recommendations to the Secretary on the level of coal analyzed

for possible sale and on the amount of coal offered. If the Secretary does not accept their decisions, the Secretary must publicly state why. We have determined that this proposed regulation does not have sufficient Federalism implications to warrant preparation of a Federalism assessment.

#### *Executive Order 12988, Civil Justice Reform*

The Office of the Solicitor has determined that this proposed regulation will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

#### *Paperwork Reduction Act*

This regulation does not require an information collection under the Paperwork Reduction Act. The information collection is not covered by an existing OMB approval. An OMB form 83–I has not been prepared and has not been approved by the Office of Policy Analysis. This regulation qualifies for exemption from OMB approval under exemption four of OMB guidance.

The principal author of this proposed rule is Philip Allard, Solid Minerals Group, assisted by Carole Smith and Janet Lin, Regulatory Affairs Group.

#### **List of Subjects**

##### *43 CFR Part 3400*

Coal, Intergovernmental relations, Mines, Public lands—classification, Public lands—mineral resources.

##### *43 CFR Part 3420*

Administrative practice and procedure, Coal, Environmental protection, Intergovernmental relations, Mines, Public lands—mineral resources.

Dated: February 12, 1999.

**Sylvia V. Baca,**

*Acting Assistant Secretary, Land and Minerals Management.*

For the reasons set forth in the preamble and under the authority of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 *et seq.*), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–9), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740), and the Secretary's enforcement powers, BLM proposes to amend parts 3400 and 3420 of Title 43 of the Code of Federal Regulations as set forth below:

#### **PART 3400—COAL MANAGEMENT: GENERAL**

1. The authority citation for part 3400 continues to read as follows:

Authority: 30 U.S.C. 189, 359, 1211, 1251, 1266, and 1273; 43 U.S.C. 1461, 1733, and 1740.

2. Amend § 3400.4 by revising paragraph (g) to read:

§ 3400.4 Federal/state government cooperation.

\* \* \* \* \*

(g) The regional coal team will function under the public participation procedures at §§ 1784.4-2 and 1784.4-3 and 1784.5 of this chapter.

3. The authority citation for part 3420 continues to read as follows:

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359), the Multiple Mineral Development Act of 1954 (30 U.S.C. 521-531 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), the Department of Energy Organization Act of 1977 (42 U.S.C. 7101 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and the Small Business Act of 1953, as amended (15 U.S.C. 631 et seq.).

PART 3420—COMPETITIVE LEASING

4. Amend § 3420.1-4 by revising paragraph (a) to read:

§ 3420.1-4 General requirements for land use planning.

(a) The Secretary may not hold a lease sale under this part unless the lands containing the coal deposits are included in a comprehensive land use plan or land use analysis. The land use plan or land use analysis will be conducted with public notice and opportunity for participation at the points specified in § 1610.2(f) of this title. The sale must be compatible with, and subject to, any relevant stipulations, guidelines and standards set out in that plan or analysis.

\* \* \* \* \*

5. Amend § 3420.2 by removing the last sentence of paragraph (a)(1), and adding in its place 2 sentences as set forth below, revising the last sentence of paragraph (a)(4), removing "and" from the end of paragraph (c)(8), redesignating current paragraph (c)(9) as paragraph (c)(10), and adding a new paragraph (c)(9) to read:

§ 3420.2 Regional leasing levels.

(a)(1) \* \* \* This range of initial leasing levels must be based on information available to the State Director including: land use planning data; the results of the call for coal resource information held under § 3420.1-2 of this subpart; the results of the call for expressions of leasing interest held under § 3420.3-2 of this

subpart; and other considerations. The State Director considers comments received from the public in writing and at hearings, and input and advice from the Governors of the affected States regarding assumptions, data, and other factors pertinent to the region;

\* \* \* \* \*

(a)(4) \* \* \* The team also must transmit to the Secretary, without change, all comments and recommendations of the Governor and the public.

\* \* \* \* \*

(c) \* \* \* (9) Comments received from the public in writing and at public hearings; and

\* \* \* \* \*

6. Amend § 3420.3-1 by adding a new paragraph (d) to read:

§ 3420.3-1 Area identification process.

\* \* \* \* \*

(d) Public notice and opportunity for participation in activity planning must be appropriate to the area and the people involved. The Bureau of Land Management will make available a calendar listing of the points in the planning process at which the public may participate, including:

(1) The regional coal team meeting to recommend initial leasing levels (see § 3420.2(a)(4));

(2) The regional coal team meeting for tract ranking (see § 3420.3-4(a));

(3) Publication of the regional coal lease sale environmental impact statement (see § 3420.3-4(c)); and

(4) The regional coal team meeting to recommend specific tracts for a lease sale and a lease sale schedule (see § 3420.3-4(g)).

7. Amend § 3420.3-4 by removing the third sentence in paragraph (a)(1), and adding in its place 4 sentences as set forth below, adding 2 sentences after the first sentence in paragraph (a)(5), adding a new sentence at the end of paragraph (d), revising paragraph (f), and removing the first sentence in paragraph (g) and adding in its place 2 new sentences as set forth below:

§ 3420.3-4 Regional tract ranking, selection, environmental analysis and scheduling.

(a)(1) \* \* \* The subfactors the regional coal team will consider under each category are those the regional coal team determines are appropriate for that region. The regional coal team will make its determination after publishing notice in the Federal Register that the public has 30 days to comment on the subfactors. The regional coal team will then consider any comments it receives in determining the subfactors. BLM will

publish the subfactors in the regional lease sale environmental impact statement required by this section. \* \* \*

\* \* \* \* \*

(5) \* \* \* BLM will publish the notice no later than 45 days before the meeting. The notice will list potential topics for discussion. \* \* \*

\* \* \* \* \*

(d) \* \* \* BLM will publish notice in the Federal Register of the 60-day comment period and the public hearing on the draft environmental impact statement for two consecutive weeks in a newspaper of general circulation in the area of the sale.

\* \* \* \* \*

(f) When the comment period on the draft environmental impact statement closes, the regional coal team will analyze the comments and make any appropriate revisions in the tract ranking and selection. The final regional lease sale environmental impact statement will reflect such revisions and will include all comments received.

(g) When BLM completes and releases the final regional lease sale environmental impact statement, the regional coal team will meet and recommend specific tracts for lease sale and a lease sale schedule. The regional coal team will provide notice in the Federal Register of the date and location at least 45 days before its meeting. \* \* \*

\* \* \* \* \*

8. Amend § 3420.5-2 by adding 2 sentences after the first sentence in paragraph (a) to read:

§ 3420.5-2 Revision.

(a) \* \* \* BLM will publish a notice in the Federal Register and provide a 30 day comment period before it makes any revision increasing the number or frequency of sales, or the amount of coal offered. BLM will publish any revision in the Federal Register. \* \* \*

\* \* \* \* \*

9. Amend § 3422.1 by adding a sentence after the first sentence in paragraph (a) to read:

§ 3422.1 Fair market value and maximum economic recovery.

(a) \* \* \* BLM will publish the solicitation in the Federal Register and for two consecutive weeks, in a newspaper of general circulation in the area of the sale. \* \* \*

\* \* \* \* \*

10. Amend § 3422.2 by removing the third sentence in paragraph (a) and adding in its place 2 sentences to read as follows:

**§ 3422.2 Notice of sale and detailed statement.**

(a) \* \* \* BLM will post notice of the sale in BLM State Office where the coal lands are managed. It will also mail notice to any surface owner of lands noticed for sale and to any other person who has requested notice of sales in the area. \* \* \*

\* \* \* \* \*

11. Amend § 3425.1-9 by adding a sentence at the end of this section to read:

**§ 3425.1-9 Modification of application area.**

\* \* \* If an environmental assessment of the modification is required, BLM will solicit and consider public comments on the modified application.

12. Amend § 3425.3(a) by adding two sentences at the end of paragraph (a) to read:

**§ 3425.3 Environmental analysis.**

(a) \* \* \* BLM will publish a notice in the **Federal Register** and for two consecutive weeks in a newspaper of general circulation in the area of the sale, announcing the availability of the environmental assessment or draft environmental impact statement and the hearing required by § 3425.4(a)(1). BLM also will mail to the surface owner of any lands to be offered for sale and to any person who has requested notice of sales in the area.

\* \* \* \* \*

[FR Doc. 99-5334 Filed 3-10-99; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration****49 CFR Part 192**

[Docket No. RSPA-98-4868, Notice 1]

RIN 2137-AB15

**Gas Gathering Line Definition**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Request for comments.

**SUMMARY:** This notice announces an electronic public discussion forum and subsequent written comment period on defining gas gathering lines for the purposes of pipeline safety regulation. In 1991, we proposed a definition of gas gathering. A change to the pipeline safety laws in 1992 requires us to revisit that proposal and to consider whether and to what extent we should regulate gathering lines in rural areas. This

opportunity for public input will allow us to decide whether and how to modify the regulations. The comments may also inform the process when we consider development of a separate proposal on regulating gas gathering lines in rural areas.

**DATES:** Comments must be submitted on or before April 28, 1999. The electronic public discussion forum will commence on April 13, 1999, at 9:00 a.m. EST and end on May 5, 1999, at 4:30 p.m. EST.

**ADDRESSES:** The Internet address for the electronic discussion forum is <http://ops.dot.gov/forum>. Address written comments to the Dockets Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590-0001. Comments should identify the Docket No. RSPA-98-4868. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. Comments may be submitted by e-mail to [rules@rspa.dot.gov](mailto:rules@rspa.dot.gov).

The Dockets Management System is located on the Plaza Level of the Department of Transportation's Nassif Building at 400 Seventh Street, SW, Washington, DC. Public dockets may be reviewed in person between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. In addition, the public may also review comments by accessing the Docket Management System's home page at <http://dms.dot.gov>. An electronic copy of any document may be downloaded from the Government Printing Office Electronic Bulletin Board Service at (202) 512-1661.

**FOR FURTHER INFORMATION CONTACT:** L.E. Herrick, (202) 366-5523, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590-0001.

**SUPPLEMENTARY INFORMATION:** The electronic public discussion forum will be held at the conferences and public meetings section of the Office of Pipeline Safety's Internet home page. The forum will allow near real-time electronic discussion of the rulemaking. We hope it will increase the breadth of participation in the commenting process. A transcript of the electronic discussion forum will be placed in the docket.

Issues for discussion: Segments of gathering lines in rural areas are excluded from the Federal pipeline safety regulations in 49 CFR Part 192. In these regulations the term "gathering line" is defined with reference to a "transmission line" or "main", a type of distribution line. The term

"transmission line" is then defined with reference to a gathering line, and "distribution line" is defined with reference to a gathering or transmission line. Therefore under current regulations:

"Distribution line" means a pipeline other than a gathering or transmission line.

"Gathering line" means a pipeline that transports gas from a current production facility to a transmission line or main.

"Transmission line" means a pipeline, other than a gathering line, that transports gas from a gathering line or storage facility to a distribution center or storage facility; operates at a hoop stress of 20 percent or more of SMYS; or transports gas within a storage field.

These definitions have long been unsatisfactory. As a result of this cross-referencing, the point where a gathering line ends and transmission or distribution begins is often subject to varying interpretation.

On September 25, 1991, we proposed a revised definition in a notice of proposed rulemaking (NPRM):

"Gathering line" means, except as provided in paragraph (4), any pipeline or part of a connected series of pipelines used to transport gas from a well or the first production facility where gas is separated from produced hydrocarbons, whichever is farther downstream, to an applicable end point described in paragraphs (1), (2), or (3) below:

(1) The inlet of the first natural gas processing plant used to remove liquefied petroleum gases or other natural gas liquids.

(2) If there is no natural gas processing plant, the point where custody of the gas is transferred to others who transport it by pipeline to:

- (i) A distribution center;
- (ii) A gas storage facility; or
- (iii) an industrial consumer.

(3) If there is no natural gas processing plant or point where custody of the gas is so transferred, the last point downstream where gas produced in the same production field or two adjacent production fields is commingled.

(4) A gathering line does not include any part of a pipeline that transports gas downstream—

- (i) From the end points in (1), (2), or (3) in this Section;
- (ii) From a production facility, if no end point exists; or
- (iii) In any interstate transmission facility subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act (15 U.S.C. 717 *et seq.*).

**Legislative Changes**

There has been a legislative change in underlying Federal pipeline safety laws since the NPRM was published on September 25, 1991. The Pipeline Safety Act of 1992 (Pub. L. 102-508) enacted on October 24, 1992, provided that, in defining "gathering line" we should