in § 341.16(d), (e), and (g) for use in a hand-held rubber bulb nebulizer.

* * *

Dated: April 11, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–12499 Filed 5–17–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

30 CFR Part 250

RIN 1010–AB96

Flaring or Venting Gas and Burning Liquid Hydrocarbons

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This rule amends regulations governing restrictions on flaring or venting gas to include restrictions on burning liquid hydrocarbons. MMS made this amendment to clarify that burning liquid hydrocarbons is allowable only under certain circumstances as approved by the Regional Supervisor.

EFFECTIVE DATE: This final rule is effective on June 19, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon Buffington, Engineering and Standards Branch, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION: On February 17, 1995, MMS published a rule in the Federal Register (60 FR 9312) that proposed to amend the requirements at 30 CFR 250.175, flaring and venting of gas, to include burning liquid hydrocarbons. This rule is necessary because requests to burn liquid hydrocarbons are increasing, and we determined that we needed to provide regulatory guidance on burning.

Response to Comments

During the 60-day comment period, MMS received eight comments, predominately from the oil and gas industry. MMS appreciates the suggestions and comments that we received. We reviewed all of the comments, and in some instances, we revised the final language based on these comments. MMS grouped the comments by the following major issues:

1. In § 250.175(c), MMS proposed that the Regional Supervisor allow a lessee to burn a ''minimal'' amount of liquid hydrocarbons with prior approval. Several comments suggested that MMS determine the absolute value of ''minimal.'' One comment suggested that we create a table of allowable burn amounts by using distance from shore as the determining factor. In general, the comments said that the term ''minimal'' is not specific enough.

Response

MMS agrees that, if possible, using an absolute value for the term ''minimal'' would be desirable. However, we feel that it is impractical to determine an solute value because it depends on many economic, technical, safety, and environmental factors. Therefore, an amount that may be prudent to burn in one area may not be acceptable to burn in another correlative area. Conserving natural resources is a major consideration in burning liquid hydrocarbons. However, our determination of the allowable ''minimal'' amount that you can burn will also depend on technical, safety, and environmental factors.

2. Several comments suggested that storing and transporting or re-injecting liquid hydrocarbons poses a greater risk than burning them.

Response

MMS agrees that in some cases the alternatives to burning liquid hydrocarbons may be risky to the environment or personnel. That is the reason MMS provided the option of showing the Regional Supervisor that the alternatives are infeasible or pose significant risk. MMS will evaluate the information that you supply concerning the risks of the alternatives case by case. Please be assured that the Regional Supervisor will evaluate your requests to burn hydrocarbons fairly and promptly by using the information that you supply in your requests.

3. Section 250.175(c)—One comment suggested that MMS rewrite the first sentence of paragraph (c) because the phrase ''lessees must not burn liquid hydrocarbons'' may portray a negative bias against burning liquid hydrocarbons.

Response

MMS did not intend to portray a negative bias against burning liquid hydrocarbons. Our intent was only to set boundaries on burning liquid hydrocarbons. However, to avoid any confusion, MMS will restate the first sentence of paragraph (c) to say that ''Lessees may burn produced liquid hydrocarbons only if the Regional Supervisor approves.''

4. Section 250.175(a)(3)—Several comments opposed MMS's changing the limit on flaring, without prior approval, during well evaluations and cleaning, to 48 cumulative hours (from 48 continuous hours). The individuals felt that 48 cumulative hours are not always sufficient (especially in deep water). Similarly, one comment recommended that MMS state that the Regional Supervisor has the authority to increase the flaring limit.

Response

MMS feels that, for environmental and conservation reasons, it needs to change the term ''continuous'' to ''cumulative'' for flaring during well evaluations and cleaning operations (without prior approval). Otherwise, the term ''continuous'' would permit multiple flarings of up to 48 hours each simply by having a shut-in period between flarings.

MMS realizes that 48 hours of flaring will not always meet well testing needs. For these occasions, the Regional Supervisor has the authority to increase the flaring limit. MMS will continue to evaluate requests for more than 48 cumulative hours of flaring during well evaluations or cleaning. However, without prior approval, MMS will only allow 48 cumulative hours per testing operation on a single completion. This limit of 48 hours should be adequate to accommodate most operations.

MMS amended the final rule to clarify that the Regional Supervisor has the authority to specify a shorter or longer flaring limit. In addition, the MMS Regions are working on guidelines for extended testing and flaring for deep water.

5. Section 250.175(a)(2)—One comment recommended that MMS delete or define ''temporary'' which modified ''situations'' because it is too vague.

Response

MMS agrees that the term ''temporary'' can be vague, and we deleted it from the final rule.

6. Section 250.175(c)—One comment recommended that MMS define ''significant risk'' because it is vague.

Response

MMS has changed the phrase to ''significant risk that may harm.''

7. Several comments suggested that MMS mandate the type of burner that it will permit a lessee to use.

Response

MMS recognizes that many burners exist with widely varying specifications. However, since technology constantly changes, MMS feels that it is impractical and too restrictive to mandate an allowable type of burner. However, the

Regional Supervisor will take into account the type of burner industry proposes to use when evaluating requests to burn liquids.

8. Several comments said that lessees can't predict test volumes or other data that they will need for requests to flare or vent gas and burn liquids.

Response

We realize that lessees can't precisely predict reservoir data. We only ask that, as with all other pre-approval requirements, lessees plan and, to the best of their ability, estimate well test results and removal alternatives. The Regional Supervisor will work with lessees to fairly evaluate requests.

Authors. Sharon Buffington and Jo Ann Lauterbach, Engineering and Technology Division, MMS, prepared this document.

Executive Order (E.O.) 12866

This rule is not a significant rule under E.O. 12866.

Regulatory Flexibility Act

The Department of the Interior (DOI) determined that this rule will not have a significant effect on a substantial number of small entities. In general, we do not consider the entities that engage in offshore activities small due to the technical and financial resources and experience necessary to safely conduct such activities.

In addition, the DOI determined that this rule is not a major rule because it will not result in an annual effect on the economy of $100 million or more. Also, this rule will not have significant adverse effects on competition, employment, investment, productivity, or innovation. The largest cost to industry is for the cases when the lessee must transport the liquid hydrocarbons instead of burning them. Based on the number of well tests, the number of times transportation would occur, the annual gross cost to industry to transport these liquid hydrocarbons is $348,000.

Paperwork Reduction Act

The proposed information collection requirement contained in § 250.175 were approved by the Office of Management and Budget (OMB) as required by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The OMB control number is 1010–0041. 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 MMS estimates the public reporting burden for this information will average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the date needed, and completing and reviewing the information collection.

Takings Implication Assessment

The DOI that this rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment does not need to 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 certified to OMB that this rule meets the applicable civil justice reform standards provided in Section 3(b)(2) of E.O. 12988.

National Environmental Policy Act

The DOI determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, 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: March 13, 1996.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons set forth above, MMS is amending 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. 1334.

2. Section 250.175 is revised to read as follows:

§ 250.175 Flaring or venting gas and burning liquid hydrocarbons.

(a) Lessees may flare or vent oil-well gas or gas-well gas without receiving prior approval from the Regional Supervisor only in the following situations:

(1) When gas vapors are flared or vented in small volumes from storage vessels or other low-pressure production vessels and cannot be economically recovered.

(2) During an equipment failure or to relieve system pressures. The lessee must comply with the following conditions:

(i) Lessees must not flare or vent oil-well gas for more than 48 continuous hours unless the Regional Supervisor approves. The Regional Supervisor may specify a limit of less than 48 hours to prevent air quality degradation.

(ii) Lessees must not flare or vent gas from a facility for more than 144 cumulative hours during any calendar month unless the Regional Supervisor approves.

(iii) Lessees must not flare or vent gas-well gas beyond the time required to eliminate an emergency unless the Regional Supervisor approves.

(3) During the unloading or cleaning of a well, drill-stem testing, production testing, or other well-evaluation testing. Flaring or venting must not exceed 48 cumulative hours per testing operation on a single completion. The Regional Supervisor may allow less time to prevent air quality degradation or more time if lessees need additional time to evaluate reservoir parameters.

(b) Lessees may flare or vent oil-well gas for up to 1 year when the Regional Supervisor approves the request for one of the following reasons:

(1) The lessee initiated an action which, when completed, will eliminate flaring and venting; or

(2) The lessee submitted an evaluation supported by engineering, geologic, and economic data indicating that either:

(i) The oil and gas produced from the well(s) will not economically support the facilities necessary to save and/or sell the gas; or

(ii) There is not enough gas to market.

(c) Lessees may burn produced liquid hydrocarbons only if the Regional Supervisor approves. To burn produced liquid hydrocarbons, the lessee must demonstrate that the amounts to burn would be minimal, or that the alternatives are infeasible or pose a significant risk that may harm offshore personnel or the environment. Alternatives to burning liquid hydrocarbons include transporting the liquids or storing and re-injecting them into a producible zone.

(d) Lessees must prepare records detailing gas flaring or venting and liquid hydrocarbon burning for each facility. The records must include, at a minimum:

(1) Daily volumes of gas flared or vented and liquid hydrocarbons burned;

(2) Number of hours of flaring, venting, or burning on a daily basis;

(3) Reasons for flaring, venting, or burning; and

(4) A list of the wells contributing to flaring, venting, or burning, along with the gas-oil ratio data.

(e) Lessees must keep these records for at least 2 years. Lessees must allow Minerals Management Service representatives to inspect the records at the lessees' field office that is nearest the Outer Continental Shelf facility, or at another location agreed to by the Regional Supervisor. If the Regional Supervisor requests to see the records, lessees must provide a copy.

[FR Doc. 96–12544 Filed 5–17–96; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110 and 117

[CGD 05–96–021]

Special Local Regulations for Marine Events; Norfolk Harborfest 1996; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This document implements 33 CFR 100.501 for Norfolk Harborfest 1996, an annual event to be held in the Waterside area of the Elizabeth River between Norfolk and Portsmouth, Virginia. These special local regulations are needed to control vessel traffic within the immediate vicinity of Waterside due to the confined nature of the waterway and the expected vessel congestion during the event. The effect will be to restrict general navigation in the regulated area for the safety of participants and spectators.

EFFECTIVE DATES: The regulations in 33 CFR 100.501, 110.72aa and 117.1007(b) are effective for the following periods: 11 a.m. to 11 p.m., June 7, 1996; 8:30 a.m. to 11 p.m., June 8, 1996; and 9:30 a.m. to 7 p.m., June 9, 1996.

FOR FURTHER INFORMATION CONTACT: LTJG R. Christensen, marine events coordinator, Commander, Coast Guard Group Hampton Roads, 4000 Coast Guard Blvd., Portsmouth, VA 23703–2199, (804) 483–8521.

SUPPLEMENTARY INFORMATION:

Discussion of Rule

Norfolk Harborfest, Inc. will sponsor the Norfolk Harborfest 1996 on June 7, 8, and 9, 1996, in the Waterside area of the Elizabeth River. The event will consist of aerobatic demonstrations, an air/sea rescue demonstration, fireworks, lighted boat parade, and numerous other water events, to include a parade of sailboats and several boat and raft races. A large number of spectator vessels are expected. Therefore, to ensure safety of both participants and spectators, 33 CFR 100.501 will be in effect for the event. Under provisions of 33 CFR 100.501, a vessel may not enter the regulated area unless it is registered as a participant with the event sponsor or it receives permission from the Coast Guard patrol commander. These restrictions will be in effect for a limited period and should not result in significant disruption of maritime traffic. The Coast Guard patrol commander will announce the specific periods during which the restrictions will be enforced.

Additionally, 33 CFR 110.72aa and 33 CFR 117.1007(b) will be in effect while 33 CFR 100.501 is in effect. Section 110.72aa establishes special anchorages which may be used by spectator craft. Section 117.1007(b) provides that the draw of the Berkley Bridge shall remain closed from one hour prior to the scheduled event until one hour after the scheduled event unless the Coast Guard patrol commander allows it to be opened for passage of commercial traffic.

Dated: May 1, 1996.

W.J. Ecker,

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

[FR Doc. 96–12645 Filed 5–17–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[FRL–5504–4]

RIN 2060–AG40 and AG39

Outer Continental Shelf Air Regulations Offset Remand

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The EPA is revising the outer continental shelf (OCS) regulations in response to a decision by the U.S. Court of Appeals for the District of Columbia Circuit. The OCS regulations establish air pollution control requirements for certain sources located on the OCS.

On September 4, 1992, EPA promulgated the OCS regulations, which, in part, set up special offset requirements for OCS sources located within 25 miles of the States' seaward boundaries (the 25-mile limit). The Santa Barbara County Air Pollution Control District filed a petition for review of the regulations on several issues, including the special offset provisions. Upon review, the court found that the special offset provisions departed from the Clean Air Act directive, vacated the regulation in part, and remanded it to EPA for further consideration.

By this action, EPA is revising the OCS regulations to delete the special offset provisions and to require that for sources located within the 25-mile limit, offset requirements apply as they are required in the corresponding onshore area (COA). The EPA is promulgating these revisions as an interim final regulation and is requesting comments on the revisions. The revisions will be in effect during the interim period while EPA receives, reviews and responds to any comments.

DATES: These rules shall be effective as of May 20, 1996. Written comments on this action must be received by EPA at the address below on or before June 19, 1996.

ADDRESSES: The public docket for this action is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center (6101), Attention Docket A–95–06, South Conference Center, Room 4, 401 M Street, SW, Washington, DC 20460. A reasonable fee for copying may be charged.

FOR FURTHER INFORMATION CONTACT: Mr. David Stonefield, U.S. EPA, MD–15, Research Triangle Park, NC 27711, telephone (919) 541–5350.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

The Clean Air Act Amendments of 1990 (Act) (Pub. L. 101–549, 104 Stat. 2399 (1990)) added section 328 to the Act and transferred authority to regulate sources on part of the OCS from the Department of the Interior (DOI) to EPA. The DOI retained the authority to regulate OCS sources in the Gulf of Mexico west of 87.5 degrees longitude. As to the remaining portions of the OCS—the Atlantic, Pacific, and Arctic coasts and the Gulf of Mexico east of 87.5 degrees—section 328 requires EPA