would facilitate movement of cargo and could reduce costs.

Response: Customs agrees with the reason given for support of the proposal, as being consistent with the reasons given for the proposal in the advance notice. As to the suggestion that filers who desired confidentiality should be able to request such treatment, similar to the provision for parties requesting confidential treatment of manifest information, Customs finds this suggestion to be without merit. It is Customs position that the filer codes are public information and, as such, cannot be accorded confidential treatment.

Comment: Three importers either opposed the proposal or suggested that its implementation be delayed. The reasons given for opposition to, or the delay of, the proposal were that the proposal would result in the disclosure of confidential business information and that no good reason was given for the proposal.

Response: Customs believes that good reasons were given in the advance notice for this proposal, and that the reasons set forth in comments received from Customs brokers, carriers and sureties supporting the proposal provide further support for the proposal. Regarding the confidentiality issue, as indicated above, Customs believes that the filer code information is not confidential.

Proposal

After reviewing the comments to the ANPRM and further consideration, Customs has determined to proceed with the proposal to amend the regulations to provide for the annual publication of the identity of the code assigned by Customs to identify frequent entry filers on the Customs Electronic Bulletin Board, without providing for confidential treatment of filer identity.

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, U.S. Customs Service, Franklin Court, Suite 4000, 1099 14th Street, NW, Washington, D.C.

Executive Order 12866

This document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Regulatory Flexibility Analysis

Because adoption of the proposed amendment will improve access to frequently needed information for the commercial community without any action on its part, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the proposed amendment, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

List of Subjects in 19 CFR Part 142

Customs duties and inspection, Imports, Reporting and recordkeeping requirements.

Proposed Amendment

It is proposed to amend Part 142, Customs Regulations (19 CFR Part 142), as set forth below:

PART 142—ENTRY PROCESS

1. The authority citation for Part 142, Customs Regulations (19 CFR Part 142), continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

2. It is proposed to amend § 142.3a by redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and by adding a new paragraph (c) to read as follows:

§ 142.3a Entry numbers.

* * * * *

(c) *Publication of Entry Filer Codes.* The Customs Service shall make available annually by electronic means on the Customs Electronic Bulletin Board a listing of filer codes and the importers, consignees, and Customs brokers assigned those filer codes.

* * * * *

George J. Weise,

Commissioner of Customs.

Approved: November 22, 1996.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 97–10273 Filed 4–21–97; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202, 206, and 211

RIN 1010–AC02

Amendments to Gas Valuation Regulations for Federal Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Notice withdrawing proposed rulemaking and requesting comments on supplemental information.

SUMMARY: The Minerals Management Service (MMS) is withdrawing its proposed rulemaking to amend the regulations for valuing natural gas produced from Federal leases for royalty purposes. MMS also is requesting comments on supplemental options for valuation.

DATES: Written comments must be received on or before June 23, 1997.

ADDRESSES: Comments should be sent to: David S. Guzy, Chief, Rules and Publications Staff, Royalty Management Program, Minerals Management Service, P.O. Box 25165, MS 3101, Denver, Colorado 80225–0165; courier delivery to Building 85, Denver Federal Center, Denver, Colorado 80225; or e-Mail David__Guzy@smtp.mms.gov.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Publications Staff, Telephone (303) 231–3432, FAX (303) 231–3194, e-Mail David__Guzy@smtp.mms.gov.

SUPPLEMENTARY INFORMATION: On November 6, 1995, MMS published a proposed rule that would amend the regulations governing the valuation of natural gas produced from Federal leases (60 FR 56007). The proposed amendments reflected the consensus recommendations of the Federal Gas Valuation Negotiated Rulemaking Committee (Committee), which the Secretary chartered on June 27, 1994, to resolve many issues facing the valuation of Federal gas. Through the consensus negotiated rulemaking process, the Committee attempted to develop alternative royalty valuation methodologies that would simplify the gas royalty valuation process but would not have a significant impact on gas royalty collections.

The recommendations and subsequent proposed amendments the Committee developed would have allowed lessees to choose from several options for valuing gas for royalty purposes, including, for example, index prices published in natural gas newsletters, affiliated companies' arm's-length resale prices, and residue gas prices applied to the wellhead. The amendments also would have eliminated certain administrative functions such as accounting for comparison (also known as ''dual accounting''), and redefined specific terms such as gathering and compression to clarify their deductibility from royalty.

While the proposed rule reflected the consensus decisions of the Committee, MMS received many unfavorable comments in response to the proposed rule. Many of the comments focused on the complexity of the various valuation alternatives, while others expressed concern about the impact on royalty revenues. On the other hand, many comments supported the proposals to clarify terms and eliminate administrative burdens.

Because of the comments received, in mid-1996 MMS reconvened the Committee and reopened the public comment period asking the public and the Committee to provide comments on five options for proceeding with rulemaking. When the Committee reconvened, representatives from major and independent companies who served on the Committee presented a ''Unified Option.'' However, State and MMS Committee members could not support the industry proposal because it would have been based on data reported to MMS but not verified for accuracy or compliance by audit. The reopened comment period closed in August 1996.

As required by the Regulatory Flexibility Act, MMS next performed a cost/benefit analysis of the impacts of the proposed rule. The MMS selected data from 1994 and 1995, because it reflected the Federal Energy Regulatory Commission (FERC) Order No. 636 marketing environment. The analysis compared the royalties that MMS would have received based on the proposed index price methodology to the actual royalties MMS received based on the lessee's gross proceeds (not verified by audit) under the current regulations. The analysis accounted for the so-called ''safety net'' (see November 6, 1995, proposed rule) comprising a median value of gross proceeds prices reported by payors who MMS assumed would chose not to pay royalties based on index prices. The results of the analysis indicated that the proposed rule would result in a loss in revenues of approximately $20 million annually. That amount is likely understated as it is based on a comparison to gross proceeds data not verified by audit. Details of the analysis may be found at the Royalty Management Program Internet home page at www.mms.gov or by calling Mr. Larry Cobb at (303) 275–7245.

MMS has decided at this time not to issue a final rule based on the consensus recommendations of the Committee for a number of reasons:

1. The natural gas market is still undergoing dramatic change. FERC recently published a **Federal Register** Notice (62 FR 10266, March 6, 1997) seeking public and industry input about ''how the industry currently works, how the industry is changing, and how the Commission's regulatory policies should respond to such changes in the marketplace.'' The FERC stated that significant changes in the structure of the natural gas industry have occurred since the issuance of Order No. 636. These include ''the consolidation in the ownership of interstate pipelines, the spin-off and spin-down of gathering facilities with the potential for State regulation, the emergence of mega-markets, and the emerging electric and gas convergence.'' The FERC also cited issues such as increasing unbundled retail access, hourly trading of natural gas, and increased transportation efficiencies in calling for a need to take a step back and examine where the market is headed.

2. MMS believes that its existing regulations are very flexible and therefore are the most appropriate means to face the continued changes in the natural gas market.

3. MMS does not believe that published indices for natural gas, representing spot prices at major pipeline interconnects, less transportation to the lease, have developed sufficiently to be representative of the gross proceeds actually received for lease production.

4. In the absence of published indices that accurately represent fair market value, any rule using these indices would inevitably become complicated because of the requirement to compare them to gross proceeds. The comparison would have to take the form of some sort of safety net calculation, as in the proposed rule, or an adjustment to index based on the difference between index and gross proceeds. Analyzing and verifying gross proceeds data to accomplish these comparisons would place a significant administrative burden on MMS.

5. The results of the MMS cost/benefit analysis indicate that the proposed rule does not achieve revenue neutrality, one of the primary goals MMS and the Committee established in developing new regulations.

MMS still seeks alternative valuation methods that would simplify the gas valuation process without significantly impacting royalty revenues. In light of MMS's decision not to proceed with finalizing the November 6, 1995, proposed rule, MMS solicits comments on two additional options for valuing Federal gas. MMS also asks for ideas and comments on other valuation options not yet presented in this rulemaking that are not inconsistant with our reasons for not issuing a final rule.

The first option is index-based. Payors wishing to pay on index would be required to pay on index plus (or minus) an annual percentage factor (known as the index +/− ''X-factor'' method). The percentage X-factor would account for any difference between the average index value in the zone (as described in the November 6, 1995, proposed rule) and the average arm's-length gross proceeds received by payors paying on index in the zone. The X-factor to be applied to the current year's index prices would be computed from the previous year's differences between average indices and average gross proceeds. The X-factor may be positive or negative depending on how the average gross proceeds net of transportation costs compare to the average index value. Because transportation costs are already accounted for in the X-factor, no additional transportation allowance would be permitted to be deducted from index. In evaluating arm's-length gross proceeds, MMS would include affiliates' arm's-length resale prices.

The second option is based on the royalty collection practice in Norway. Royalty values for crude oil produced in Norway are established by the Petroleum Price Board (Board). The Board establishes ''norm'' prices that may be reduced by transportation tariffs, if the norm price point is away from the producing area. (In Norway, no norm prices can be set for gas because the royalty rate of gas was set to zero in 1992.)

The Board does not use a specific formula in deciding the norm price. Instead, the Board considers specific information sources including:

(1) Spot market indicators;

(2) Realized prices for external sales, gathered by the Board from companies on all liftings of Norwegian crude and summarized into a ''Brent-Blend Equivalent,'' which is the volume-weighted average of all Norwegian crude oils. These prices are adjusted by assessed price-differentials to Brent Blend; and

(3) Company evaluations and recommendations.

The procedure for setting the norm price has several important features.

From a timing standpoint, the prices are set quarterly and on a retroactive basis. After the end of each quarter, companies are given 4 weeks to send information about the previous quarter. Within 2 weeks the Board gives its preliminary evaluation in the form of a price band. After the band is issued, companies have 3 weeks to meet with the Board to give their views, and the Board issues its final norm price within 2 weeks thereafter.

For Federal gas (and if appropriate for other commodities), the Department of the Interior would establish a Pricing Board to determine prices similar to the process used by Norway. However, we would simplify the process wherever possible, such as eliminating the aspect of retroactive price adjustments.

Send comments on these two alternative methods to the address contained in the **ADDRESSES** section.

Dated: April 17, 1997.

Cynthia L. Quarterman,

Director, Minerals Management Service.

[FR Doc. 97–10386 Filed 4–21–97; 8:45 am]

BILLING CODE 4310–MR–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 74, and 78

[ET Docket No. 95–18; FCC 97–93]

2 GHz for Use by the Mobile Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In the Further Notice of Proposed Rule Making (Further NPRM), we propose specific details of relocation of affected Broadcast Auxiliary Service (BAS), Cable Television Relay Service (CARS), Local Television Transmission Service (LTTS), and Fixed Satellite (FS) licensees, and request comment on our proposals. We propose to channelize the new BAS band into seven channels of 15 megahertz bandwidth, with the new channelization plan to become primary on January 1, 2000, or the day after the last Fixed Service (FS) licensee in the 2110–2130 MHz band has been relocated in accordance with Sections 101.69–101.81 of the Commission's rules, whichever date is later. We further propose to allow MSS operators to negotiate with BAS licensees for relocation. The new and enhanced services and uses permitted by this action will create new jobs, foster economic growth, and improve access to communications by industry and the American public.

DATES: Comments must be submitted on or before June 23, 1997 and reply comments must be submitted on or before July 21, 1997.

ADDRESSES: Office of the Secretary, Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Sean White, Office of Engineering and Technology, 202–418–2453.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Further Notice of Proposed Rule Making,* (Further NPRM), ET Docket 95–18, FCC 97–93, adopted March 13, 1997, and released March 14, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Summary of the Further NPRM of Proposed Rule Making

1. In the Further NPRM of Proposed Rule Making (''Further NPRM''), the Commission proposes to rechannelize the new Broadcast Auxiliary Service (BAS) spectrum from the current seven channels (within the 1990–2110 MHz band), each of 17 or 18 megahertz bandwidth, to seven channels (at 2025–2130 MHz band), each of 15 megahertz bandwidth. The Further NPRM also proposes to provide for the relocation and rechannelization of incumbent BAS, Cable Television Relay Service (CARS), and Local Television Transmission Service (LTTS) licensees in accordance with the Commission's Emerging Technologies policies, providing for voluntary and mandatory negotiations between incumbent licensees and new MSS operators, and involuntary relocation of incumbents if agreements cannot be reached. The Further NPRM proposes that, in the case of involuntary relocation, all costs of relocation will be borne by the MSS licensee. The Further NPRM also proposes that the Emerging Technologies policies for the relocation of incumbent FS licensees (in the 2110–2130 and 2165–2200 MHz bands) be followed, including voluntary and mandatory negotiation periods, provision for involuntary relocation with all costs borne by the MSS operator, and a ''sunset'' date of ten years after the beginning of the voluntary negotiation period, after which FS licensees will be required to relocate at their own expense if MSS needs the frequencies within which FS licensees operate.

2. The Commission carefully considered the balance of interests between new technology providers and incumbent service licensees, in the Emerging Technologies proceeding, ET Docket 92–9. Considering that the emerging technology service provider receives the benefits of operating in the band, including anticipated substantial profits, the Commission concluded that it is fair to require the new technology service to pay for the relocation of the displaced incumbents. Though the 1990–2110 MHz BAS band was not part of the Emerging Technologies proceeding, the logic of the Emerging Technologies proceeding applies equally well to BAS, CARS, and LTTS. MSS commenters advocate requiring BAS band licensees to finance their own relocation as their equipment depreciates and they purchase new equipment, claiming that the total costs of relocation, added to the high cost of launching satellites, would cripple the nascent MSS industry. This assertion, however, contradicts the position of MSS commenters that there is a huge, underserved demand for MSS. We believe that MSS licensees will build the cost of relocating BAS band licensees into their financial plans, and still will be able to provide service at a profit. We propose to rechannelize the BAS band to seven channels of 15 megahertz width each, as opposed to the current 17- and 18-megahertz channel widths, in order to maintain seven channels in the 2 GHz BAS band, but we also request comment on whether allowing flexibility in channelization would better serve the needs of the BAS, CARS, and LTTS industries. Because the current and new BAS bands overlap, BAS, CARS, and LTTS licensees are likely to interfere with each other if both the current and proposed new channel plans are used simultaneously. To address this problem, we propose to make the new channel plan primary on January 1, 2000, or after the 2110–2130 MHz band is cleared of incumbent FS licensees, whichever is later. We also inquire whether a later date would be more appropriate, and whether we should allow switchover on a market-by-market basis, rather than a nationwide basis. We inquire whether we should allow BAS, CARS, and LTTS licensees to negotiate with MSS individually, or whether we should impose marketwide or nationwide negotiators whose agreements would be binding on all licensees. We also