commodity with the contractor designated by USAID. In the case of a physical inspection of the commodity, the supplier shall make the commodity available to the contractor's inspector and, when applicable, in a condition for operational testing. The supplier shall provide reasonable assistance to the inspector in completing the inspection, to include, but not limited to, unpacking, packing, weighing, etc. Any costs associated with making the commodity available for inspection will be for the account of the supplier.

5. Section 201.48 is added to read as follows:

§ 201.48 Preshipment inspection of commodities.

For each shipment under a purchase contract with an f.o.b. value in excess of $100,000, a preshipment documentary inspection is required. For each shipment under a purchase contract with an f.o.b. value in excess of $1,000,000, a full preshipment inspection, to include a physical inspection, is required unless USAID determines in writing to limit the inspection to a review of the documentation for the transaction. USAID may also require documentary and/or physical inspections in other situations.

6. Section 201.52 is amended to remove ''(8)'' in paragraph (a), introductory text, and add ''(9)'' in its place and to add a new paragraph (a)(9) to read as follows:

§ 201.52 Required documents.

(a) * * *

(9) *Pre-shipment inspection report.* When required in the letter of credit, direct letter of commitment, or other payment document, one signed original of the ''clean'' inspection report, issued by the inspection firm designated by USAID to undertake preshipment inspections.

* * * * *

7. Section 201.60 is amended by revising paragraph (c) as follows:

§ 201.60 Purpose and applicability of this subpart.

* * * * *

(c) *Compliance.* Compliance with this subpart G and with any additional price requirement contained in the implementing document shall be a condition to the financing by USAID of procurement transactions under this part. Preshipment inspection of the commodities will include a price review for compliance. Additionally, USAID may post-audit transactions to determine that there has been compliance.

8. Section 201.63 is amended by removing paragraphs (c), (d) and (e); by redesignating paragraphs (f) and (g) as paragraphs (c) and (d), respectively; by removing ''(f)(1)'' from the newly redesignated paragraph (c)(2) and adding ''(c)(1)'' in its place, and by revising paragraphs (a) and (b) as follows:

§ 201.63 Maximum prices for commodities.

(a) *Prevailing export market price.* (1) The purchase price of a commodity shall not exceed the prevailing export price range in the country of supply for comparable goods sold under comparable terms of sale. If there are no export sales of comparable goods, then the purchase price shall not exceed the prevailing domestic price range in the country of supply for comparable goods, adjusted upward or downward by the appropriate export differential. The prevailing price range, whether export or domestic, shall be determined through analysis of prices during a reference period prior to the date the purchase price for the USAID-financed transaction was fixed. The analysis identifies the applicable range of prices which the ex-factory or f.o.b. price of the commodity shall not exceed.

(2) The purchase price of a commodity from a source outside the United States shall also not exceed the prevailing export price range in the United States for comparable goods sold under comparable terms of sale, as determined in paragraph (a)(1) of this section, adjusted for differences in the cost of transportation to destination when applicable.

(b) Paragraph (a) of this section shall not apply to the purchase price:

(1) In any sale under formal competitive bid procedures; or

(2) In any sale of a commodity generally traded on an organized commodity exchange.

* * * * *

9. In § 201.64, paragraph (a) is revised to read as follows:

§ 201.64 Application of the price rules to commodities.

(a) *Calculation of commodity prices on a common basis.* In testing whether the purchase price of a commodity complies with the requirements of § 201.63(a) it is necessary to insure that the price being tested as well as the prices being used as a test or measurement are calculated on the basis of delivery alongside or on board the vessel or other export conveyance. Therefore, in addition to the price of the commodity at an internal point in the source country, prices will include transportation from that point to the port of export in the source country and, to the extent not already included in the price at the internal point, inspection, export packing, forwarder's fees at customary rates, the cost of placing the commodities on board the vessel or export conveyance (unless this cost is covered in the export freight), and other necessary costs customary in the trade.

§ 201.64 [Added]

9. In § 201.64, paragraph (b)(1) is amended by removing ''(c), (d) and (e),'' and paragraph (c) is amended by removing ''(f)(1)'', ''(f)(1)(i)'' and ''(f)(2)'' from wherever they appear in and adding ''(c)(1)'', ''(c)(1)(i)'' and ''(c)(2)'', respectively, in their places.

Dated: June 26, 1997.

Marcus L. Stevenson,

Procurement Executive.

[FR Doc. 97–20718 Filed 8–7–97; 8:45 am]

BILLING CODE 6116–71–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SPATS No. IN–139–FOR]

Indiana Abandoned Mine Land Reclamation Plan

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 abandoned mine land reclamation plan (hereinafter referred to as the ''Indiana plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Indiana plan pertaining to procedures for ranking and selecting reclamation projects, coordination with other programs, reclamation of private land, public participation policies, organization of designated agency, Applicant/Violator System (AVS) requirements, flora and fauna of southwestern Indiana, and the emergency reclamation program. The amendment is intended to revise the Indiana plan to be consistent with the corresponding Federal regulations and SMCRA.

DATES: Written comments must be received by 4:00 p.m., e.s.t., September 8, 1997. If requested, a public hearing on the proposed amendment will be

held on September 2, 1997. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t. on August 25, 1997.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Andrew R. Gilmore, Indianapolis Field Office, at the address listed below

Copies of the Indiana plan, 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.

Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204, 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: Andrew R. Gilmore, Director, Indianapolis Field Office, Telephone: (317) 226–6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Plan

On July 29, 1982, the Secretary of the Interior approved the Indiana plan. Background information on the Indiana plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the July 26, 1982, **Federal Register** (47 FR 32110). Subsequent actions concerning the Indiana plan and amendments to the plan can be found at 30 CFR 914.20 and 914.25.

II. Description of the Proposed Amendment

By letter dated July 23, 1997 (Administrative Record No. IND–1579), Indiana submitted a proposed amendment to its plan pursuant to SMCRA. Indiana submitted the proposed amendment in response to a September 26, 1994, letter (Administrative Record No. IND–1583) that OSM sent to Indiana in accordance with 30 CFR 884.15(d) and at its own initiative. The full text of the proposed program amendment submitted by Indiana is available for public inspection at the locations listed above under **ADDRESSES**. A brief discussion of the proposed amendment is presented below.

1. Miscellaneous Changes

Indiana made editorial and clarifying language changes throughout its plan. The changes include the following: (1) Revising the current organizational structure for management of the Indiana abandoned mined lands reclamation program, (2) changing each reference to the ''Soil Conservation Service/SCS'' to the ''Natural Resources Conservation Service/NRCS,'' (3) changing references to statute citations to reflect recent recodification of the Indiana Surface Coal Mining and Reclamation Act, and (4) changing various provisions to reflect revised grant procedures implemented by OSM that do not require specific project submissions at the time of grant application.

2. Reclamation Project Ranking and Selection Procedures, 884.13(c)(2)

a. Indiana added an additional example of a Priority II AML problem. Potential sites may now include ''any water body adversely affected by acid drainage derived from coal mine sources which has reduced recreational or aesthetic value and for which there is local support for reclamation.''

b. Indiana deleted the former Priority IV designation of ''AML problems which present a potential for research and demonstration projects related to mine reclamation'' and renumbered former Priority V and VI as priority IV and V, respectively.

c. Indiana added the following new provision: ''Remined Sites—Any site that is eligible for AML reclamation fund expenditures, that is remined or reaffected by mining, remains eligible for AML reclamation after bond release or bond forfeiture.''

3. Coordination with Other Programs, 884.13(c)(3)

a. Indiana removed the language ''Division of Reclamation annual plans will be developed with SCS as funding is made available''.

b. Indiana removed the existing language in the emergency policy provision, and added the new language ''Indiana's implementation of the Emergency Reclamation Program is defined in the attached Amendment E.R.P.''

4. Reclamation of Private Land, 884.13(c)(5)

a. Indiana removed the minimum 30-day time period for allowing the landowner to repay the amount of a proposed lien, and added the requirement that the landowner shall be allowed a reasonable time to prepay the amount of a proposed lien.

b. Indiana added a new provision that allows the landowner, within 60 days of the lien being filed, to petition under local law to determine the increase in market value of the land as a result of the reclamation work.

5. Public Participation Policies, 884.13(c)(7)

a. Indiana added the following new public participation policy statement: ''The publication 'Citizens guide to Indiana's Abandoned Mine Land Program' is widely circulated to all interested citizens.''

b. Indiana removed the existing language pertaining to the intergovernment review process (EO 12372) and added the language ''This direct contact has replaced the E.O. 12372 requirements that Indiana has chosen not to apply to the AML program.''

c. Indiana deleted the paragraph specifying the public meeting format.

6. Organization of the Designated Agency, 884.13(d)(1)

a. Indiana deleted the paragraph on the ''Geological Survey Division.''

b. The organizational chart of the Department of Natural Resources was revised to reflect the current organization.

c. Under the heading ''Pay Requests and Change Orders,'' Indiana removed the paragraph on payment to engineering firms.

d. The organizational chart of the Division of Reclamation was revised to reflect the current organization.

7. Purchasing and Procurement, 884.13(d)(3)—Applicant/Violator System (AVS) Requirements

Indiana added a new provision, entitled ''Indiana AML Applicant/Violator System (AVS) Program,'' to address requirements and procedures for AVS checks on potential AML contractors.

8. Flora and Fauna of Southwestern Indiana, 884.13(f)(3)

a. Indiana removed its reference to only Priority II sites and added the requirement that sites be evaluated to determine the presence of wetlands, endangered species, or other environmental concerns.

b. *Significant Features Review*—This provision was revised to clarify interaction with other Divisions in identifying important natural features and to clarify policy on potential conflicts with endangered species or unique natural features.

9. Reclamation Review Checklist

Indiana made various revisions to the reclamation review checklist. These revisions include adding the consideration of impacts to State Nature Preserves, State Forests, State Reservoirs, and State endangered or threatened species and deleting the consideration of historic and cultural resources and Federal threatened and endangered species.

10. Amendment E.R.P. (Emergency Reclamation Program)

Indiana deleted the table of contents and its reference to 30 CFR 884.13(c)(5) and (6) and revised the restoration program organizational structure chart and the description of responsibilities for the emergency program coordinator.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approved criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Indiana 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 Indianapolis 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., e.s.t. on August 25, 1997. The location and time of the hearing will be arranged with those persons requesting the hearing. 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. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

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 proposed rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

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, 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 and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or 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 30 CFR Part 884.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State or Tribal abandoned mine land reclamation 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)).

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 submittal which is the subject of the 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. 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.

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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 31, 1997.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 97–21034 Filed 8–7–97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK–022–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.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Oklahoma regulatory program (hereinafter the ''Oklahoma program'') under the