

(d) *Effective date.* This section is applicable from January 4, 2000, through January 3, 2003.

Robert Wenzel,

Acting Commissioner of Internal Revenue.

Approved: December 13, 1999.

Jonathan Talisman,

Acting Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 00-54 Filed 1-3-00; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010-AC55

Update of Documents Incorporated by Reference

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: MMS is updating one document incorporated by reference and adding a new document incorporated by reference in regulations governing oil and gas and sulphur operations in the Outer Continental Shelf (OCS). The new editions of these documents incorporated by reference will ensure that lessees use the best available and safest technologies while operating in the OCS. The updated document, with Errata Change dated August 17, 1998, is the Second Edition of the American Petroleum Institute's (API) Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2 (API RP 500). The new document, with Errata Change dated August 17, 1998, is the First Edition of the API's Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2 (API RP 505).

DATES: This rule is effective February 3, 2000. The incorporation by reference of publications listed in the regulation is approved by the Director of the Federal Register as of February 3, 2000.

FOR FURTHER INFORMATION CONTACT: Fred Gray, Operations Analysis Branch, at (703) 787-1027.

SUPPLEMENTARY INFORMATION: On March 19, 1999, we published a Notice of Proposed Rulemaking (64 FR 13535), titled "Update of Documents Incorporated by Reference," revising the table in 30 CFR 250.101(e); 250.403(b); 250.802(e)(4)(i); 250.803(b)(9)(i);

250.1628(b)(3) and (d)(4)(i); and 250.1629(b)(4)(i). Our 90-day comment period closed on June 17, 1999. We received four positive, supportive comments. This final rule amends the seven foregoing regulations. Please note that our final regulations revising 30 CFR 250, subpart A, relocated § 250.101(e) to 250.198(e) and § 250.403(b) to 250.114(a). This final rule reflects those changes.

We use standards, specifications, and recommended practices developed by standard-setting organizations and the oil and gas industry for establishing requirements for activities in the OCS. This practice, known as incorporation by reference, allows us to incorporate the provisions of technical standards into the regulations without increasing the volume of the Code of Federal Regulations (CFR). The legal effect of incorporation by reference is that the material is treated as if it were published in the **Federal Register**. This material, like any other properly issued regulation, then has the force and effect of law. We hold operators/lessees accountable for complying with the documents incorporated by reference in our regulations. After the effective date of this rule, 85 private sector consensus standards will be incorporated by reference into the offshore operating regulations.

The regulations found at 1 CFR part 51 govern how we and other Federal agencies incorporate various documents by reference. Agencies can only incorporate by reference through publication in the **Federal Register**. Agencies must also gain approval from the Director of the Federal Register for each publication incorporated by reference. Incorporation by reference of a document or publication is limited to the specific edition or specific edition and supplement or addendum cited in the regulations.

Comments on the Rule

We received comments from Noble Drilling Services, Inc.; Shell Offshore Inc. on behalf of itself and other affiliates of Shell Oil Company; Mahl & Associates, Inc.; and the International Association of Drilling Contractors. All commenters support the proposed rule incorporating by reference the two API documents.

Procedural Matters

This is a very simple rule. The rule's purpose is to update one document that is currently incorporated by reference in the regulations and to add one additional document incorporated by reference. The differences between the newer document and the older

document are very minor. The minor differences between the newer and older document will not cause a significant economic effect on any entity (small or large). Similarly, the addition of the new document, API RP 505, will not have a significant effect on any entity (small or large). Therefore, this regulation's impact on the entire industry is minor.

Federalism (Executive Order (E.O. 13132))

According to E.O. 13132, this rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State governments. This rule does not impose costs on States or localities. The rule simply addresses offshore structure design methods for lessee/operator consideration.

Takings Implication Assessment (E.O. 12630)

According to E.O. 12630, this rule does not have significant Takings Implications. A Takings Implication Assessment is not required.

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under E.O. 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

The rule would have no significant economic impact because the documents do not contain any significant revisions that will cause lessees or operators to change their business practices. The documents will not require the retrofitting of any facilities. The documents may lead to minor changes in operating practices, but the associated costs will be very minor.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. This rule simply grants lessee/operator additional flexibility when designing an offshore structure and will not affect any action of another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients, because the documents do not address or affect any of these programs, rights or obligations.

(4) This rule does not raise novel legal or policy issues. This is a very simple rule which only addresses ordinary operational decisions of the lessee/operator and does not affect legal or policy issues.

Civil Justice Reform (E.O. 12988)

According to E.O. 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required.

Paperwork Reduction Act of 1995

There are no information collection requirements associated with this rule.

Regulatory Flexibility Act

The Department certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Small Business Administration (SBA) defines a small business as having:

- Annual revenues of \$5 million or less for exploration service and field service companies.
- Fewer than 500 employees for drilling companies and for companies that extract oil, gas, or natural gas liquids.

We estimate that there is a total of 1,380 firms that drill oil and gas wells onshore and offshore under the Small Business Administration's Standard Industrial Classification (SIC) 1381, Drilling Oil and Gas Wells. Of these, approximately 130 companies are offshore lessees/operators, based on current estimates. According to SBA estimates, 39 companies qualify as large firms, leaving 91 companies qualified as small firms with fewer than 500 employees.

Incorporation of the new document into MMS regulations would allow the offshore structure to be designed and built using either offshore electrical location classification method. Thus, incorporation of the new document will not impose new cost on the offshore oil and gas industry and may provide beneficial flexibility. The Department also determined that the indirect effects of this rule on small entities that provide support for offshore activities are small (in effect zero).

Based on these reasons, this rule has no significant economic impact on the small entities.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734-3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), SBREFA. This rule:

(a) Does not have an annual effect on the economy of \$100 million or more. The final rule will not cause any significant costs to lessees or operators. The only costs will be the purchase of the new documents and minor revisions to some operating procedures. The minor revisions to operating procedures may result in some minor costs or may actually result in minor costs savings.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The costs associated with this rule are either minor or may actually result in minor cost savings.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

This rule simply grants lessee/operator additional flexibility when designing an offshore structure and will not have any adverse effects.

Unfunded Mandates Reform Act (UMRA) of 1995

This rule does not impose an unfunded mandate on State, local, and tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) 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: November 22, 1999.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, MMS amends 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. 1331.

2. In § 250.198, in the table in paragraph (e), the entry for "API RP 500" is revised to read as follows:

§ 250.198 Documents incorporated by reference.

*	*	*	*	*
(e)	*	*	*	*

Title of document	Incorporated by reference at
* * * * *	* *
API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, Second Edition, November 1997, API Stock No. C50002.	§ 250.114(a); § 250.802(e)(4)(i); § 250.803(b)(9)(i); § 250.1628(b)(3); (d)(4)(i); § 250.1629(b)(4)(i).
* * * * *	* *

3. In § 250.198, the following document incorporated by reference is added to the Table in paragraph (e) in alphanumerical order.

§ 250.198 Documents incorporated by reference.
 * * * * *
 (e) * * *

Title of document	Incorporated by reference at
API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, First Edition, November 1997, API Stock No. C50501.	§ 250.114(a); § 250.802(e)(4)(i); § 250.803(b)(9)(i); § 250.1628(b)(3); (d)(4)(i); § 250.1629(b)(4)(i).

4. In § 250.114, paragraph (a) is revised to read as follows:

§ 250.114 How must I install and operate electrical equipment?

* * * * *

(a) You must classify all areas according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2.

* * * * *

5. In § 250.802, paragraph (e)(4)(i) introductory text is revised to read as follows:

§ 250.802 Design, installation, and operation of surface production-safety systems.

* * * * *

(e) * * *
 (4) * * *

(i) A plan for each platform deck outlining all hazardous areas classified according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, and outlining areas in which potential ignition sources, other than electrical, are to be installed. The area outlined will include the following information:

* * * * *

6. In § 250.803, the last sentence of paragraph (b)(9)(i) is revised to read as follows:

§ 250.803 Additional production system requirements.

* * * * *

(b) * * *
 (g) * * *

(i) * * * A classified area is any area classified Class I, Group D, Division 1 or 2, following the guidelines of API RP 500, or any area classified Class I, Zone 0, Zone 1, or Zone 2, following the guidelines of API RP 505.

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7. In § 250.1628, paragraphs (b)(3) and (d)(4)(i) are revised to read as follows:

§ 250.1628 Design, installation, and operation of production systems.

* * * * *

(b) * * *

(3) Electrical system information including a plan of each platform deck, outlining all hazardous areas classified according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, and outlining areas in which potential ignition sources are to be installed;

* * * * *

(d) * * *
 (4) * * *

(i) A plan of each platform deck, outlining all hazardous areas classified according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Divisions 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2, and outlining areas in which potential ignition sources are to be installed;

* * * * *

8. In § 250.1629, the last sentence of paragraph (b)(4)(i) is revised to read as follows:

§ 250.1629 Additional production and fuel gas system requirements.

* * * * *

(b) * * *
 (4) * * *

(i) * * * A classified area is any area classified Class I, Group D, Division 1 or 2, following the guidelines of API RP 500, or any area classified Class I, Zone 0, Zone 1, or Zone 2, following the guidelines of API RP 505.

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[FR Doc. 00-26 Filed 1-3-00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99-74; RM-9367 and RM-9715]

Radio Broadcasting Services; Bay Springs and Sandersville, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants the request of Blakeney Communications, Inc., licensee of Station WKZW(FM), Channel 232C2, Bay Springs, Mississippi, to reallocate Channel 232C2 to Sandersville, Mississippi and modify its authorization accordingly. The new allotment to Sandersville is preferred over the existing allotment at Bay Springs because it will provide a first local transmission service to Sandersville. The transmitter site of Station WKZW will be located at coordinates 31-46-05 NL and 89-07-55 WL. This document terminates the proceeding.

EFFECTIVE DATE: January 24, 2000.