

operator's current sampling program to determine the actual levels of dust concentrations to which miners are exposed.

The Advisory Committee is chartered through September 30, 1996 (60 FR 55284). MSHA will defer full development of the proposed rule until it has received and thoroughly considered the Advisory Committee recommendations.

Dated: April 17, 1996.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 96-10245 Filed 4-24-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010-AC07

Flexibility in Keeping Leases in Force Beyond Their Primary Term

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: MMS proposes to amend regulations that specify how Outer Continental Shelf (OCS) lessees can continue their leases beyond their primary term. Changes in industry exploration practices have increased the time necessary to collect and analyze data associated with drilling operations. The proposed changes would increase from 90 to 180 days the time allowed between operations for a lease continued beyond its primary term.

DATES: MMS will consider all comments we receive by June 24, 1996. We will begin reviewing comments at that time and may not fully consider comments we receive after June 24, 1996.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 22070-4817; Attention: Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: Lawrence H. Ake or John Mirabella, Engineering and Standards Branch, telephone (703) 787-1600.

Author: The principal author of this rule is Lawrence H. Ake, Engineering and Standards Branch, MMS, Herndon, Virginia.

SUPPLEMENTARY INFORMATION:

I. Background

On March 1, 1994, the Department of the Interior (DOI) published a notice in the Federal Register (59 FR 9718-9719), requesting comments and suggestions on DOI agency regulations. In its notice, DOI announced its intention to periodically review its regulations and asked the public to participate in the review. Over 40 responses were received concerning MMS regulations from the public, industry, and Government.

Several comments suggested that MMS make changes to Subpart A of 30 CFR Part 250. These comments suggested allowing 180 days between drilling, well-reworking, or other operations in order to keep a lease in effect beyond its primary term.

MMS held a public meeting in New Orleans on June 12, 1995, to discuss this and other issues. Based on the comments heard at that meeting, as well as those previously received, this notice of proposed rulemaking has been prepared for public comment.

II. Discussion of the Proposed Rule

Under current statute (43 U.S.C. 1337(b)(2)) and MMS regulations (30 CFR 250.13 and 256.37(b)), if no production, drilling, or well-reworking activities occur on the lease during the last 90 days prior to lease expiration and no suspension of operations or production is in effect on the lease, the lease expires by operation of law and lease terms.

Current § 250.13 gives lessees several methods to keep leases in effect beyond their primary term. The most common method is through production of resources and payment of a royalty. Continuous drilling or well-reworking activities without a break of more than 90 days will also keep a lease in effect beyond its primary term. Other methods for extending a lease include receiving a suspension of production (30 CFR 250.10); a suspension of operations (30 CFR 250.10); or participation in a unit which has another lease that is being held beyond its primary term by one of these operations (30 CFR 250.190 (e) and (f)).

Commentors told MMS that although many OCS operations can be ended and recommenced within the present 90-day time allowance, many require considerably more time. The search for oil and gas resources in the OCS has reached a mature phase. Most of the easily found resources have been produced. Industry is now focusing its efforts in deeper waters, subsalt projects, and other areas of extremely

complex geology. The proposed changes will allow more time for efficient and expedient production, drilling, and well-reworking operations.

With this rulemaking MMS proposes to increase from 90 to 180 days the time allowed between production, drilling, or well-reworking operations for leases continued beyond their primary term. For example, under the current rule if a lessee ceases production, drilling or well-reworking operations on a lease 60 days before the lease expiration date, he must resume operations within 90 days (i.e., within 30 days after the original lease expiration date). Under this proposed rule, the lessee would have 180 days (i.e., 120 days after the original lease expiration date) within which to resume operations.

Leases that have been continued past their primary term, will remain in force as long as the break in operations is no longer than 180 days. This contrasts with 90 days provided by the current rule.

The proposed changes will allow MMS regulations to more accurately reflect the realities of exploration and production of minerals on the OCS. The proposed changes will also allow the Regional Supervisor to give more flexibility to lessees who are diligently exploring their leases.

Executive Order (E.O.) 12866

This is a significant rule under E.O. 12866 and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

The DOI determined that this proposed rule will not have a significant effect on a substantial number of small entities. Most entities that engage in offshore activities as operators are not small because of the technical and financial resources and experience needed to conduct offshore activities. Small entities are more likely to operate onshore or in State Waters—areas not covered by the proposed regulation. When small entities work in the OCS, they are more likely to be contractors rather than operators. For example, a company that collects geologic and geophysical data might be a small entity. While these contractors must follow the rules governing OCS operations, we are not changing the rules that govern the actual operations on a lease. We are only proposing to modify the rules governing the extent of a lease beyond the primary term. The rule could have a secondary affect. By extending the time available to the lessee, more leases may be active and this could result in an increase in

opportunities for small entities to collect data or perform other services. The added time could also work to benefit smaller companies who may have slower computers and could benefit from a longer time period for review of data.

Paperwork Reduction Act

This proposed rule does not contain any information collection requirements.

Takings Implication Assessment

The DOI determined that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, DOI does not need to prepare a Takings Implication Assessment pursuant to E.O. 12630, Government Action and interference with constitutionally Protected Property Rights.

Unfunded Mandate Reform Act of 1995

This rule does not contain any unfunded mandates to State, local, or tribal governments or the private sector.

E.O. 12778

The DOI certified to OMB that this proposed rule meets the applicable civil justice reform standards provided in Sections 2(a) and 2(b)(2) of E.O. 12778.

National Environmental Policy Act

The DOI determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: April 3, 1996.

Bob Armstrong,
Assistant Secretary, Land and Minerals Management.

For the reasons set forth in the preamble, Minerals Management Service (MMS) proposes to amend 30 CFR Part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1334.

2. Section 250.13 is revised to read as follows:

§ 250.13 How Does Production, Drilling, or Well-reworking Affect Your Lease Term?

Continuous production or drilling or well-reworking operations on the lease will allow you to keep a lease past its primary term. The drilling or well-reworking programs must be part of a plan that has as its objective continuous production on the lease. Throughout the remainder of this section (250.13), the term "operations" will refer to continuous production, drilling, or well-reworking.

(a) How can I keep my lease in effect if I stop conducting continuous operations during the last 180 days of the primary lease term? If you stop conducting operations during the last 180 days of the primary lease term, you must:

(1) Resume operations on the lease no later than 180 days after the operations ended; or

(2) Ask us for a suspension of operations or production under 30 CFR 250.10, before the 180th day after you stop operations. The Regional Supervisor must approve this request; or

(3) Receive a directed suspension of operations or production from the Regional Supervisor under 30 CFR 250.10 before the 180th day after you stop operations.

(b) How can I keep my lease in effect if I stop conducting operations on a lease that has been continued beyond its primary term? If you stop conducting operations on the lease, you must comply with either paragraph (a) (1), (2), or (3) of this section.

(c) Can I have more than 180 days to resume operations? You may ask the Regional Supervisor in writing to allow you more time to resume operations on a lease continued beyond its primary term, when warranted by operating conditions. In allowing additional time, the Regional Supervisor must determine that the longer period is in the national interest and that it conserves resources, prevents waste, or protects correlative rights.

[FR Doc. 96-10059 Filed 4-24-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KS-6-1-6985b, MO-31-1-7153b; FRL-5449-1]

Approval and Promulgation of Implementation Plans; States of Kansas and Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the states of Kansas and Missouri for the purpose of updating the emissions inventory in the Kansas City Maintenance Plan. The submittals also establish a motor vehicle emissions budget for the purposes of fulfilling the requirements of the Federal Transportation Conformity rule. In the final rules section of the Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal, because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval 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 in relation to this rule. If the 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. The EPA will not institute a second comment period on this document. 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 May 28, 1996.

ADDRESSES: Comments may be mailed to Lisa V. Haugen, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Lisa V. Haugen at (913) 551-7877.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the Federal Register.

Dated: February 9, 1996.

Dennis Grams,
Regional Administrator.

[FR Doc. 96-10133 Filed 4-24-96; 8:45 am]

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