VI. 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 State or Indian tribe AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Indian tribe, not by OSM. Decisions on proposed State or Indian tribe AMLR plans and revisions thereof submitted by a State or Indian tribe 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 State or Indian tribe 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 State or Indian tribe 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 State or Indian tribe. 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 private sector.

List of Subjects in 30 CFR Part 756

Abandoned mine reclamation programs, Indian lands, Surface mining, Underground mining.

Dated: March 13, 1997.

James F. Fulton,

Acting Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter E of the Code of Federal Regulations is amended as set forth below:

PART 756—INDIAN TRIBE ABANDONED MINE LAND RECLAMATION PROGRAMS

1. The authority citation for part 756 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* and Pub. L. 100–71.

2. Section 756.17 is amended by adding paragraph (c) to read as follows:

§ 756.17 Approval of Hopi Tribe abandoned mine land reclamation plan amendments.

* * * * *

(c) Revisions to, additions of, or deletions of the following plan provisions, as submitted to OSM on September 23, 1996, are approved effective March 31, 1997:

Preface to Amended Reclamation Plan—Introductory paragraph and Eligible Projects;
Section I, A—Purpose of Hopi plan;
Section II, A(1)—Certification of Completion of Coal Sites;
Section II, A(1)(a)—Eligible Coal Lands and Water;
Section II, A, (1)(g)—Contractor Responsibility (for coal reclamation);
Section II, (A)(1)(i)—Limited Liability (for coal reclamation);
Sections II, (B)(1)(d) and (d)(ii)—Noncoal Reclamation After Certification;
Sections II, (B)(1)(h), (i), and (j)—Limited Liability, Contractor Responsibility, and Reports (for noncoal reclamation);
Deletion of sections II, E, F, and G—Limited Liability, Contractor Responsibility, and Reports (for noncoal reclamation);
Section II, E—Description of Needs, Proposed Construction and Activities;
Sections IV, (A)(1) and (B)(1)—Acquisition and Management of Acquired Lands;
Sections VI, A(1) (a) through (c) and B(1)—Consent to Entry and Public Notice;
Section VII, B(8)—Public Participation;
Section VIII—Organization of the Hopi Tribe;
Section XII—Description of Aesthetic, Cultural and Recreational Conditions of the Hopi Reservation; and
Section XIV—Flora and Fauna.

§ 756.18 [Amended]

3. Section 756.18 is amended by removing and reserving paragraphs (a) through (b) and removing paragraphs (c) through (h).

[FR Doc. 97–8103 Filed 3–28–97; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 902

[AK–005–FOR, Amendment No. V]

Alaska Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Alaska regulatory program (hereinafter referred to as the ''Alaska program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Alaska proposed revisions to and additions of rules pertaining to self-bonding. The amendment revised the Alaska program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATES: March 31, 1997.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: (303) 844–1424.

SUPPLEMENTARY INFORMATION:

I. Background on the Alaska Program

On March 23, 1983, the Secretary of the Interior conditionally approved the Alaska program. General background information on the Alaska program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Alaska program can be found in the March 23, 1983, **Federal Register** (48 FR 12274). Subsequent actions concerning Alaska's program and program amendments can be found at 30 CFR 902.15 and 902.16.

II. Proposed Amendment

By letter dated December 12, 1996, Alaska submitted a proposed amendment to its program pursuant to SMCRA (amendment No. V, administrative record No. AK–F–1, 30 U.S.C. 1201 *et seq.*). Alaska submitted the proposed amendment in response to the required program amendment at 30

CFR 902.16(b)(1) (61 FR 48835, 48843; September 17, 1996). The provisions of the Alaska Administrative Code (AAC) that Alaska proposed to revise were: 11 AAC 90.207(f)(3), conditions for accepting a self-bond. The provisions of the Alaska Administrative Code that Alaska proposed to add were: 11 AAC 90.207(f)(8), definitions of self-bonding terms.

OSM announced receipt of the proposed amendment in the January 8, 1997, **Federal Register** (62 FR 1074), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. AK–F–2). Because no one requested a public hearing or meeting, none was held. The public comment period ended on February 9, 1997.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds that the proposed program amendment submitted by Alaska on December 12, 1996, is no less effective than the corresponding Federal regulations. Accordingly, the Director approves the proposed amendment.

11 AAC 90.207(f) (3) and (8), Self-bonding

On September 17, 1996, OSM at 30 CFR 902.16(b)(1) (finding No. 6, 61 FR 48835, 48837) required Alaska to revise 11 AAC 90.207(f)(3) to require the applicant for a self-bond that is guaranteed by a corporate guarantor to retain his or her own agent for service in Alaska and to further revise 11 AAC 90.207(f) to add definitions for the term ''self-bond'' and other financial terms used to describe self bonds. In response to the required amendment, Alaska revised 11 AAC 90.207(f)(3) by referencing as a condition for acceptance by the Commissioner of the Department of Natural Resources the requirement that the applicant for a self-bond that is guaranteed by a corporate guarantor retain an agent for service in Alaska. The proposed revision is consistent with the counterpart Federal regulation at 30 CFR 800.23(c)(2), which provides the specific criteria for approval of a self-bond guaranteed by a corporate guarantor.

In addition, Alaska proposed new regulations at 11 AAC 90.207(f)(8) (A) through (H) that provide definitions of the terms ''self-bond,'' ''current assets,'' ''current liabilities,'' ''fixed assets,'' ''liabilities,'' ''net worth,'' ''parent corporation,'' and ''tangible net worth.'' The proposed definitions contain language that is substantively identical to the requirements of the corresponding Federal regulations at 30 CFR 800.5 and 800.23(a).

For the above reasons, the Director finds that the proposed revision at 11 AAC 90.207(f)(3) and the proposed addition of definitions associated with self-bonding are no less effective than the counterpart Federal regulations. Accordingly, the Director approves the proposed revision of and additions to these rules and removes the required amendment at 30 CFR 902.16(b)(1).

IV. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public comments

In response to OSM's invitation of public comments, an individual responded on January 26, 1997, that she supported approval of the amendment (administrative record No. AK–F–5).

2. Federal Agency Comments

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Alaska program (administrative record No. AK–F–4).

Minerals Management Service, Alaska Outer Continental Shelf Region, responded on February 19, 1997, that it had no comments on the amendment (administrative record No. AK–F–6).

The Bureau of Indian Affairs, Juneau Area Office, responded on February 20, 1997, that it had no comments specific to the amendment (administrative record No. AK–F–7).

The United States Department of Energy, Alaska Power Administration, responded on February 20, 1997, that it had no comments on the proposed amendment (administrative record No. AK–F–8).

The U.S. Fish and Wildlife Service responded on February 13, 1997, that it had no comments on the amendment (administrative record No. AK–F–9).

The Bureau of Land Management, Alaska State Office, responded on February 28, 1997, that it felt that the proposed amendment should be adopted (administrative record No. AK–F–10).

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Alaska proposed to make in its amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. AK–F–3). It did not respond to OSM's request.

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP (administrative record No. AK–F–3). Neither the SHPO nor ACHP responded to OSM's request.

V. Director's Decision

Based on the above finding, the Director approves Alaska's proposed amendment as submitted on December 12, 1996.

The Director approves 11 AAC 90.207(f)(3), concerning conditions of acceptance for a self-bond, and 11 AAC 90.207(f)(8), concerning definitions of self-bonding terms.

The Director approves the rules as proposed by Alaska with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 902, codifying decisions concerning the Alaska program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. 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 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 the Federal regulations at 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.

3. 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)).

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 State submittal that is the subject of this rule is based upon counterpart 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 counterpart Federal regulations.

6. Unfunded Mandates

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 902

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 13, 1997.

James F. Fulton,

Acting Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 902—ALASKA

1. The authority citation for part 902 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 902.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 902.15 Approval of Alaska regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	*
December 12, 1996	[Insert date of publication in the Federal Register].	11 AAC 90.207(f) (3) and (8).

3. Section 902.16 is amended by removing and reserving paragraph (b)(1).

[FR Doc. 97–8104 Filed 3–28–97; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 65

[CC Docket No. 96–22; FCC 97–56]

Interstate Rate of Return Prescription Procedures and Methodologies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On February 19, 1997, the Commission adopted a Report and Order that amends the Commission's rules with respect to other postretirement benefits other than pensions (*OPEBs*). This Order also denies an MCI petition for reconsideration of the Commission's March 7, 1996, Order (*Vacate Order*), that rescinded ratemaking instructions for *OPEBs* given by the Common Carrier Bureau in Responsible Accounting Officer Letter No. 20 (*RAO 20*). The intended effect of the rules is to standardize the Commission's rate base rules with respect to similar types of assets and liabilities.

EFFECTIVE DATE: April 30, 1997.

FOR FURTHER INFORMATION CONTACT: Thaddeus Machcinski, Accounting and Audits Division, Common Carrier Bureau, (202) 418–0808.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order adopted February 19, 1997, and released February 20, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Suite 140, 2100 M Street, NW., Washington, DC 20037.

Summary of Report and Order

1. On March 7, 1996, the Commission released an Order (*Vacate Order*), (61 FR 9968, March 12, 1996), rescinding the rate base instructions issued by the Common Carrier Bureau (*Bureau*) in *RAO 20*. With that Order, we also issued a Notice of Proposed Rulemaking (*NPRM*) (61 FR 9968, March 12, 1996), that proposed amendments to Part 65, Subpart G to address the ratemaking treatment of *OPEBs*.

2. On April 8, 1996, MCI filed a Petition for Reconsideration of the *Vacate Order*. MCI requests that the Commission reconsider its decision to rescind the rate base instructions for *OPEBs* set forth in *RAO 20*.

3. In this Order, we amend Part 65 of our rules to include *OPEBs* in ratemaking and to remove all items