

(MS 9300), or Ms. Charlotte Bennett, Appeals Division, Minerals Management Service, 1849 C Street, NW., Washington, D.C. 20240, telephone number (202) 208-2622, fax number (202) 219-5565, e-mail: Hugh Hilliard@mms.gov or Charlotte Bennett@mms.gov.

SUPPLEMENTARY INFORMATION: In response to the notice of proposed rule to amend regulations governing the administrative appeals process, published in the **Federal Register** on October 28, 1996 (61 FR 55607), MMS received as a comment a comprehensive report from the Royalty Policy Committee (RPC), which adopted a recommendation from its Appeal and Alternative Dispute Resolution Subcommittee. The RPC, which is composed of representatives from States, Indian tribes and allottees, the mineral industries, other Federal agencies, and the public, advises the Secretary of the Interior under a charter authorized by the Federal Advisory Committee Act. On March 27, 1997, the RPC sent its report to the Secretary and requested adoption of its proposal in lieu of the October 28, 1996, proposed rule.

The Secretary sent a response to the RPC on September 22, 1997, stating that the Department planned to prepare revised proposed regulations to implement the RPC proposal, with several changes. In general, the changes proposed by the RPC, as modified and approved by the Secretary, will be as follows:

- Increase efforts to resolve policy disputes before conducting audits of royalty payments;
- Further encourage informal resolution of disputes;
- Clarify the standing of Indian lessors and states in the administrative appeals process; and
- Restructure the appeals process to encourage earlier development of the administrative record, facilitate settlement efforts, impose time limitations on the appeals process, and allow for appeals to be filed with the Interior Board of Land Appeals (IBLA) rather than with MMS so that appellants can obtain a faster, more independent review of legal issues raised on appeal.

The Secretary also stated that the public would have the opportunity to comment on these proposed regulations, which could change before they become final.

Thus, MMS intends to withdraw the October 28, 1996 (61 FR 55607), notice of proposed rule when it publishes the revised notice of proposed rule responding to the RPC report. Since the

revised proposed rule will contain provisions that will allow for appeals to be considered by the IBLA much earlier than they are under current procedures, MMS plans to rely on regulations for release of third-party proprietary information as set out at 43 CFR 4.31. Consequently, MMS has withdrawn the April 4, 1997 (62 FR 16116), proposed rule, but will incorporate in the revised notice of proposed rule on the appeals process any contents of the withdrawn rule that may be needed to supplement current regulations at 43 CFR 4.31.

The revised notice of proposed rule will affect not only appeals involving actions taken by officials of the MMS's Royalty Management Program, but also will affect appeals involving actions taken by the Offshore Minerals Management program of MMS under the regulations at 30 CFR Part 250. In addition, the rule will affect activities of the Office of Hearings and Appeals, Interior Board of Land Appeals, as set out at 43 CFR Part 4 (though these effects are expected to be limited to appeals generated by actions of the Minerals Management Service).

While MMS and the Department's Office of Hearings and Appeals plan to move quickly to issue a new notice of proposed rule on this subject, we also want to take the opportunity to have further public input by holding a public workshop.

We invite participation at the workshop by representatives of states, Indian tribes and allottees, the minerals industries, and the general public. We plan to present our initial views as to what will be in the revised proposed rule and to engage in open discussion with participants about any suggestions for improvement. The date and location of the workshop have been coordinated with the next meeting of the Royalty Policy Committee in order to facilitate participation by Committee members.

In order to help us plan for a successful workshop, we would appreciate your preregistration by January 15. If you plan to attend, please contact Ms. Charlotte Bennett, using the methods provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice, and provide your name, address, and telephone and fax numbers. This will help us to ensure sufficient space for all and to provide you with any relevant information available in advance of the meeting. In particular, we hope to distribute some information in advance about what we expect to include in the revised notice of proposed rule.

Background materials on the subject can be found on the MMS internet homepage at <http://www.mms.gov/>

[mmab/rpcsub.htm](http://www.mms.gov/mmab/rpcsub.htm) (also accessible through the general MMS homepage at <http://www.mms.gov/>) or by contacting the Appeals Division at the address listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Relevant background would include the prior notices of proposed rules, the March 27, 1997, RPC report, and the Secretary's letter of September 22, 1997.

Dated: December 22, 1997.

Walter D. Cruickshank,

Associate Director for Policy and Management Improvement.

[FR Doc. 97-34096 Filed 12-30-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD11-95-003]

RIN 2115-AE47

Drawbridge Operation Regulations; Oakland Inner Harbor Tidal Canal, CA

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; termination.

SUMMARY: The Coast Guard is terminating rulemaking which would have amended the regulation for the draws of the Alameda County vehicular bridges crossing the Oakland Inner Harbor Tidal Canal at the following locations: Park Street, mile 7.3; Fruitvale Avenue, mile 7.7; High Street, mile 8.1; as well as the U.S. Army Corps of Engineers railroad bridge, mile 7.7 at Fruitvale Avenue. The proposed rule did not meet the reasonable needs of navigation. The County apparently is no longer interested in pursuing this rulemaking.

DATES: This proposed rulemaking is terminated December 12, 1997.

FOR FURTHER INFORMATION CONTACT: Jerry P. Olmes, Bridge Section, Eleventh Coast Guard District, Building 50-6, Coast Guard Island, Alameda, CA 94501-5100, telephone (510) 437-3515.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 9, 1995, the Coast Guard published the NPRM in the **Federal Register** (60 FR 24599). The Coast Guard received 18 letters in response to the NPRM, 6 of which requested a public hearing. The Coast Guard then decided to reopen the comment period and hold a public hearing; a notice of reopening of the comment period and of the public hearing was published in the **Federal**

Register on September 12, 1995 (60 FR 47317). The comment period was extended until October 31, 1995, and a public hearing was held on October 5, 1995.

The majority of respondents objected to the proposal for reasons of safety and inconvenience to waterway users. Based on the comments received, the Coast Guard denied the request. The Coast Guard offered a counter proposal, but the County did not respond to the counter proposal.

For the reasons stated in the preamble, the Coast Guard is terminating all further rulemaking under docket number CGD11-95-003.

Dated: December 12, 1997.

J.C. Card,

Vice Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 97-34081 Filed 12-30-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO-001-0006b & CO-001-0021b; FRL-5934-3]

Clean Air Act Approval and Promulgation of PM₁₀ Implementation Plan for Colorado; Designation of Areas for Air Quality Planning Purposes; Steamboat Springs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State implementation plan (SIP) submitted by the State of Colorado to achieve attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀), including among other things, control measures, technical analyses, quantitative milestones and contingency measures. The SIP was submitted by the Governor of Colorado with a letter dated September 16, 1997 to satisfy certain Federal requirements for an approvable SIP for the Steamboat Springs, Colorado moderate PM₁₀ nonattainment area, as designated effective January 20, 1994. In addition, EPA proposes to approve the Steamboat Springs emergency episode plan. EPA also proposes to amend the boundary for the Steamboat Springs nonattainment area to clarify the original description.

In the Final Rules Section of this **Federal Register**, EPA is approving the

State's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for EPA's actions is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated and the direct final rule will become effective. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received in writing by January 30, 1998.

ADDRESSES: Written comments on this action should be addressed to Richard R. Long, 8P2-A, at the EPA Regional Office listed below. Copies of the State's submittal and documents relevant to this proposed rule are available for inspection during normal business hours at the following locations: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2405; and Colorado Department of Health, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530.

FOR FURTHER INFORMATION CONTACT: Amy Platt, Air Program, EPA, Region VIII, at (303) 312-6449.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: November 4, 1997.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 97-33959 Filed 12-30-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 121197E]

RIN 0648-AJ16

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Resubmission of Disapproved and Revised Measure in Amendment 11

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a revised, previously disapproved measure in an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has resubmitted a previously disapproved measure, originally contained in Amendment 11 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, for review, approval, and implementation by NMFS. The measure would define optimum yield (OY). Written comments are requested from the public.

DATES: Written comments must be received on or before March 2, 1998.

ADDRESSES: Comments should be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the Resubmission of the Previously Disapproved Measure, Originally Contained in Amendment 11, which includes an environmental assessment and a regulatory impact review, should be sent to the Gulf of Mexico Fishery Management Council, 3081 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; Phone: 888-883-1844; Fax: 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any fishery management plan or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a document in the **Federal Register**