

732.15. If the amendment is deemed adequate, it will become part of the Oklahoma program.

Written Comments

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 Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on March 20, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the 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, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

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).

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, 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 State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

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.*).

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 State submittal which is the subject of this rule is based upon corresponding 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 previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 28, 1996.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96-5107 Filed 3-4-96; 8:45 am]

BILLING CODE 4310-05-M

Bureau of Land Management

43 CFR Chapter II

[WO-310-3110-02 1A]

Promotion of Development, Reduction of Royalty for Marginal Gas Properties

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of request for information and suggestions regarding an incentive for producers of marginal gas from Federal leases.

SUMMARY: The Bureau of Land Management (BLM) is seeking public comments and suggestions on a possible incentive for producers of marginal gas from Federal leases. The incentive would encourage continued production through a possible reduction in Federal royalties for producers of marginally economic gas properties. If the comments indicate that such a reduction in royalties is warranted and will result in a greater ultimate recovery of gas resources (without a net loss in revenues to the states and/or the Federal government), the BLM will initiate a public outreach program in order to discuss comments and suggestions received as a result of this request. Based upon those meetings, the BLM will prepare a proposed rule for subsequent publication.

DATES: Written comments should be received on or before June 3, 1996.

ADDRESSES: Dr. John W. Bebout, Senior Technical Specialist, Bureau of Land Management (WO-301), 1849 C Street, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Dr. John W. Bebout (BLM) (202) 452-0340.

SUPPLEMENTARY INFORMATION: The United States has a vast and diverse natural gas resource base. In their 1992 study entitled *The Potential for Natural*

Gas in the United States, the National Petroleum Council (NPC) concluded that the technically recoverable natural gas resource base is 1,295 trillion cubic feet (TCF) for the lower 48 states. Of this amount, 600 TCF was believed to be recoverable in the future at a wellhead price of \$2.50 per million British thermal unit (1990 dollars). According to the NPC (Marginal Wells, July 1994), however, the wellhead price on a current basis trended upward to a high of \$2.66 per thousand cubic feet (MCF) during the 1974–1984 period and has declined to around \$1.60–\$1.80 per MCF over the last eight years.

There is a legitimate concern that low gas prices will result in premature abandonment of the marginal properties with the concurrent loss of potentially recoverable reserves as well as royalties, taxes and employment opportunities. A 1992 study by the Interstate Oil and Gas Compact Commission estimated that there were approximately 215,000 idle or shut-in oil, gas and injection wells in the United States at that time. The NPC believes that as many as 50 percent of these wells are gas and injection wells. While some of these wells are undoubtedly shut-in or temporarily abandoned while waiting for pipeline connections, a large portion of these gas wells are idle because they are uneconomical to produce as a result of low producing rates, low gas prices and/or high operating costs (NPC, Marginal Wells, July 1994).

It is clear that whatever combination of price and cost factors currently define the economic limit of a marginal gas well, production-based incentives will improve gas well economics and extend their lives. Because premature abandonment of marginal wells results in the loss of domestic reserves, such incentives may be the only way to maintain the economic viability of the production and resources that these wells represent.

Comments and suggestions on a reduction in Federal royalties should concentrate not only on the value of a royalty rate reduction for producers of marginal gas, but also on how the royalty rate reduction might best be implemented. Respondents should particularly consider the following issues:

1. The need for economic relief for marginal gas properties. Respondents, both for and against the proposal, should document any economic arguments to the extent practicable. The documentation should include all economic assumptions used for estimated costs, profits, effects on employment, etc. The BLM would

especially appreciate detailed source citations for verification and reference.

2. A workable definition of a “marginal” gas property. Before its repeal, the Natural Gas Policy Act of 1978 defined a “stripper” gas well as one producing 60,000 cubic feet of gas or less per day (MCF/D). For Minerals Management Service accounting purposes, however, any proposal for royalty reductions should be based on a property (i.e., units, communitization agreements, leases, etc.) rather than a well-by-well basis.

3. Discouraging false reporting and manipulation. Proposals should describe measures to discourage manipulation of production rates in order to qualify for a royalty reduction. In addition, it would be useful to the BLM if respondents would suggest possible requirements for qualification and the time frames for subsequent qualification periods, if applicable.

4. Minimal administrative burden. All proposals should be designed in a manner which minimizes the administrative burden placed upon the government and private industry. For example, consideration might be given to a notification process rather than a formal application process.

5. Minimal Program Overlap. When preparing proposals, special consideration should be given to avoiding overlap with existing programs such as the Heavy Oil and Stripper Property royalty rate reductions.

Dated: February 26, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96–4975 Filed 3–4–96; 8:45 am]

BILLING CODE 4310–84–P

Minerals Management Service

43 CFR Part 14

Aboriginal Title To The Alaska Outer Continental Shelf

AGENCY: Minerals Management Service (MMS), Department of the Interior.

ACTION: Notice of receipt of petition for rulemaking and request for comments.

SUMMARY: The Department of the Interior announces receipt of, and requests comments on, a petition for rulemaking on issues regarding claimed aboriginal title and aboriginal hunting and fishing rights of federally recognized tribes in Alaska exercisable on the federal Outer Continental Shelf (OCS).

DATES: Comments on the petition are requested through April 4, 1996.

ADDRESSES: Comments on the petition should be directed to: Paul Stang, Chief, Branch of Leasing Coordination, Office of Program Development and Coordination, (MS–4410) Minerals Management Service, 381 Elden Street, Herndon, Virginia 20270–4817. Please indicate that your comment is in response to the petition for rulemaking on aboriginal title and rights on the Alaska OCS.

FOR FURTHER INFORMATION CONTACT:

William Quinn at (703) 787–1191.

SUPPLEMENTARY INFORMATION: The Villages of Eyak, Tatilek, Chenega, Port Graham and Nanwalek have petitioned the Secretary to promulgate a rule stating that 225 federally recognized tribes in Alaska may claim aboriginal title and aboriginal hunting and fishing rights to the Outer Continental Shelf (OCS) and to make leases on the OCS off Alaska subject to claimed aboriginal title and rights of such tribes. The MMS is the agency within the Department of the Interior responsible for issuing and managing mineral leases on the OCS pursuant to the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 *et seq.*, hence its involvement in this matter.

The initial petition was addressed to both the Secretary of the Interior and the Secretary of Commerce and did not designate any existing rule for revision or propose a new rule text. Therefore, the Secretary's office notified the Villages that under 43 CFR 14.2, a petition for rulemaking must include the text of a rule that the petitioner proposes for adoption. On September 1, 1995, the Solicitor of the Department received a letter from counsel for the petitioning Villages proposing the following rule:

“Proposed regulation of the Secretary of the Interior for the protection of aboriginal title and aboriginal hunting and fishing rights on the Outer Continental Shelf of federally recognized tribes in Alaska.

“1. The Department recognizes that the 225 native Villages on the Secretary's list of “Native Entities within the State of Alaska Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs,” 60 Fed. Reg. 9250, February 16, 1995, are Native Tribes capable of possessing aboriginal claims. *County of Oneida v. Oneida Indian Nation*, 470 U.S. 226, 233 (1974).

“2. Although the existence and scope of the aboriginal titles of individual Alaskan tribes has not yet been determined, based on the historical and contemporary evidence available the Department recognizes that many Alaska coastal tribes have continuously and exclusively occupied areas of the OCS off Alaska for long periods of time and thus possess the potential to establish prima facie