

DEPARTMENT OF THE INTERIOR**Minerals Management Service****30 CFR Parts 202 and 206**

RIN 1010-AB57

Amendments to Gas Valuation Regulations for Indian Leases

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule; notice of extension of public comment period.

SUMMARY: MMS hereby gives notice that it is extending the public comment period on a Notice of proposed rule, which was published in the Federal Register on September 23, 1996 (61 FR 49894). The proposed rule would amend the regulations governing the valuation for royalty purposes of natural gas produced from Indian leases. In response to requests for additional time, MMS will extend the comment period from November 22, 1996, to December 3, 1996.

DATES: Comments must be submitted on or before December 3, 1996.

ADDRESSES: Written comments, suggestions, or objections regarding this proposed amendment should be sent to the following addresses.

For comments sent via the U.S. Postal Service use: Minerals Management Service, Royalty Management Program, Rules and Procedures Staff, P.O. Box 25165, MS 3101, Denver, Colorado 80225-0165.

For comments via courier or overnight delivery service use: Minerals Management Service, Royalty Management Program, Rules and Procedures Staff, MS 3101, Building 85, Denver Federal Center, Room A-212, Denver, Colorado 80225-0165.

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

Dated: November 20, 1996.

James W. Shaw

Associate Director, for Royalty Management.
[FR Doc. 96-30121 Filed 11-21-96; 12:47 pm]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 63**

[AD-FRL-5653-4]

RIN 2060-AD-56
RIN 2060-AE-37

National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins and Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking (ANPR).

SUMMARY: The EPA intends to propose changes to the recently promulgated subpart U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins; and subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins. The proposed changes to subparts U and JJJ will parallel proposed changes to the National Emission Standards for Hazardous Air Pollutant Emissions for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks (commonly known as the Hazardous Organics NESHAP or HON).

Since HON regulations are directly referenced in subparts U and JJJ, the proposed changes to HON subparts F, G, and H will also apply to Group I and Group IV Polymers and Resins sources subject to subparts U and JJJ. In addition to direct cross-references, there are additional changes that the EPA plans to propose to subparts U and JJJ to provide consistency with the HON. The EPA also intends to extend the compliance date for heat exchange systems to September 5, 1999.

DATES: *Comments.* Comments on this ANPR must be received by the EPA on or before December 26, 1996.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to the Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-92-44 (for Polymers and Resins I) and/or A-92-45 (for Polymers and Resins IV), U. S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The dockets are located at the above address in room M-1500, Waterside Mall (ground floor), and may be inspected from 8 a.m. to 4 p.m., Monday through Friday; telephone number (202)

260-7548. A reasonable fee may be charged for copying docket materials.

The EPA requests that a separate copy of the comments also be sent to the contact person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

Comments on this ANPR may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov.

FOR FURTHER INFORMATION CONTACT: For information concerning this ANPR, contact Mr. Robert Rosensteel at (919) 541-5608, Organic Chemicals Group, Emission Standards Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Regulated entities. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Producers of butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, Hypalon™, neoprene, nitrile butadiene rubber, nitrile butadiene latex, polysulfide rubber, polybutadiene rubber/styrene butadiene rubber by solution, styrene butadiene latex, and styrene butadiene rubber by emulsion.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by regulation discussed in this ANPR. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Electronic Submission of Comments. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments will also be accepted on diskette in WordPerfect 5.1 or ASCII file format. All comments in electronic form must be identified by the docket number A-92-44 or A-92-45. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

I. Background

The HON was promulgated on April 22, 1994 (59 FR 19402) as subparts F, G, H, and I of 40 CFR part 63. The HON regulates emissions of certain organic hazardous air pollutants (HAP) from synthetic organic chemical manufacturing industry (SOCMI) production processes. Due to the

similarities in HAP emissions and emission controls at SOCM facilities and at elastomer and thermoplastic production facilities, the HON provisions were used in the development of regulations for elastomer and thermoplastic production facilities (40 CFR part 63, subparts U and JJJ).

On March 29, 1995 (60 FR 16090), the EPA proposed standards for seven source categories collectively referred to as Group IV polymers and resins source categories. These source categories, which produce products generally called "thermoplastics," are (1) Acrylonitrile Butadiene Styrene Resin, (2) Styrene Acrylonitrile Resin, (3) Methyl Methacrylate Acrylonitrile Butadiene Styrene Resin, (4) Methyl Methacrylate Butadiene Styrene Terpolymers, (5) Polystyrene Resin, (6) Polyol (Ethylene Terephthalate) Resin, and (7) Nitrile Resin. These standards, which are contained in subpart JJJ of 40 CFR part 63, were promulgated on September 12, 1996 (61 FR 48207).

On June 12, 1995 (60 FR 30801), the EPA proposed standards for nine source categories collectively referred to as Group I polymers and resins source categories. These source categories, which produce products generally called "elastomers," are (1) Butyl

Rubber Production, (2) Epichlorohydrin Elastomers Production, (3) Ethylene-Propylene Rubber Production, (4) Hypalon™ Production, (5) Neoprene Production, (6) Nitrile Butadiene Rubber Production, (7) Polybutadiene Rubber Production, (8) Polysulfide Rubber Production, and (9) Styrene-Butadiene Rubber and Latex Production. These standards, which are contained in subpart U of 40 CFR part 63, were promulgated on September 5, 1996 (61 FR 46905).

On August 26, 1996 (61 FR 43698), in conformance with a settlement agreement reached with the Chemical Manufacturers Association (CMA) and the Dow Chemical Company, the EPA proposed revisions to the HON rule. Some of these proposed amendments are in sections which are referenced in subparts U and JJJ. Therefore, these proposed changes would also affect subparts U and JJJ, as discussed in the following sections of this ANPR. In addition, some of the HON proposal would add language to the rule, such as new definitions, and the EPA intends to propose the same changes to subparts U and JJJ where relevant.

II. Relationship of Subparts U and JJJ to the HON

Subparts U and JJJ each regulate seven HAP emission sources types. For five

emission source types (storage vessels, continuous process vents, equipment leaks, heat exchange systems, and wastewater), both subpart U and subpart JJJ directly reference the HON rule. In addition, several HON definitions are referenced, as are the storage vessel and wastewater emission estimation equations used for emissions averaging.

Table 1 shows the specific sections of subparts F, G, and H referenced in subparts U and JJJ. Since subparts U and JJJ directly reference the HON provisions in these instances, any changes to the referenced HON sections will also affect subparts U and JJJ.

In addition to the direct reference to HON sections, some portions of subparts U and JJJ are modeled after the HON requirements. Specifically, the applicability and emissions averaging provisions, and the testing, monitoring, reporting, and recordkeeping requirements in subparts U and JJJ are based on the analogous HON provisions. Some changes were made to these provisions after proposal to make them unique to subparts U and JJJ; however, they continue to follow the HON approach. In these instances, the proposed changes to subparts F, G, and H will not directly impact subparts U and JJJ.

TABLE 1.—SECTIONS OF SUBPARTS F, G, AND H DIRECTLY REFERENCED IN SUBPARTS U AND JJJ

HON section referenced in subparts U and JJJ	Description of referenced provisions	Comment
Subpart F:		
63.101	Definitions	Several definitions from 63.101 are incorporated by reference into subparts U and JJJ.
63.104	Heat exchange system requirements	Directly referenced in subpart U in §63.502. Directly referenced in subpart JJJ with minor deviations noted in §63.1328.
Subpart G:		
63.111	Definitions	Several definitions from 63.111 are incorporated by reference into subparts U and JJJ.
63.113–63.118	Continuous process vent provisions	Minor deviations from the subpart G language are noted in subparts U and JJJ.
63.119–63.123	Storage vessel provisions	Minor deviations from the subpart G language are noted in subparts U and JJJ.
63.131–63.147	Wastewater provisions	Minor deviations from the subpart G language are noted in subparts U and JJJ.
63.148	Leak inspection provisions	Minor deviations from the subpart G language are noted in subparts U and JJJ.
63.150(g)(3)	Procedures for determining emission debits from storage vessels.	
63.150(g)(5)	Procedures for determining emission debits from wastewater.	
63.150(h)(3)	Procedures for determining emissions credits from storage vessels.	
63.150(h)(5)	Procedures for determining emissions credits from wastewater.	
Subpart H		
63.160–63.193	Equipment leak provisions	Subparts U and JJJ affected sources must comply with all requirements of subpart H.

However, the EPA intends to propose changes to many of these provisions, following a similar rationale to that used in developing the proposed HON changes.

III. Summary of Proposed Changes to Subparts F, G, and H

The proposed revisions to the HON consisted of amendments to subparts F, G, H, and I of 40 CFR part 63. The proposed revisions to the HON are intended to remove any ambiguity, to clearly convey the EPA's intent, to make the rule easier to read and implement, and to increase flexibility.

The wastewater sections of the rule were redrafted to improve organizational structure and clarity. The revised definition of "wastewater" incorporates the concept that only water that is discarded from a process is subject to the HON wastewater provisions. Additional changes were also proposed to the HON wastewater provisions to (1) ensure that streams traveling from one piece of process equipment to another would be handled appropriately to avoid emissions to the environment, and (2) ensure that the changes in the wastewater definitions would not permit sources to dilute their waste streams prior to the point at which the streams are determined to be wastewater (thus avoiding control requirements). The proposed revisions also include provisions that would allow the owner or operator of a HON affected source who wished to ship waste off-site for treatment to ship to a facility that has certified that it will treat the waste to the standard required by the HON.

In the proposed amendments to the HON, the EPA proposed new requirements for monitoring heat exchange systems for leaks of process fluids into cooling water. These revisions were proposed in order to address issues related to the availability of monitoring methods with sufficient analytical sensitivity, lack of flexibility in some of the requirements, and the burden associated with the monitoring requirements.

In contrast to the significant redrafting of the requirements for wastewater and heat exchange systems, minor changes were also proposed for other sections of the HON. In addition to removing ambiguity and increasing flexibility (e.g., through more flexible monitoring method requirements and sampling location requirements), some revisions would reduce the reporting and recordkeeping burden for sources. The reporting and recordkeeping revisions would include changes which reduce

the number of copies of reports that must be submitted to the EPA and the States; provide for alternative, less frequent recordkeeping of monitoring data where sources show no violations for prolonged stretches of time; and remove the requirement for most sources to file an Implementation Plan. The preamble to the proposed HON changes (61 FR 43698) provides a more in-depth explanation of the rationale behind these changes.

IV. Summary of Planned EPA Action

The proposed changes to the continuous process vent, storage vessel, wastewater, heat exchange system, and equipment leak requirements in the HON apply to subpart U and JJJ sources, due to the fact that subparts U and JJJ directly reference these requirements. The EPA intends to propose minor editorial and cross-referencing changes to these sections in subparts U and JJJ in order to parallel the revisions to the HON sections, and to seek public comment on such changes. In addition, the EPA plans to revise the compliance date in subpart U for heat exchange systems to be September 5, 1999 (three years after initial promulgation of subpart U).

The EPA is also planning to incorporate many of the continuous process vent revisions from the HON proposal into the batch process vent provisions in subparts U and JJJ, in order to take advantage of the increased clarity and flexibility that are represented in the proposed HON changes. Finally, the EPA is planning to incorporate the changes to the HON applicability, testing, reporting, and recordkeeping sections, which also provide increased clarity and flexibility, into the comparable sections in subparts U and JJJ.

V. Request for Comments

In this ANPR, the EPA is requesting comments on the proposed revisions to subparts F, G, and H, as they pertain to subparts U and JJJ. Specifically, the EPA is interested in receiving comments on whether the proposed changes to the HON are appropriate for the polymer and resin production facilities subject to subparts U and JJJ and, if these changes are not appropriate for these rules, recommendations for alternative approaches.

As mentioned earlier, some provisions in subparts U and JJJ were based on the HON provisions, even though the final rules do not directly reference these particular provisions in the HON. One example of this occurs in the testing, monitoring, recordkeeping,

and reporting requirements for batch process vents. These provisions were modeled after the HON provisions for continuous process vents, but these sections of the rules do not reference any section of the HON. The EPA requests comment on whether any of the changes made to the HON process vent testing, monitoring, reporting, and recordkeeping provisions are appropriate for the subpart U and JJJ batch process vent provisions. If commenters believe that some proposed changes made to the HON are needed for subparts U and JJJ, the EPA requests that the commenters identify the HON change, explain the reasons the same (or a similar) change is needed in subpart U and/or JJJ, and explain the section of subpart U or JJJ where they believe the change is necessary.

VI. Administrative Requirements

A. Docket

The dockets for the Polymers and Resins I and Polymers and Resins IV rules are A-92-44 and A-92-45, respectively. The dockets for the HON are A-90-19 through A-90-23. These dockets are complete, organized files of all the information submitted to, or otherwise considered by, the Agency in the development of these rules. These dockets are available for public inspection at the EPA's Air and Radiation Docket and Information Center, which is listed in the ADDRESSES section of this notice.

B. Regulatory Requirements

This notice is not a rule, but an Advanced Notice of the Agency's preliminary intentions as it begins to work on revisions to subparts U and JJJ. The notice imposes no regulatory requirements or costs. Therefore, the EPA has not prepared an assessment of the potential costs and benefits pursuant to Executive Order 12866, an economic impact analysis pursuant to Section 317, a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980), or a budgetary impact statement pursuant to the Unfunded Mandates Act of 1995. Also, this notice does not contain any information collection requirements and, therefore, is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances.

Dated: November 8, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96-29659 Filed 11-22-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 89-552; FCC 96-448]

220 MHz Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission seeks comment on its tentative conclusion that the "40-mile rule" should be repealed, as recommended by the SMR Advisory Group L.C. This action is needed to establish a comprehensive record on which to base a final decision.

DATES: Comments are due December 10, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Marty Liebman, Wireless Telecommunications Bureau, (202) 418-1310.

SUPPLEMENTARY INFORMATION:

Commission Seeks Supplemental Comment on Request To Eliminate 40-Mile Rule for 220 MHz Radio Service

Released: November 19, 1996.

1. Section 90.739 of the Commission's Rules stipulates that a licensee in the 220 MHz radio service may not hold more than one license within a 40-mile area, unless the licensee can justify the need for an additional license based on communications requirements.

2. On April 5, 1996, the SMR Advisory Group, L.C. (SMR Group) filed *ex parte* comments in the above-captioned proceeding, urging the Commission to eliminate Section 90.739 (the "40-mile rule"). In its comments, SMR Group suggests that elimination of the rule would enhance the competitive potential of the 220 MHz service, and would be consistent with Commission findings of regulatory parity between the 220 MHz service and other commercial mobile radio services. SMR Group also contends that the original purpose for the rule—*i.e.*, to prevent spectrum warehousing—is no longer relevant in the context of today's mobile communications marketplace.

Subsequently, the American Mobile Telecommunications Association, Securicor Radiocom, Ltd., and SEA, Inc., also filed *ex parte* comments asking that the Commission eliminate this rule. Based on these filings, the Commission tentatively concludes that the rule should be repealed.

3. Pursuant to Section 1.415(d) of the Commission's Rules, 47 CFR § 1.415(d), the Commission seeks comment on this tentative conclusion. In particular, interested parties are invited to address any legal, factual, or policy considerations that may be associated with this issue. Comments must be filed no later than December 10, 1996. No reply comments will be accepted.

4. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street NW, Room 222, Washington, DC 20554, referencing PR Docket No. 89-552. The full text of the comments is available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street NW, Room 239, Washington, DC 20554. Copies may also be obtained from the International Transcription Service, Inc. (ITS), 2100 M Street NW, Suite 140, Washington, DC 20037, (202) 857-3800.

Initial Regulatory Flexibility Analysis

5. For purposes of this Public Notice, the Initial Regulatory Flexibility Analysis adopted in the Third Notice of Proposed Rulemaking in PR Docket No. 89-552 (60 FR 46564, September 7, 1995) applies.

List of Subjects in 47 CFR Part 90

Radio.

Federal Communications Commission
William F. Caton,
Acting Secretary.

[FR Doc. 96-30002 Filed 11-22-96; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 961108316-6316-01; I.D. 101796C]

RIN 0648-AI47

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 14

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 14 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). This proposed rule would prohibit the use or possession of fish traps in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) beginning February 8, 2007; prohibit the use or possession of fish traps west of 85°30' W. long.; modify the procedure for retrieval of fish traps when a breakdown prevents a vessel with a trap endorsement from retrieving its traps; modify the restrictions on transfer of fish trap endorsements and reef fish permits; prohibit the harvest or possession of Nassau grouper in or from the EEZ of the Gulf; and clarify the authority of the Regional Administrator, Southeast Region, NMFS (RA), to reopen a prematurely closed fishery. In addition, NMFS proposes to extend the current prohibition on the possession of dynamite on board a permitted vessel to those vessels permitted in the South Atlantic golden crab fishery. The intended effects of this rule are to conserve and manage the reef fish resources of the Gulf and enhance enforceability of the regulations.

DATES: Written comments must be received on or before January 9, 1997.

ADDRESSES: Comments on the proposed rule or on the initial regulatory flexibility analysis (IRFA) must be sent to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Comments regarding the collection-of-information requirement contained in this rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory