

matters presented at the hearing on December 7, 1995 must be received by EPA no later than January 8, 1996.

ADDRESSES: Written comments (duplicate copies preferred) must be submitted to: Central Docket Section (A-130), Environmental Protection Agency, Attention: Docket No. A-94-33, 401 M St. SW, Washington, D.C. 20460. Comments and information may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and information will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and information in electronic form must be identified by the docket number A-94-33. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy B. Pate, Office of Air Quality Planning and Standards, (MD-12), U.S. EPA, Research Triangle Park, NC 27711, telephone (919) 541-5347, INTERNET: pate.nancy@epamail.epa.gov, fax 919-541-4028 or -0242.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 18, 1995 (60 FR 48081), EPA published a proposed rule that, upon promulgation, would amend the list of hazardous air pollutants in Clean Air Act section 112(b)(1), 42 U.S.C. 7412(b)(1), by removing the compound caprolactam (CAS No. 105-60-2). This action was in response to a petition to delete the substance caprolactam which was filed by AlliedSignal, Inc., BASF Corporation, and DSM Chemicals North America under section 112(b)(3) of the Act.

EPA received a request for a public hearing concerning the proposed rule to remove caprolactam. Pursuant to that request, EPA will hold a hearing at the time and location stated above.

Clean Air Act section 307(d) does not expressly apply to a rulemaking to remove a substance from the list of hazardous air pollutants in section 112(b). However, section 307(d)(1)(V) permits the EPA Administrator to apply section 307(d) to other actions and EPA is holding the hearing announced by this notice pursuant to the requirements of section 307(d). Section 307(d) also requires EPA to keep the public record open for 30 days after it holds such a hearing "to provide an opportunity for submission of rebuttal and supplementary information."

Prior to the original comment period deadline for the proposed rule, EPA received a request to extend the comment period from a local citizen group in Columbia, South Carolina. Citing health problems of group members and difficulties in communicating with legal counsel, the group requested a three week extension of the comment period (until November 24, 1995). In response to this request, EPA extended the initial period for submission of written and electronic comments concerning the proposed rule and is providing notice to the public that the comment period is open until December 5, 1995. Following the hearing to be held on December 7, 1995, EPA will keep the public docket open until January 8, 1996, to permit submission of supplementary or rebuttal information concerning the matters presented at the hearing.

Dated: November 22, 1995.

Mary D. Nichols,
Assistant Administrator for Air and Radiation.

[FR Doc. 95-29112 Filed 11-27-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3160

[WO-310-4191-02-24 1A]

RIN 1004-AC09

Onshore Oil and Gas Operations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Department of the Interior, through the Bureau of Land Management (BLM), proposes to amend the provisions of 43 CFR Part 3160 that address BLM's responsibility for managing oil and gas operations on lands administered by the United States Forest Service (Forest Service). This action is being taken to clarify the regulations implementing the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (Reform Act), to establish clearly that BLM's responsibility on National Forest System (NFS) lands is limited to the approval of applications for permit to drill (APD), the approval of other development or operational proposals involving subsurface activity, related impacts, and any appeals regarding the same. On NFS lands the approval of an APD does not, in itself, constitute approval of the surface use plan of operations (SUPO). Surface use

plans of operations on NFS lands require separate approval by the Forest Service, and all appeals related to the SUPO are appeals from the decision of the Forest Service. Agency responsibilities under this rule and the Reform Act are determined on the basis of subsurface (BLM) and surface (Forest Service) authority for oil and gas operations on NFS lands.

DATES: Comments should be submitted by January 29, 1996. Comments received or postmarked after this date may not be considered in the decision making on the final rule.

ADDRESSES: Comments should be sent to: Director (420), Bureau of Land Management, Room 401 LS, 1849 C Street, NW., Washington, DC 20240. Comments can also be sent to internet!WO140@attmail.com. Please include "attn: AC09" and your name and return address in your internet message. Comments will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Erick Kaarlela, (202) 452-0340, or Howard Lemm, (406) 255-2842.

SUPPLEMENTARY INFORMATION: The Federal Onshore Oil and Gas Reform Act of 1987 (30 U.S.C. 226) vests the Secretary of the Interior and the Secretary of Agriculture with the authority to take actions on NFS lands for APD and SUPO approvals, respectively. The purpose of this proposed rule is to clarify in the regulations the statutory division of authority between the Department of the Interior, acting through the BLM, and the Department of Agriculture, acting through the Forest Service, for managing oil and gas operations on NFS lands. The responsibility for review of actions on NFS lands by the BLM for APDs and the Forest Service for SUPOs is clearly divisible. Each agency is responsible for predecisional reviews under such statutes as the National Environmental Policy Act of 1969 (42 U.S.C. 4332 *et seq.*) and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) to the extent that such reviews are performed for decisions proposed to be made pursuant to its decisional authority.

The Reform Act authorizes the Secretary of Agriculture to regulate all surface-disturbing activities carried out in conjunction with oil and gas development and operation on NFS lands. The Act states: "The Secretary of the Interior, or for National Forest lands, the Secretary of Agriculture, shall regulate all surface-disturbing activities conducted pursuant to any lease issued under this Act, and shall determine

reclamation and other actions as required in the interest of conservation of surface resources. No permit to drill on an oil and gas lease issued under this Act may be granted without the analysis and approval by the Secretary concerned of a plan of operations covering proposed surface-disturbing activities within the lease area." As applied to SUPOs and APDS, the Reform Act makes an approved SUPO a condition precedent to the granting of an APD. Although the Forest Service is responsible for the SUPO approval prior to the APD, the Reform Act does not make the SUPO a part of the APD. The analysis and subsequent decisions for SUPOs and APDs are separate functions for Forest Service and BLM, respectively.

Although Section 5102(g) of the Reform Act delineates the authority given to each agency, clarification of this division in part 3160 of Title 43 of the Code of Federal Regulations is needed to bring the existing regulations into greater conformance with the Reform Act. The intent of this proposed rule is to accurately describe the authority of the BLM for managing oil and gas operations on NFS lands. The proposed rule would abolish the existing regulatory provision making the SUPO a part of an APD on NFS lands, thus making it clearer that a SUPO approved by the Forest Service is instead a precondition to the approval of an APD on NFS lands. The proposed rule would also clarify BLM's exclusive responsibility for APD approval and any subsequent appeals related to actions taken on APDs for NFS lands pursuant to 43 CFR 3162.3-1(h). Concurrently, the Forest Service is preparing a technical amendment to 36 CFR 228 subpart E to clarify the exclusive responsibility of that agency to approve any SUPO for oil and gas operations on NFS lands and to hear any appeals of related actions. It is the intention of both agencies to coordinate these rulemaking activities.

The BLM's environmental review responsibilities for oil and gas development on NFS lands would be for decisions related to those actions described in a new section 3161.3 subtitled *Responsibility of the authorized officer on National Forest System lands*. Section 3161.3 would reiterate that BLM's authority to make decisions relating to drilling and suspension of operations or production will be appropriately coordinated with Forest Service decisions on the corresponding SUPO.

It is intended under this proposed rule that environmental review responsibilities for oil and gas

development on NFS lands would be fully met through the coordinated efforts of the BLM and Forest Service. These coordinated efforts could include the development of environmental documents as cooperating agencies pursuant to the regulations located at 40 CFR 1501.6 implementing the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4332 *et seq.*). Although this proposed rule would not affect the working relationships between the two agencies in terms of NEPA compliance, the rule would make clear the limits of authority of the two agencies for the ultimate decisions on APDs and SUPOs involving NFS lands.

The existing national level Memorandum of Understanding (MOU) between the BLM and the Forest Service dated November 11, 1991, would be updated, as needed, to ensure coordination between the agencies with respect to oil and gas development on NFS lands in a manner consistent with the rule. It is anticipated that items to be considered in future amendment of the MOU would include, but would not be limited to, public posting requirements, review timeframes, operator notification requirements, SUPO and APD information sharing, and the distribution of environmental review findings and decision documents.

The principal authors of this proposed rule are Howard Lemm and Chun Wong of the Montana State Office and Erick Kaarlela of the Washington Office (WO) Compliance Team, assisted by the Regulatory Management Team, WO BLM, and the Forest Service.

It is hereby determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The Bureau of Land Management has determined that this rule is categorically excluded from further environmental review pursuant to Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10, being a regulation of an administrative, financial, legal, technical, or procedural nature, and that the rule will not significantly affect the 10 criteria for exceptions listed in 516 DM 2, Appendix 2. Pursuant to the Council on Environmental Quality regulations (40 CFR 1508.4) and environmental policies and procedures of the Department of the Interior, "categorical exclusions" means a category of actions which do not individually or cumulatively have a significant effect on the human

environment and which have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

This rule was not subject to review by the Office of Management and Budget under Executive Order 12866. This rule will not have a significant effect on the oil and gas industry. The rule will not adversely affect in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal communities. The rule would have a positive impact in that it would eliminate duplicative responsibilities and appeal processes, thereby streamlining the process for all involved without compromising the stewardship of the resource.

The Department has further determined that this rulemaking would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 605 *et seq.*). No small entities are likely to be affected by this rule and there are no particularly affected industries or sectors.

The Department certifies that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Therefore, as required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property.

The Department has certified to the Office of Management and Budget that these regulations meet the applicable standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 43 CFR Part 3160

Government contracts, Indian lands—mineral resources, Mineral royalties, Oil and gas exploration, Oil and gas production, Public lands—mineral resources, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, part 3160, of title 43 of the Code of Federal Regulations is proposed to be amended as follows.

PART 3160—ONSHORE OIL AND GAS OPERATIONS

1. The authority citation for Part 3160 is revised to read as follows:

Authority: 30 U.S.C. 181 et seq.; 30 U.S.C. 359; 30 U.S.C. 306; 25 U.S.C. 396; 25 U.S.C. 396d; 25 U.S.C. 398e; 25 U.S.C. 399; and 30 U.S.C. 1701, 1751(a).

§ 3160.0-2 [Removed]

2. Section 3160.0-2 is removed.

3. Section 3160.0-5 is amended by redesignating paragraphs (m) through (w) as paragraphs (n) through (x), respectively, and by adding a new paragraph (m) to read as follows:

§ 3160.0-5 Definitions.

* * * * *

(m) *National Forest System lands* means all National Forest lands reserved or withdrawn from the public domain of the United States, all National Forest lands acquired through purchase, exchange, donation, or other means, the National Grasslands and land utilization projects administered by the Forest Service under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), and other lands, waters or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the System (16 U.S.C. 1609).

* * * * *

4. In § 3161.1 paragraph (a) is revised to read as follows:

§ 3161.1 Jurisdiction.

(a) All operations conducted on a Federal or Indian oil and gas lease by the operator are subject to the regulations in this part except as provided in § 3161.3.

* * * * *

5. Section 3161.2 is revised to read as follows:

§ 3161.2 Responsibility of the authorized officer.

Except as provided in § 3161.3 of this title, the authorized officer is authorized and directed to approve unitization, communitization, gas storage and other contractual agreements for Federal lands; to assess compensatory royalty; to approve suspensions of operations or production, or both; to issue NTLs; to approve and monitor other operator proposals for drilling, development or production of oil and gas; to perform administrative reviews; to impose monetary assessments or penalties; to provide technical information and advice relative to oil and gas development and operations on Federal and Indian lands; to enter into cooperative agreements with States, Federal agencies and Indian tribes relative to oil and gas development and operations; to approve, inspect and regulate the operations that are subject to the regulations in this part; to require

compliance with lease terms, with the regulations in this title and all other applicable regulations promulgated under the cited laws; and to require that all operations be conducted in a manner which protects other natural resources and environmental quality, protects life and property and results in the maximum ultimate recovery of oil and gas with minimum waste and with minimum adverse effect on the ultimate recovery of other mineral resources. The authorized officer may issue written or oral orders to govern specific lease operations. Any such oral orders shall be confirmed in writing by the authorized officer within 10 working days from issuance thereof. Before approving operations on leasehold, the authorized officer shall determine that the lease is in effect, that acceptable bond coverage has been provided and that except as provided in § 3161.3 of this title the proposed plan of operations is sound both from a technical and environmental standpoint.

§ 3161.3 [Redesignated as § 3161.4]

6. Section 3161.3 is redesignated as § 3161.4.

7. A new § 3161.3 is added as follows:

§ 3161.3 Responsibility of the authorized officer on National Forest System lands.

(a) The authorized officer is responsible for the approval, inspection, and regulation of drilling, development and production operations on National Forest System lands to the same extent as described in § 3161.2 of this title except that the authorized officer has no responsibility for the approval, enforcement, modification or revocation of any surface use plan of operations covering National Forest System lands. Approval of Applications for Permit to Drill, or approval of other proposed actions that would involve additional surface disturbance or reclamation, shall not be granted for operations to be conducted on National Forest System lands until the authorized representative of the Secretary of Agriculture has approved a surface use plan of operations covering related surface-disturbing activities. The authorized officer has the right to reexamine Applications for Permit to Drill, and other proposed development or production activities on National Forest System lands, if a related surface use plan of operations is revoked, modified or amended by the authorized representative of the Secretary of Agriculture.

(b) A surface use plan of operations related to the operator's proposed oil and gas operations must be furnished to

the authorized officer for informational purposes at the time the operator submits an Application for Permit to Drill or other development or operational proposals applying to National Forest System lands.

8. In § 3162.3-1 paragraph (d)(1) is amended by removing the period and adding a semicolon in its place, paragraph (d)(3) is amended by removing “, and” and adding “; and” in its place, and paragraph (d)(2) is revised to read as follows:

§ 3162.3-1 Drilling applications and plans.

* * * * *

(d) * * *

(2) A surface use plan of operations containing information required by paragraph (f) of this section and appropriate orders and notices, except on National Forest System lands a surface use plan of operations is not required as part of an Application for Permit to Drill;

* * * * *

9. Paragraph (a) of § 3162.3-2 is revised to read as follows:

§ 3162.3-2 Subsequent well operations.

(a) A proposal for further well operations shall be submitted by the operator on Form 3160-5 and approved by the authorized officer prior to commencing operations to redrill, perform casing repairs, plug-back, alter casing, perform nonroutine fracturing jobs, recomplete in a different interval, perform water shut off, commingle production between intervals and/or convert to an injection well. If there will be additional surface disturbance, the proposal shall include a surface use plan of operations as an integral part of the proposal unless it comes within the exception provided in § 3161.3, in which case a copy of such surface use plan must be provided in accordance with § 3161.3(b). The authorized officer may prescribe that each proposal contain all or a portion of the information set forth in § 3162.3-1 of this part. The operator shall file a subsequent report of these operations with the authorized officer using Form 3160-5.

* * * * *

10. Section 3162.3-3 is revised to read as follows:

§ 3162.3-3 Other lease operations.

Prior to commencing any operation on the leasehold that will result in additional surface disturbance, other than those activities authorized under § 3162.3-1 or § 3162.3-2 of this title, the operator shall submit a proposal on Form 3160-5 and receive approval of the authorized officer. The proposal

shall include a surface use plan of operations as an integral part of the proposal unless it comes within the exception provided in § 3161.3 of this title, in which case a copy of such surface use plan must be provided in accordance with § 3161.3(b).

11. Paragraph (c) of § 3162.3-4 is amended by revising the last sentence to read as follows:

§ 3162.3-4 Well abandonment.

* * * * *

(c) * * * Upon the removal of drilling or producing equipment from the site of a well that is to be permanently abandoned, the surface of the lands disturbed in connection with the conduct of operations shall be reclaimed in accordance with a plan already approved or prescribed by the authorized officer or, where appropriate, where approved by the authorized representative of the Secretary of Agriculture as provided in § 3161.3 of this title.

Dated: November 13, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

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BILLING CODE 4310-84-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 94-102]

Compatibility of Wireless Services with Enhanced 911

AGENCY: FCC.

ACTION: Proposed rule.

SUMMARY: The petition filed by Ad Hoc Alliance for Public Access to 911 requests the Commission to amend its Rules to mandate the provision of 911 service access by Commercial Mobile Radio Services (CMRS) providers. Because the issues raised in this Petition are closely related to the current E911 rulemaking proceeding, the Commission requests that comments on the Petition be filed in conjunction with the proceeding in CC Docket No. 94-102. The effect of the proposed rules would be to provide users of cellular telephones with effective and reliable access to 911 emergency systems.

DATES: Comments must be filed on or before December 15, 1995 and reply comments must be filed on or before January 3, 1996.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Won Kim, Policy Division, Wireless Telecommunications Bureau, (202) 418-1310.

SUPPLEMENTARY INFORMATION: On October 27, 1995, the Ad Hoc Alliance for Public Access to 911 ("Alliance") filed a Petition for Rulemaking to amend Part 22 of the Commission's Rules to provide users of cellular telephones with effective and reliable access to 911 emergency systems. Copies of Alliance's Petition are available for public inspection and copying in the FCC Reference Center, Federal Communications Commission, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. Alliance contends that 911 cellular telephone service may be denied or unavailable when the carrier's cellular telephone system is programmed to block 911 calls from transient or non-system subscribers. Specifically, Alliance requests the Commission to amend Section 22.911(b) of the Commission's Rules to require cellular carriers to promptly connect all 911 calls without precondition. Alliance also proposes that Section 22.933 of the Commission's Rules be amended to require that all newly constructed mobile and portable stations be equipped to scan all of the control cellular telephone channels assigned to both System A and to System B, and to select and use the channel with the strongest signal whenever a 911 call is placed.

In a Notice of Proposed Rulemaking adopted September 19, 1994,¹ the Commission proposed to adopt rules requiring, *inter alia*, that Commercial Mobile Radio Service ("CMRS") providers offering real time voice services include enhanced 911 ("E911") capability as part of their service within five years of a final Order. Under the proposed rules, any mobile radio transmitter that is service initialized on a radio network must be allowed to make a 911 call without a requirement for user validation. Comments on the NPRM were filed on January 9, 1995, and reply comments were filed on March 17, 1995. Consumers First and Alliance filed comments on the NPRM, requesting the Commission to issue a further notice of proposed rulemaking mandating the provision of 911 service access without regard to prior service arrangements by CMRS providers. The

¹ See Revision of the Commission's rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Notice of Proposed Rulemaking, 59 FR 54878 (1994) ("NPRM").

Commission is currently reviewing the record on this docket.

Because the issues raised in Alliance's Petition are closely related to the current E911 rulemaking proceeding, the Commission requests that comments on Alliance's Petition be filed in conjunction with the proceeding in CC Docket No. 94-102. Interested parties may file comments no later than December 15, 1995. Reply comments must be filed by January 3, 1996. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, referencing CC Docket No. 94-102 and Alliance's Petition for Rulemaking. Filing should be accompanied by proof of service upon the petitioner and the parties in this proceeding. The list of the parties may be obtained from the Office of the Secretary by referencing CC Docket No. 94-102. The full text of the Petition, the comments, and reply comments are available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. Copies may be obtained from International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800.

For further information, contact Won Kim at (202) 418-1310, Wireless Telecommunications Bureau, Policy Division.

Federal Communications Commission

William F. Caton,

Acting Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 951116270-5270-01; I.D. 110195B]

Summer Flounder Fishery; Proposed 1996 Specifications

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

ACTION: Proposed specifications for the 1996 summer flounder fishery; request for comments.

SUMMARY: NMFS proposes specifications for the 1996 summer flounder fishery, which include commercial catch quotas