

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 Babbitt,

Secretary of the Interior.

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

BILLING CODE 4310-MR-M

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

establishment of this Committee is in the public interest and will assist the Agency in performing its duties under FOGDRA.

DATES: The Committee will have meetings as shown below:

Monday, July 11, 1994—10 a.m.—5 p.m.

Tuesday, July 12, 1994—8 a.m.—5 p.m.

Wednesday, July 13, 1994—8 a.m.—2 p.m.

Monday-Tuesday, August 8-9, 1994—8 a.m.—5 p.m.

Tuesday-Wednesday, August 24-25, 1994—8 a.m.—5 p.m.

ADDRESSES: The meetings will be held in the auditorium of building 85 on the Denver Federal Center, West Sixth Avenue and Kipling Street, Lakewood, Colorado.

Written statements may be submitted to Ms. Deborah Gibbs Tschudy, Chief, Valuation and Standards Division, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS-3920, Denver, CO 80225-0165.

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: The location and dates of future meetings will be published in the Federal Register.

The meeting will be open to the public without advanced registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the Committee for its consideration.

Written statements should be submitted to the address listed above. Minutes of Committee meetings will be available for public inspection and copying 10 days following each meeting at the same address. In addition, the materials received to date during the input sessions are available for inspection and copying at the same address.

Dated: June 22, 1994.

James W. Shaw,

Associate Director for Royalty Management.
[FR Doc. 94-15588 Filed 6-24-94; 8:45 am]

BILLING CODE 4310-MR-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[GC Docket No. 92-52; FCC 94-167]

Reexamination of the Policy Statement on Comparative Broadcast Hearings

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; solicitation of additional comments.

SUMMARY: The Commission seeks further comments on its proposal to reexamine the criteria used to select among mutually exclusive applicants for broadcast facilities in light of *Bechtel v. FCC*, 10 F. 3d 875 (D.C. Cir. 1993). The intended effect of this proposal is to remedy any perceived defects in the existing system, to produce swifter more certain choices among applicants for new broadcast facilities, and to preserve the public interest benefits of making such choices.

DATES: Comments must be filed on or before July 22, 1994; reply comments must be filed on or before August 8, 1994.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20054.

FOR FURTHER INFORMATION CONTACT: David S. Senzel, Office of General Counsel (202) 632-7220.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's second further notice of proposed rulemaking, GC Docket No. 92-52, adopted on June 13, 1994, and released June 22, 1994. The full text of the further notice of proposed rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington DC. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., Suite 140, 2100 M Street NW., Washington, DC 20037.

Summary of Second Further Notice of Proposed Rule Making

1. In this notice, the Commission invites further comments on its proposal to reexamine and revise the criteria used to select among applicants for new broadcast facilities, set forth in *Reexamination of the Policy Statement on Comparative Broadcast Hearings* 57 FR 14683 (Apr. 22, 1992).

2. Numerous commenters, who responded to the Commission's notice of proposed rulemaking, stated their views as to (1) Whether the existing

comparative criteria should be modified or eliminated; (2) whether the new criteria should be adopted; and (3) whether the Commission should adopt a point system with a tie-breaker to decide comparative cases. These comments are currently under consideration.

3. During this consideration, on December 17, 1993, the United States Court of Appeals for the District of Columbia Circuit issued a ruling that the integration criterion was arbitrary and capricious and therefore invalid. *Bechtel v. FCC*, 10 F. 3d 875 (D.C. Cir. 1993). In light of the court's decision, the Commission must eliminate integration as a criterion in the comparative evaluation.

4. The Commission believes that this proceeding provides an appropriate means of reassessing the comparative standards in light of *Bechtel*. The Commission finds it desirable, in resolving this proceeding, to have comments specifically addressing the impact of *Bechtel* on the relevant issues for pending and future cases.

5. In particular, the Commission seeks comments on: (1) The nature of the criteria that should be employed in light of *Bechtel*, and the weight different factors should be given; (2) the procedural ramifications of applying a revised comparative analysis to pending cases; and (3) how any proposed revision of the comparative criteria could be structured to satisfy the kind of concerns expressed in *Bechtel*.

Initial Regulatory Flexibility Analysis

An initial regulatory flexibility analysis is set forth at 57 FR 14683, 14684, (Apr. 22, 1992).

List of Subjects for 47 CFR Part 73

Administrative practice and procedure, Radio broadcasting, Telecommunications, Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94-15488 Filed 6-24-94; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 93-294; RM-8342]

Radio Broadcasting Services; Alexander City, AL and West Point, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a petition filed by Solar Broadcasting