

lands, Mineral royalties, Natural gas, Petroleum, Public lands-mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 216

Coal, Continental shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands-mineral resources, Reporting and recordkeeping requirements.

Dated: March 27, 1997.

Bob Armstrong,

Assistant Secretary—Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR Parts 202 and 216 are proposed to be amended as follows:

PART 202—ROYALTIES

1. The authority citation for part 202 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, 1801 *et seq.*

Subpart D—Federal and Indian Gas

2. Section 202.152(a)(1) is revised to read as follows:

§ 202.152 Standards for reporting and paying royalties on gas.

(a)(1) If you are responsible for reporting production or royalties, you must:

(A) Report gas volumes and Btu heating values, if applicable, under the same degree of water saturation as stated in your sales contract;

(B) Report gas volumes in units of 1,000 cubic feet (mcf); and

(C) Report gas volumes and Btu heating value at a standard pressure base of 14.73 psia and a standard temperature base of 60 degrees Fahrenheit.

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PART 216—PRODUCTION ACCOUNTING

1. The authority citation for part 216 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C. 3716, 3720A, 9701; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, 1801 *et seq.*

Subpart B—Oil and Gas, General

2. Section 216.54 is revised to read as follows:

§ 216.54 Gas Analysis Report.

When requested by MMS, any operator must file a Gas Analysis Report

(GAR) (Form MMS-4055) for each sale or transfer meter. The form must contain accurate and detailed gas analysis information. This requirement applies to offshore, onshore, or Indian leases.

(a) MMS may request a GAR when you sell gas or transfer gas for processing before the point of royalty computation.

(b) When MMS first requests this report, the report is due within 30 days. If MMS requests subsequent reports, they will be due no later than 45 days after the month covered by the report.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08-97-007]

RIN 2115-AE47

Drawbridge Operation Regulation; Lake Pontchartrain, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the regulation for the operation of the north bascule twin span drawbridges across Lake Pontchartrain between Metairie and Mandeville, Louisiana to authorize them to remain closed to navigation from June 9, 1997, until October 10, 1997, except on alternating weekends. On alternating weekends during this period when working is not being conducted, the draws will open if 3 hours notice is given. This action is necessary to facilitate cleaning and painting of the bascule structures.

DATES: Comments must be received on or before May 5, 1997.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. Commander (ob) maintains the public docket for this proposed temporary rule.

Comments may be submitted to the above address.

FOR FURTHER INFORMATION CONTACT:

Phil Johnson, Bridge Administration Branch, (504) 589-2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested parties are invited to participate in the proposed rulemaking by submitting written views, comments, or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in this proposal. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for electronic filing. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Eighth Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid in the implementation of this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**. Because of the need to proceed to final rule by June 1997, a 30 day comment period is being used. The affected area is a small geographic area; notice of publication will be provided in the local notice to mariners, and local business will be contacted.

The Coast Guard will evaluate all comments received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Background and Purpose

The north bascule span of the Greater New Orleans Expressway Commission (GNOEC) across Lake Pontchartrain, Louisiana has a vertical clearance of 42 feet above mean high water in the closed to navigation position and unlimited clearance in the open to navigation position. The Lake Pontchartrain Causeway South Channel fixed span offers an alternate route with a vertical clearance of 50 feet above mean high water. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft.

For protection of the environment, the cleaning and painting operation requires a fully enclosed system with negative air pressure. The special equipment used for this procedure has to be removed each time the draw span is opened. Since this process is time consuming and costly, the equipment

should remain in place for 12-day periods, allowing the contractor to maximize work time.

Painting operations in the counterweight area will require the bridge to be placed in the open to navigation position. During the time in which the span of one bridge is in the open position to be painted, the span of the other bridge will need to be closed to detour vehicular traffic. High weekday traffic volumes and the requirement to paint during daylight will require that the work be done on weekends. Records obtained from the GNOEC indicate that most of the marine traffic requiring a bridge opening is recreational sailboat traffic which normally transits the bridge on weekends. Therefore, painting of the counterweight areas will only be conducted every other weekend. The bridge will operate normally on the alternate weekends, when painting of the counterweight areas is not being conducted, and on the weekends of Independence Day and Labor Day, including adjoining Federal weekday holidays.

The Coast Guard proposes to temporarily change the regulation for the operation of the Greater New Orleans Expressway Commission Causeway, north bascule span so that the draws need not open for the passage of vessels from June 9, 1997 to October 10, 1997 except that on the following dates the draws will open on signal if three hours notice is given: June 21 and 22; July 4, 5 and 6, July 19 and 20, August 2 and 3, August 16, and 17, August 30 and 31 and September 1, September 13 and 14 and September 27 and 28, 1997. In the event of an approaching tropical storm or hurricane, the bridge will be returned to the normal operation within 24 hours.

The Greater New Orleans Expressway Commission has requested this temporary rule so that cleaning and painting of the structure can be accomplished. The short term inconvenience, attributable to a delay of vessel traffic for a maximum of twelve days at any time during this period, is outweighed by the long term benefits to be gained by keeping the bridge free of corrosion and in proper working condition.

Regulatory Evaluation

This proposed temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not

significant under the Regulatory Policies and Procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Bridge tender logs for 46 random weeks throughout 1996 and early 1997 were obtained from GNOEC. The records showed that, other than during weeks with holidays or during weeks when sailboat regattas transit the bridge, an average of 6 vessels per week required openings of the draw spans. Out of 259 vessels which required bridge openings, 224 were recreational sailboats, 32 were commercial vessels, 1 was a commercial fishing vessel and 2 were U.S. Coast Guard construction tenders. On average, 87% of all vessels requiring a bridge opening were recreational sailboats.

The Coast Guard canvassed the small business community by contacting boat yards, marinas and restaurants which operate waterfront facilities in the Lake Pontchartrain area. They were asked if the proposed temporary rule would have an economic impact on their businesses. None of the business operators indicated that the proposed temporary rule would severely impact them. One business stated there could be minor economic impact, but based on the fact that only an average of 6 vessels per week require an opening, and that sailboats which require more than the 50 feet of clearance available at the South Channel Span, would be able to schedule transits through the North Channel Draw every other weekend, no significant impacts would be anticipated.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed temporary rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Several small businesses were individually contacted and requested to verbally comment on the potential economic impacts that the proposed temporary rule could have on them. Based on the comments obtained, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed temporary rule will not have

a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this will have a significant economic impact, please comment, explaining why your business or organization qualifies, and to what degree this proposed rule will economically effect it.

Collection of Information

This proposed temporary rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed temporary rule and concluded that under paragraph 2.B.2.g(5) of Commandant Instruction M16475.1B, this proposed temporary rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 117 as follows:

PART 117—[AMENDED]

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; and 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.467 a new paragraph (c) to read as follows:

§ 117.467 Lake Pontchartrain.

* * * * *

(c) From 7 a.m. on June 9, 1997 through 6 p.m. on October 10, 1997, paragraph (b) does not apply and, the draws of the Greater New Orleans Expressway Commission Causeway, north bascule span need not open for the passage of vessels; except that on the following dates the draws will open on signal if three hours notice is given:

June 21 and 22; July 4, 5 and 6, July 19 and 20, August 2 and 3, August 16 and 17, August 30 and 31 and September 1, September 13 and 14 and September 27 and 28, 1997. In the event of an approaching tropical storm or hurricane, the draws will return to normal operation within 24 hours.

Dated: March 24, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

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BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[AD-FRL-5806-2]

Clean Air Act Proposed Approval of Amendment to Title V Operating Permits Program; Pima County Department of Environmental Quality, Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes approval of the revision to the Operating Permits Program submitted by the Arizona Department of Environmental Quality ("ADEQ") on behalf of the Pima County Department of Environmental Quality ("Pima" or "County") for the purpose of complying with section 502(b)(3) of the Clean Air Act ("the Act"), which requires that each permitting authority collect fees sufficient to cover all reasonable direct and indirect costs required to develop and administer its title V operating permits program.

DATES: Comments on this proposed action must be received in writing by May 5, 1997.

ADDRESSES: Comments must be submitted to Ginger Vagenas at EPA, AIR-3, 75 Hawthorne Street, San Francisco, CA 94105. Copies of Pima's submittal and other supporting information used in developing this proposed approval are available for inspection (AZ-Pima-97-1-OPS) during normal business hours at the following location: U.S. Environmental Protection Agency, Region 9; 75 Hawthorne Street; San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas (telephone 415-744-1252), Mail Code AIR-3, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

As required under title V of the Clean Air Act as amended (1990), EPA has promulgated rules that define the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 CFR Part 70. Title V requires states to develop and submit to EPA, by November 15, 1993, programs for issuing these operating permits to all major stationary sources and to certain other sources. The EPA's program review occurs pursuant to section 502 of the Act, which outlines criteria for approval or disapproval.

On November 15, 1993, Pima's title V program was submitted. EPA proposed interim approval of the program on July 13, 1995 (60 FR 36083). The fee provisions of the program were found to be fully approvable. On November 14, 1995, in response to changes in state law, Pima amended its fee provisions under Chapter 12, Article VI of Title 17 of the Pima County Air Quality Control Code. Those changes were submitted to EPA on January 14, 1997, after it promulgated final interim approval of Pima's title V program (61 FR 55910, October 30, 1996).

II. Proposed Action

EPA is proposing to approve the submitted amendments to the fee provisions of Pima's title V operating permits program. A description of the submitted materials and an analysis of the amendments are included below.

A. Submitted Materials

Pima's title V program amendment was submitted by the Arizona DEQ on January 14, 1997. The submittal includes the revised fee regulations (Chapter 12, Article VI of Title 17 of the Pima County Air Quality Control Code as amended on November 14, 1995), a technical support document, and a legal opinion by the County Attorney. Additional materials, including proof of adoption and a commitment to provide periodic updates to EPA regarding the status of the fee program, were submitted on February 26, 1997.

B. Legal Opinion

Section 502(b)(3) of the Act requires that each permitting authority collect fees sufficient to cover all reasonable direct and indirect costs required to develop and administer its title V

operating permits program. Pima's submittal includes an opinion from the County Attorney regarding the adequacy of the laws of the State of Arizona and Pima's amended title V program. The County Attorney states:

[I]t is my opinion that the laws of the state of Arizona provide adequate authority to carry out all aspects of the amended program submitted by the Pima County Air Quality Control District to the EPA. * * *

[T]he Arizona Revised Statutes and Pima County Code, Title 17, ensure that permit fees assessed as part of the Title V (Class 1) permit program will cover all reasonable direct and indirect costs required to develop, administer, and enforce Pima County's Title V Permit Program.

C. Permit Fee Demonstration

Each title V program submittal must contain either a detailed demonstration of fee adequacy or a demonstration that aggregate fees collected from title V sources meet or exceed \$25 per ton of emissions per year (adjusted from 1989 by the Consumer Price Index (CPI)). Pima has submitted a detailed fee analysis that demonstrates the fees it will collect under the amended rules are adequate to cover program costs.

Title V emission fees. Pima's fee provisions require that the owner or operator of each source required to obtain a title V permit shall pay an annual emissions fee equal to \$28.15 per year per ton of actual emissions of all regulated air pollutants, or a specified minimum, whichever is greater. See 17.12.510.C. and 17.12.510.C.5. Beginning in 1994, the emissions fee rate is adjusted to reflect the increase, if any, in the Consumer Price Index. See 17.12.510.C.4.

Emission fees are used by Pima to cover the costs of the Title V related activities not covered by title V permit fees. These activities are inspection services and associated direct and indirect costs. Pima estimates the annual cost of these activities to be \$68,640. Based upon known sources and emissions reported by the sources, and using the emission fee (\$28.15 per ton, indexed to the CPI beginning in 1994) and the fee schedule, the County estimates its annual revenue from emissions fees will be \$70,100.

Permit fees. Pima's fee provisions require that applicants for permits to construct and operate that are subject to title V must pay the total actual cost of reviewing and acting upon applications for permits and permit revisions. See 17.12.510.G. and 17.12.510.I. These fees are used to cover the cost of issuing permits. Pima estimated the permitting related average hourly billing costs for permitting of title V facilities, including salary, fringe benefits, direct non-salary