DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

Steel Erection Negotiated Rulemaking Advisory Committee

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of meeting and agenda.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (FACA), notice is hereby given of a meeting of the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC). Notice is also given of the location of the meeting and the agenda. Information on room numbers will be available in the lobby of the designated building. A schedule of additional meetings will be provided in a future notice.

DATES: The meeting is scheduled for July 11–13, 1994 at the Executive Tower Inn, 1405 Curtis Street, Denver, Colorado 80202; Telephone (303) 571–0300. The meeting will begin at 11:00 a.m. on July 11. This meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, OSHA, U.S. Department of Labor, Office of Information and Consumer Affairs, Room N–3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone: (202) 219–8151.

SUPPLEMENTARY INFORMATION: On May 11, 1994, OSHA announced that it had established the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC)(59 FR 24389) in accordance with the Federal Advisory Committee Act (FACA), the Negotiated Rulemaking Act of 1990 (NRA) and section 7(b) of the Occupational Safety and Health Act (OSH Act) to resolve issues associated with the development of a Notice of Proposed Rulemaking on Steel Erection. Appointees to the Committee include representatives from labor, industry, public interests and government agencies.

The first SENRAC meeting was held in Bethesda, Maryland on June 14–16, 1994. The Committee established three workgroups and developed an agenda for the second meeting in July. The workgroups were established to address issues on Fall Protection, Allocation of Responsibility, and Construction Specifications. According to the agenda, the workgroups will meet the first two days of the meeting (July 11 & 12) and the full Committee will meet on the last day (July 13).

All interested parties are invited to attend both the workgroup and full Committee meetings at the time and place indicated above. No advanced registration is required. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact the Facilitator to obtain appropriate accommodations.

During the meeting, members of the general public may informally request permission to address the full Committee and workgroups.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N–2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone (202) 219–7894. Copies of these materials may be obtained by sending a written request to the Facilitator.

The Facilitator, Philip J. Harter, can be reached at Suite 404, 2301 M Street, NW, Washington, DC 20037; telephone (202) 887–1033, FAX (202) 833–1036.

Authority: This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.*; and Section 7(b) of the Occupational Safety and Health Act of 1970, 84 Stat. 1597, Title 29 U.S.C. 656.

Signed at Washington, D.C., this 22nd day of June, 1994.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 94–15557 Filed 6–24–94; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 206

Establishment of the Federal Gas Valuation Negotiated Rulemaking Committee

AGENCY: Minerals Management Service, Interior.

ACTION: Establishment of advisory committee.

SUMMARY: As required by Section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App., the Department of the Interior (Department) is giving notice of the establishment of the Federal Gas Valuation Negotiated Rulemaking Committee (Committee) to develop specific recommendations with respect to Federal gas valuation pursuant to its responsibilities imposed by the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1701 *et seq.* (FOGRMA). The Department has determined that the establishment of this Committee is in the public interest and will assist the Agency in performing its duties under FOGRMA. Copies of the Committee's charter will be filed with the appropriate committees of Congress and the Library of Congress in accordance with section 9(c) of FACA.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Gibbs Tschudy, Chief, Valuation and Standards Division, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS–3920, Denver, Colorado, 80225–0165, telephone number (303) 275–7200, fax number (303) 275–7227.

SUPPLEMENTARY INFORMATION: Through an informal study group, MMS has conducted discussions to receive input on the current gas market and identify the challenges facing royalty valuation of gas produced from Federal leases for royalty purposes. The discussions have gone well and needs for regulatory changes have been identified. The MMS now believes that using a negotiated rulemaking committee to make specific recommendations with respect to Federal gas valuation would help the agency in developing a rulemaking. The Department is, therefore, establishing the Federal Gas Valuation Negotiated Rulemaking Committee.

Background

Since the publication of the March 1, 1988, gas valuation regulations (30 CFR Part 206) many of MMS's constituents have expressed concern about the current "tracing method" of valuing production from unit and communization agreements. Of particular concern is determining the proper value, for royalty purposes, when the working interest owner sells none of the production allocated to him under the agreement. Likewise, constituents have pointed out difficulties with the current benchmark system utilized to value non-arm's-length and no-sales situations. Those difficulties include issues of comparability, certainty, and access to information. As part of Vice President Gore's National Performance Review (NPR), the Royalty Management Program recently initiated a Reinvention Laboratory Team to examine ways to streamline the royalty management process. One of the recommendations of that team was to improve the valuation benchmark system. The NPR Team recommended to the Royalty Management Advisory Committee (RMAC) that a pilot be conducted to evaluate the use of spot prices as the second benchmark.

In commenting on the recommendations of the NPR Team, RMAC recommended that the entire benchmark system be evaluated and that the evaluation be limited to gas produced from Federal leases.

Statutory Provisions

Pursuant to FOGRMA (30 U.S.C. 1701 *et seq.*), 30 CFR Part 206 (1993) and Federal oil and gas lease and agreement terms, certain principles of royalty accounting will form the basis for a proposed rule:

Volume: Royalties must be paid each month on the volume of production allocated to or produced from the Federal lease under the agreement terms.

Royalty Rate: Royalties must be paid in accordance with the royalty rate specified in each lease unless specified otherwise under the terms of the agreement.

Value of Production: Value should be determined at the time of production. Value should be based on the fair market value at the lease.

Payment Responsibility: Federal lessees or their working interest owners are ultimately responsible for paying royalties, but other entities can be assigned the royalty payment responsibility.

The Committee and Its Process

During the winter and spring of 1994, MMS met with representatives of the oil and gas industry and States to receive input about the current gas market and identify regulatory changes needed to add certainty and simplicity to valuation, for royalty purposes, of gas produced from Federal leases in a new gas market. An informal study group format was used to obtain and clarify varying viewpoints. The materials received to date during the input sessions are available for inspection and copying at the address referenced above for Ms. Deborah Gibbs Tschudy.

Members of the study group include representatives of the American Petroleum Institute (API), the Council of Petroleum Accountants Societies (COPAS), the Rocky Mountain Oil and Gas Association (RMOGA), the Independent Petroleum Association of America (IPAA), the Independent Petroleum Association of Mountain States (IPAMS), the Natural Gas Supply Association (NGSA), an independent marketer, and representatives of the States of Utah, North Dakota, Montana, and New Mexico. The MMS and the study group participants believe that the input sessions have been mutually beneficial. As a result, MMS now believes it would be appropriate for the study group to transform itself and make specific regulatory recommendations for implementing a rulemaking regarding Federal gas valuation. The Department is therefore establishing the Federal Gas Valuation Negotiated Rulemaking Committee.

The recently enacted Negotiated Rulemaking Act of 1990 (Pub. L. 101–648) contemplates a "convening" process which involves identifying the potential parties and issues, publishing a notice of intent to form a committee, waiting 30 days for comments to be submitted responding to the notice, and only then proceeding with the establishment of the committee provided it meets the criteria of the Act. In this case, the study group process has served the same function as the convening—parties that would be significantly affected and the issues in controversy have been identified. The study group's discussions have also enabled the MMS to determine that the criteria for negotiated rules, as spelled out in the Negotiated Rulemaking Act, are met for this rule:

- The rule is needed, since royalty payors are not able to comply with the current regulations particularly in the current gas market.
- A limited number of identifiable interests will be significantly affected by the rule. Those parties are oil and gas companies who produce gas and pay royalties on Federal leases and States who receive royalties from gas produced from Federal leases located in their State.
- Representatives can be selected to adequately represent these interests, as reflected above.
- The interests are willing to negotiate in good faith to attempt to reach a consensus on a proposed rule.
- There is a reasonable likelihood that the Committee will reach consensus on a proposed rule within a reasonable time. This determination has been made based on discussions of the study group, and hence is built on the developments to date.
- The use of the negotiation will not delay the development of the rule if time limits are placed on the negotiation. Indeed, its use will expedite both development and ultimate acceptance of the rule.

The Department is not proposing to issue a separate notice of intent to form a negotiated rulemaking committee for this rule. Given the evolution of this committee, the publication of such a notice would only show down the rulemaking process and the functions of the notice of intent have either already been met or are provided for in this notice. Moreover, the Negotiated Rulemaking Act specifically provides that its provisions are not mandatory.

The Negotiated Rulemaking Act does anticipate an outreach to ensure that people who were not contacted during the convening process can come forward to explain why they believe they would be significantly affected and yet are not represented on the Committee or to argue why they believe the rule should not be negotiated. The MMS believes that the interests who would be significantly affected by this rule are represented by the informal study group already in place which includes representatives from API, COPAS, RMOGA, IPAA, IPAMS, NGSA, an independent marketer, and the states of Utah, Montana, North Dakota, and New Mexico. If anyone believes that their interests are not adequately represented by these organizations, they must demonstrate and document that assertion through an application submitted no later than 10 calendar days following publication of this notice. You may fax your documentation to (303) 275–7227.

Certification

I hereby certify that the Federal Gas Valuation Negotiated Rulemaking Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior by 30 U.S.C. 1701 et seq.

Dated: June 2, 1994.

Bruce Babbit,

Secretary of the Interior.

[FR Doc. 94–15462 Filed 6–24–94; 8:45 am]

BILLING CODE 4310–MR–M

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30 CFR Chapter II

Meeting of the Federal Gas Valuation Negotiated Rulemaking Committee

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of meetings.

SUMMARY: The Secretary of the Department of the Interior (Department) has established a Federal Gas Valuation Negotiated Rulemaking Committee (Committee) to develop specific recommendations with respect to Federal gas valuation pursuant to its responsibilities imposed by the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1701 *et seq.* (FOGRMA). The Department has determined that the