

heading "Security Requirements" as follows:

§ 1301.77 Security controls for freight forwarding facilities.

(a) All Schedule II-V controlled substances that will be temporarily stored/docked at the freight forwarding facility must be:

(1) Maintained under constant observation of the designated responsible individual(s) in a segregated area; or

(2) Where controlled substances will not be under the constant observation of the designated responsible individual(s), temporary storage in a caged area which meets the requirements of § 1301.72(b), and is secured by an alarm system operated by the registrant as specified in § 1301.72(b)(4)(v), is required.

(b) Access to controlled substances must be kept to a minimum number of specifically authorized individuals.

(c) Only sealed, unmarked shipping containers will be permitted for transfer or temporary storage at the freight forwarding facility.

PART 1304—[AMENDED]

1. The authority citation for part 1304 continues to read as follows:

Authority: 21 U.S.C. 821, 827, 871(b), 958(d), 965, unless otherwise noted.

2. Section 1304.03 is proposed to be amended by adding a new paragraph (i) to read as follows:

§ 1304.03 Person required to keep records and file reports.

* * * * *

(i) A distributor registrant that utilizes a freight forwarding facility shall maintain records reflecting the transfer of controlled substances from the long distance conveyance, through the facility, to the local conveyance or from the long distance conveyance directly to the local conveyance. The records must contain the date, time of transfer, number of cartons, crates, drums or other packages in which commercial containers of controlled substances are shipped and authorized signatures for each transfer. The records of these shipments must be maintained at the facility for a period of two years.

Dated: December 6, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010-AC12

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: The MMS proposes to amend the regulations governing quality assurance (QA) of safety and pollution prevention equipment (SPPE). The SPPE QA requirements currently found in the regulations need refining to lessen the paperwork burden on MMS and industry and to ensure that Outer Continental Shelf operators continue to use the best available and safest equipment.

DATES: MMS will consider all comments we receive by February 18, 1997. We will begin reviewing comments then and may not fully consider comments we receive after February 18, 1997.

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: Bill Hauser, Engineering and Standards Branch, telephone (703)787-1600.

SUPPLEMENTARY INFORMATION:

Background

SPPE include the following equipment:

- Surface and underwater safety valves and their actuators,
- Subsurface safety valves and associated safety valve locks and landing nipples.

The current SPPE regulations, found at 30 CFR 250.126, require that lessees use SPPE certified by the manufacturer as having been produced under a QA program MMS recognizes. MMS currently recognizes two QA standards:

(1) American Society of Mechanical Engineers/American National Standards Institute Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations (ASME/ANSI SPPE-1).

(2) American Petroleum Institute (API) Specification for Quality Programs (Spec Q1).

MMS incorporated the QA requirements into the regulations in

April 1988 when the offshore operating rules governing oil, gas, and sulphur exploration, development, and production on the OCS were consolidated. MMS required lessees to submit a list of all certified and noncertified SPPE in their inventory as of April 1, 1988, and to notify MMS when listed SPPE were removed from service for failure, malfunction, or remanufacture.

On July 6, 1988 (53 FR 25349), MMS proposed to recognize API's QA standard as an acceptable alternate or optional QA standard for the manufacture of SPPE. The API standard required manufacturers to meet API Spec Q1 in combination with API Specification for Subsurface Safety Valve Safety Equipment (Spec 14A) and API Specification for Surface Safety Valves and Underwater Safety Valves (Spec 14D). MMS evaluated the comments regarding the proposed rulemaking and determined that the API QA standard was an acceptable program. The API standard was recognized in a final rule dated March 22, 1990 (55 FR 10614). References to both API's and ASME/ANSI's QA standards were updated to incorporate the latest editions into the regulations on September 13, 1990 (55 FR 37709).

Regulatory Review

During a review of regulations, MMS evaluated the merit of continuing the SPPE QA requirements. The MMS examined the scope and effect of these requirements and determined that they were effective but needed revisions.

In January 1994, MMS decided to pursue a negotiated rulemaking to develop a proposed rule governing SPPE QA regulations. The preliminary steps of this effort included contacting interested parties (valve manufacturers, lessees, standards organizations, and environmental groups) to educate them on negotiated rulemaking and to determine their willingness to participate in the rulemaking effort. In April 1994, the "convener" held initial formal interviews with the interested parties. Over the next few months it became evident that, while MMS needed to revise the regulations, a negotiated rulemaking was not necessary.

This negotiated rulemaking exercise did succeed in getting the parties involved in the SPPE QA program to communicate. Misunderstandings between the parties were cleared up, and the consensus emerged that the SPPE QA program should continue for MMS and industry to ensure that the best available and safest technology and equipment are being used on the OCS.

However, the parties also felt that MMS needed to change the current regulations to reduce the paperwork burden on SPPE manufacturers, lessees, and the MMS.

Intent of the Proposed Rule

The intent of this proposed rule is to eliminate some paperwork involved in complying with the SPPE QA regulations and to ensure that lessees use high quality SPPE on the OCS. MMS proposes to eliminate the need for companies to update their lists of noncertified SPPE and to require that all SPPE installed on OCS wells after April 1, 1998 must be QA certified. Lessees can continue to use non-QA certified SPPE that were in service before April 1, 1998. However, the lessee must replace the noncertified SPPE with certified SPPE when the SPPE:

- (1) Fail during normal operations,
- (2) Fail during testing, or
- (3) Are removed from service for any other reason.

The justification for proposing this rulemaking option comes from many areas. In repeated contacts with lessees, valve manufacturers, and standards organizations, the overwhelming consensus is that the QA program has succeeded in improving the overall quality of SPPE used on the OCS. In other words, the perception is that certified SPPE are better than noncertified SPPE. Also, lessees will have had 10 years from the date MMS codified the QA requirements to deplete their inventory of noncertified SPPE. MMS feels that 10 years is ample time for lessees to deplete their inventory of noncertified SPPE and that there are not enough noncertified SPPE left in inventories to cause the overall industry any undue hardship. So, MMS has decided that eliminating the use of SPPE designed and manufactured over 10 years ago will ensure that lessees use the best available and safest technology and equipment.

Other Changes to the Regulations

As part of changing the SPPE QA regulations, MMS proposes to update 30 CFR 250.1, Documents Incorporated by Reference. Specifically, MMS proposes to reference the following documents:

- (1) ANSI/ASME SPPE-1-1994, Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations, and
- (2) API Spec Q1, Specification for Quality Programs, Fifth Edition, December 1994. These documents are updates of previous editions that MMS incorporated by reference.

Executive Order (E.O.) 12866

The Department of the Interior (DOI) reviewed this rule under E.O. 12866 and determined that this is not an economically significant rule. The Office of Management and Budget (OMB) has reviewed this rule at OMB's request.

Regulatory Flexibility Act

The DOI has also determined that this proposed rule will not have a significant economic effect on a substantial number of small entities. Most entities that engage in offshore activities as operators are not small because of the technical complexities and financial resources necessary to conduct such activities safely. Small entities are more likely to operate onshore or in State waters—areas not covered by this proposed rule. Small entities are more likely to work as contractors to larger entities on the OCS, or, in the case of SPPE, they may work at repairing SPPE. This proposed rule will not have any effect on small SPPE repair shops or manufacturers since it does not impose any new restrictions on them. This proposed rule should not cause the business practices of SPPE repair and manufacturing entities to change. Under the current rule, a lessee may not re-install an uncertified SSSV on the OCS after it fails or malfunctions. As uncertified SSV or USV may not be re-installed on the OCS after the lessee removes it for remanufacturing. Therefore, this proposed rule should not cause the business practices of SPPE repair and manufacturing entities to change.

Paperwork Reduction Act

This rule eliminates the information collection requirement contained in § 250.126(b)(2) which reduces the information collection inventory by 1,000 hours. The OMB approved the information collection requirements remaining in § 250, Subpart H, under OMB control number 1010-0059. However, as part of our continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on any aspect of the reporting burden in Subpart H. Submit your comments to the Office of Information and Regulatory Affairs, OMB, Attention Desk Officer for the Department of the Interior (OMB control number 1010-0059), Washington, DC 20503. Send a copy of your comments to the Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 20170-4817. You may obtain a copy of the collection of information by

contacting the Bureau's Information Collection Clearance Officer at (703) 787-1242.

OMB may make a decision to approve or disapprove this collection of information after 30 days from receipt of our request. Therefore, your comments are best assured of being considered by OMB if OMB receives them within that time period. However, MMS will consider all comments received during the comment period for this notice of proposed rulemaking.

The Paperwork Reduction Act of 1995 provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The title of this collection of information is "30 CFR 250, Subpart H, Oil and Gas Production Safety Systems.

The collection of information consists of applications and approval for design, installation, and operation of subsurface safety devices and surface production-safety systems and related requirements; notifying MMS prior to production and conduct of preproduction tests and inspections; approval of quality assurance programs covering manufacture of SPPE; and related recordkeeping requirements. The requirement to respond is mandatory. MMS uses the information to evaluate equipment and/or procedures lessees propose to use during production operations and to verify compliance with minimum safety requirements.

Respondents are approximately 130 Federal OCS oil, gas, and sulphur lessees. The frequency of submission varies. The public reporting burden for this information is estimated to average 1.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. MMS estimates the total annual burden of this collection of information to be 352 reporting hours and 2,548 recordkeeping hours. Based on \$35 per hour, the total burden hour cost to respondents is estimated to be \$101,500.

In calculating the burden, MMS assumed that respondents perform some of the requirements and maintain records in the normal course of their activities. MMS considers these to be usual and customary and did not include them in the burden estimates. Commenters are invited to provide information if they disagree with this assumption and they should tell us what are the burden hours and costs imposed by this collection of information.

The MMS will summarize written responses to this notice and address them in the final rule. All comments will become a matter of public record.

1. MMS specifically solicits comments on the following questions:

(a) Is the proposed collection of information necessary for the proper performance of MMS's functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the Paperwork Reduction Act of 1995 requires agencies to estimate the total annual cost burden to respondents or recordkeepers resulting from the collection of information. MMS needs your comments on this item. Your response should split the cost estimate into two components: (a) total capital and startup cost, and (b) annual operation, maintenance, and purchase of services. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: before October 1, 1995; to comply with requirements not associated with the information collection; for reasons other than to provide information or keep records for the Government; or as part of customary and usual business or private practices.

Takings Implication Assessment

The DOI certifies that the proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Taking Implication Assessment need not be prepared 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. 12988

The DOI has certified to OMB that this proposed regulation meets the applicable civil justice reform standards provided in Sections 3(a) and 3(b)(2) of E.O. 12988.

National Environmental Policy Act

The DOI has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, preparation of 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: September 30, 1996.

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, MMS proposes to amend 30 CFR part 250 as follows:

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

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

Authority: U.S.C. 1334.

2. Section 250.1 is amended by revising paragraphs (c)(5), (d)(1), (d)(4) and (d)(5) to read as follows:

§ 250.1 Documents incorporated by reference.

* * * * *

(c) * * *

(5) ANSI/ASME SPPE-1-1994, Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations, Incorporated by Reference at: § 250.126(a)(2)(A).

* * * * *

(d) * * *

(1) API Spec Q1, Specification for Quality Programs, Fifth Edition, December 1994, API Stock No. 811-00001, Incorporated by Reference at: § 250.126(a)(2)(B).

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(4) API Spec 6A, Specification for Valves and Wellhead Equipment, Seventeenth Edition, February 1, 1996, API Stock No. G06A17, Incorporated by Reference at: §§ 250.126(a)(3) and 250.152 (b)(1) and (b)(2).

(5) API Spec 6AV1, Specification for Verification Test of Wellhead Surface Safety Valves and Underwater Safety Valves for Offshore Service, First Edition, February 1, 1996, API Stock No. G06AV1, Incorporated by Reference at: § 250.126(a)(3).

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3. MMS is revising § 250.126 to read as follows:

§ 250.126 Safety and pollution prevention equipment quality assurance requirements.

(a) *General requirements.* (1) A lessee may only install certified safety and pollution prevention equipment (SPPE) in wells located on the OCS. SPPE include the following:

(i) Surface safety valves (SSV) and actuators;

(ii) Underwater safety valves (USV) and actuators; and

(iii) Subsurface safety valves (SSSV) and associated safety valve locks and landing nipples.

(2) Certified SPPE are those the manufacturer certifies as having been manufactured under a quality assurance program MMS recognizes. MMS considers all other SPPE noncertified. MMS currently recognizes two quality assurance programs:

(i) ANSI/ASME SPPE-1, Quality Assurance and Certification of Safety and Pollution-Prevention Equipment Used in Offshore Oil and Gas Operations; and

(ii) API Spec Q1, Specification for Quality Programs.

(3) All SSV's and USV's must meet the technical specifications of API Spec 14D or API Spec 6A and 6AV1. All SSSV's must meet the technical specifications of API Spec 14A.

(b) *Use of noncertified SPPE.* Before April 1, 1998, you may continue to use or install noncertified SPPE if the noncertified SPPE were in your inventory as of April 1, 1988, and were included in a list of noncertified SPPE submitted to MMS prior to August 29, 1988. After April 1, 1998, you must replace noncertified SPPE with certified SPPE when the noncertified SPPE:

(1) Fail during normal operations,

(2) Fail during testing, or

(3) Are removed from service for any other reason.

(c) *Recognizing other quality assurance programs.* The MMS will consider approving other quality assurance programs covering the manufacture of SPPE. If you want MMS to evaluate other quality assurance programs, submit relevant information about the program and reasons for MMS approval to the Deputy Associate Director for Operations and Safety Management; Minerals Management Service; Mail Stop 4600; 381 Elden Street; Herndon, Virginia 20170-4817.

[FR Doc. 96-32041 Filed 12-17-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ID5-2-7075b; FRL-5664-9]

Clean Air Act Promulgation of Reclassification of PM-10 Nonattainment Areas in Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action identifies those nonattainment areas in the State of Idaho which have failed to attain the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter of less than or equal to ten micrometers (PM-10) by the applicable attainment date of December 31, 1995. This action also proposes to grant a second one-year extension to the attainment date for the Power-Bannock Counties PM-10 nonattainment in Idaho. In the Final Rules Section of this Federal Register, the EPA is granting this extension as a direct final rule without prior proposal because the Agency views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for granting the extension 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. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposal must be received in writing by January 17, 1997.

ADDRESSES: Written comments on this action should be addressed to Montel

Livingston, SIP Manager, Environmental Protection Agency, Office of Air Quality, 1200 Sixth Avenue, Seattle Washington, 98101. Copies of the documents relevant to this action are available for public inspection during normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Steven K. Body, Office of Air Quality, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101, 206/553-0782.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: December 5, 1996.

Chuck Clarke,
Regional Administrator.

[FR Doc. 96-32055 Filed 12-17-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 15

[CGD 94-055]

RIN 2115-AF23

Licensing and Manning for Officers of Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of intent.

SUMMARY: The Coast Guard intends to modify the proposed rule on Licensing and Manning for Officers of Towing Vessels and to publish a supplemental notice of proposed rulemaking (SNPRM) before issuing a final rule. The SNPRM will include a new comment period and it may announce additional public meetings.

ADDRESSES: The Executive Secretary maintains the public docket for this rulemaking. Comments previously received have become part of this docket and are available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, between 9:30 a.m. and 2:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Don Darcy, Project Manager, Operating and Environmental Standards Division (G-MSO-1), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, telephone (202) 267-0221.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On June 19, 1996, the Coast Guard published in the Federal Register a notice of proposed rulemaking (NPRM) that proposed changes to the licensing and manning requirements for officers of towing vessels in order to provide a safer towing industry (61 FR 31332). The NPRM proposed changes including, but not limited to, the following: A graduated series of master and mate (pilot) licenses (allowing holders of current licenses to be grandfathered); an additional license level for new entries—apprentice mate (steersman); route endorsements for particular geographical areas; a limited and unlimited licensing structure based on a 3000-horsepower breakpoint; a practical demonstration of skills; a check-ride with a designated examiner, or completion of a refresher course for renewals and upgrades of licenses; and a clarification that the master of the vessel is responsible for the overall safety of the vessel, but not for another individual's misconduct or incompetence.

The comment period under the NPRM closed on October 17, 1996. Because of the very active public response to the NPRM, through a public meeting, speaking engagements, and numerous written comments, the Coast Guard intends to modify the proposed rule. The Coast Guard will develop a supplemental notice of proposed rulemaking (SNPRM) to help it re-evaluate the proposed rule and the cost-benefit analysis, and to incorporate certain recommendations. Public comments are being reviewed and may be instrumental in the development of the new proposal. The SNPRM will include a comment period, similar to the NPRM, allowing mariners and companies within the industry to express their views on the new changes.

Issuing an SNPRM, before an interim rule or final rule, will also create the potential for further public meetings. Notice will be given in the SNPRM, and otherwise in the Federal Register, regarding dates and times of any further public meetings for this rulemaking.

Requests for Comments

With publication of the SNPRM, the Coast Guard will encourage interested persons to participate in this rulemaking by submitting written data, views, or arguments on the new proposals. There is no need or occasion to refile comments already submitted.