

Department of the Interior, the land described below is no longer held in trust by the United States for the benefit of the Lower Brule Sioux Tribe.

**EFFECTIVE DATE:** December 24, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Mary Jane Sheppard, Staff Attorney, Office of the Solicitor, Division of Indian Affairs, Room 6456, Main Interior Building, 1849 C Street, NW., Washington, DC 20240, Telephone No. (202) 208-6260.

**SUPPLEMENTARY INFORMATION:** On October 15, 1996, the Supreme Court remanded to the Secretary for reconsideration the decision to take land into trust for the Lower Brule Tribe in South Dakota. The land in question consists of three parcels in Lyman County, South Dakota: (1) W2SW4 minus RD; Sec 13—T104N—R72W. Acres: 79.11; (2) PT. N2NE4NW4 minus 8.55 A RD & KIT "A"; Sec 24—T104N—R72W. Acres: 7.85; (3) PT. N2NW4NW4 minus 15.27 A; Sec 24—T104N—R72W. Acres: 4.73.

The Supreme Court held:

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the eighth Circuit with instructions to vacate the judgment of the United States District Court for the District of South Dakota and remand the matter to the Secretary of the Interior for reconsideration of his administrative decision.

*Department of the Interior v. South Dakota*, 117 S.Ct. 286 (1996). In its petition for certiorari, the Government discussed its new regulation (to be codified at 25 CFR 151.12(b); 61 FR 18082-83 (April 24, 1996)). That regulation provides an opportunity for judicial review before land is taken into trust. In its petition, the Government stated:

Vacatur of the district court's judgment and remand of the matter to the Secretary for a new decision (which would in turn be subject to judicial review under the APA [Administrative Procedure Act] *before* title passed to the United States) would obviate any need to consider that QTA [Quiet Title Act]/preclusion question. (*italics in original*)

Petition at 26, n. 16.

Accordingly, the remand operates to take the land out of trust so that judicial review under the APA may be available when the Secretary makes a decision to accept or reject an application concerning the same parcels of land.

Dated: May 8, 1997.

**Ada E. Deer,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 97-12608 Filed 5-13-97; 8:45 am]

**BILLING CODE 4310-02-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-930-1310-01; NMNM 96224]

#### New Mexico: Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease *NMNM 96224* for lands in *Chaves County, New Mexico*, was timely filed and was accompanied by all required rentals and royalties accruing from *March 1, 1997*, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of \$10.00 per acre or fraction thereof and 16½ percent, respectively. The lessee has paid the required \$500.00 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice.

The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 USC 188), and the Bureau of Land Management is proposing to reinstate the lease effective *March 1, 1997*, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

For further information contact: *Becky C. Olivas, BLM, New Mexico State Office, (505) 438-7609.*

Dated: May 2, 1997.

**Becky C. Olivas,**

*Land Law Examiner.*

[FR Doc. 97-12571 Filed 5-13-97; 8:45 am]

**BILLING CODE 4310-FB-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[COC-59104; CO-050-1430-01]

#### Notice of Realty Action; Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action, direct sale of public lands and conveyance of mineral interests in Gilpin County, Colorado.

**SUMMARY:** The following described land has been examined and found suitable for disposal under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) at no less than the appraised fair market value:

6th Principal Meridian, Colorado

T. 3 S., R. 73 W., Section 11: Lots 18, 19, 20, 21, 22; 14.35 acres.

T. 3 S., R. 73 W., Section 13: all public land remaining within the boundaries of the following-described aliquot parts of section 13:

W½NE¼SE¼NE¼NW¼,  
W½SE¼NE¼NW¼, S½S½SE¼  
SE¼NE¼NW¼, E½SE¼  
NE¼SW¼NW¼, NE¼NE¼SE¼  
SW¼NW¼, NE¼SE¼NW¼,  
E½NW¼SE¼NW¼, S½NW¼NW¼  
SE¼NW¼, SW¼NW¼SE¼NW¼,  
N½NW¼SW¼ SE¼NW¼; 2.68 acres.

The land will be offered by direct sale, with mineral rights, to the City of Central, CO. The land described is hereby segregated from appropriation under the public land laws, including the mining laws, until the land is sold or 2 years from publication of this notice, whichever occurs first. This determination and segregation supersedes and replaces the previous exchange determination (COC-56570). Detailed information concerning this disposal, including dates, price, patent reservations, procedures, etc. will be available upon request.

**ADDRESSES:** Bureau of Land Management, Canon City District, 3170 East Main Street, Canon City, Colorado 81212; Telephone (719) 269-8500; TDD (719) 269-8597.

**DATES:** Interested parties may submit comments to the District Manager at the above address until June 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Lindell Greer, Realty Specialist at (719) 269-8532.

**SUPPLEMENTARY INFORMATION:** Any adverse comments will be evaluated by the State Director, and he may vacate, modify, or continue this realty action.

**Stuart L. Freer,**

*Associate District Manager.*

[FR Doc. 97-12563 Filed 5-13-97; 8:45 am]

**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### Notice of Proposed Information Collection

**AGENCY:** Office of Surface Mining Reclamation and Enforcement.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collection of information for