

What additional net benefits would an expanded royalty relief program create?

(2) We have established royalty relief programs for producing lessons throughout the OCS and for nonproducing leases in greater than 200 meters of water in the Gulf of Mexico, west of 87 degrees, 30 minutes West longitude. What types of situations warranting royalty relief arise which cannot be addressed through these programs? Please be as specific as possible; MMS will protect any confidential information that you submit.

(3) Under the OCS Lands Act, we have an obligation to insure a fair and equitable return on the resources of the OCS. Important components of meeting this mandate are our lease sale and bid adequacy review processes.

a. Will these processes still insure a fair return where the least-stipulated royalty rate may be modified prior to production?

b. How should we incorporate the potential for royalty relief on future production in determining whether a high bid for a lease is adequate?

c. Should such royalty relief be available to current leases, where an expectation of royalty relief prior to production did not exist at the time of the lease sale and bid adequacy review?

d. Would such a royalty relief program be fair to companies that submitted losing bids but which might have been willing to produce at the lease stipulated royalty rate?

(4) Many companies, especially some smaller companies, rely on the turnover of undeveloped leases for a significant portion of their offshore activities. This turnover takes the form of bidding on previously relinquished tracts in lease sales or acquiring an interest in leases through the lease assignment process. How would the availability of royalty relief on nonproducing leases affect the rate at which leases change hands?

## *II. Under What Circumstances Should MMS Consider Relief for Nonproducing Leases?*

(1) If the Secretary chooses to establish a royalty relief program for nonproducing leases, what criteria should we use in evaluating applications? Are there special circumstances that warrant relief, such as costs substantially higher than normal or the introduction of a new technology? Please be as specific as possible.

(2) How should we define "marginal resources"?

(3) At present, when a lease is relinquished, we offer the tract for lease in the next round of scheduled sales,

which are held annually in the Central and Western Gulf of Mexico. Tracts that have undeveloped discoveries are usually acquired by another company in a subsequent sale. Granting royalty relief to the initial lessee could preclude the Treasury from receiving the additional bonus and a subsequent lessee from testing alternative concepts and possibly producing at the lease-stipulated royalty rate. How should we consider this tradeoff in evaluating a request for royalty relief?

(4) Prospect economics in the Gulf of Mexico change very rapidly along with changes in technologies, availability of infrastructure, costs, and geologic information. How could we structure a royalty relief program to ensure that a decision to grant relief isn't rapidly overtaken by such changes?

## *III. Design of a Royalty Relief Program for Nonproducing Leases*

Our only experience with royalty relief on nonproducing leases is in the deep water Gulf of Mexico. However, many of the elements of that program arise from the specific mandates of the Act for such leases. These mandates, and thus the design elements of the deep water program, do not necessarily apply to a more generally applicable program. Please comment on how and why an additional royalty relief program might vary from current programs, including the following questions:

(1) Current OCS programs provide royalty relief in the form of royalty suspension volumes for deep water leases in the Gulf of Mexico and in the form of net revenue sharing for producing leases elsewhere. What form of royalty relief should we use for nonproducing leases not subject to the deep water royalty relief programs?

(2) For nonproducing leases in deep water, we require a discovery capable of producing in paying quantities and design of the engineering concept as minimum precursors to an application.

a. When during the exploration and development process should a lessee be allowed to apply for relief?

b. When in this process would sufficient data be available to allow us to evaluate the need for royalty relief?

c. How would we assure that projections of the amount and timing of production, costs, and revenues are reasonable?

(3) What type of information is needed, and how should it be evaluated, to ensure that royalty relief is necessary to promote development, increase production, or encourage production of marginal resources on nonproducing leases?

(4) Should we establish safeguards to remove or modify relief when the factors on which relief was granted change significantly before production starts? If so, what types of safeguards are appropriate?

## *IV. General Issues*

(1) For any particular royalty relief program you recommend, please provide specific information on its anticipated effects, including any effects on the levels and costs of exploration, development, and production, and the volume of additional resources that may be recovered.

(2) The current royalty relief regulation at 30 CFR 203.51(b) restates the statutory authority for granting royalty relief for nonproducing leases in the Gulf of Mexico, but the regulations provide no additional guidance on how to apply or how MMS will evaluate applications. Are additional regulations needed to provide this detail, or should MMS operate the program under the existing regulation? Is the existing regulation adequate until such time as we become more familiar with the types of situations that will lead to applications and the accompanying evaluation issues?

(3) In addition to authority to grant royalty relief for nonproducing leases, the Act gives the Secretary the authority to grant relief to categories of producing and nonproducing leases, rather than just on a case-by-case basis. Given that prospect economics change rapidly and depend on site-specific characteristics, we were unable to identify any additional categories of leases that warrant across-the-board relief. However, we welcome comments on categories deserving relief, the type of relief that's appropriate, and what criteria we should use to determine when across-the-board relief is preferable to case-specific relief.

Dated: January 16, 1997.

Cynthia Quarterman,  
Director.

[FR Doc. 97-1705 Filed 1-24-97; 8:45 am]

BILLING CODE 4310-MR-M

## **DEPARTMENT OF LABOR**

### **Employment Standards Administration Wage and Hour Division**

#### **Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions**

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are

based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good causes is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever, is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled

“General Wage Determinations Issued Under The Davis-Bacon And Related Acts,” shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

#### Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled “General Wage Determinations Issued Under the Davis-Bacon and Related Acts” being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

#### Volume I

New York  
NY960010 (March 15, 1996)

#### Volume II

Pennsylvania  
PA960004 (March 15, 1996)  
PA960042 (March 15, 1996)

#### Volume III

Florida  
FL960015 (March 15, 1996)  
FL960017 (March 15, 1996)  
FL960049 (March 15, 1996)  
FL960053 (March 15, 1996)  
FL960055 (March 15, 1996)

#### Georgia

GA960003 (March 15, 1996)  
GA960022 (March 15, 1996)  
GA960073 (March 15, 1996)  
GA960085 (March 15, 1996)  
GA960086 (March 15, 1996)  
GA960087 (March 15, 1996)  
GA960088 (March 15, 1996)

#### Tennessee

TN960002 (March 15, 1996)  
TN960018 (March 15, 1996)

#### Volume IV

Indiana  
IN960001 (May 17, 1996)  
IN960002 (March 15, 1996)  
IN960003 (March 15, 1996)  
IN960004 (March 15, 1996)  
IN960005 (March 15, 1996)  
IN960006 (March 15, 1996)

#### Volume V

Iowa  
IA960003 (March 15, 1996)

IA960005 (March 15, 1996)  
IA960006 (March 15, 1996)  
IA960010 (March 15, 1996)  
IA960012 (March 15, 1996)  
IA960016 (March 15, 1996)  
IA960032 (March 15, 1996)  
IA960067 (March 15, 1996)

#### Kansas

KS960008 (March 15, 1996)  
KS960009 (March 15, 1996)  
KS960012 (March 15, 1996)  
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KS960022 (March 15, 1996)  
KS960025 (March 15, 1996)  
KS960026 (March 15, 1996)  
KS960029 (March 15, 1996)

#### New Mexico

NM960001 (March 15, 1996)

#### Texas

TX960001 (March 15, 1996)  
TX960005 (March 15, 1996)  
TX960010 (March 15, 1996)  
TX960014 (March 15, 1996)  
TX960054 (March 15, 1996)  
TX960081 (March 15, 1996)  
TX960100 (March 15, 1996)  
TX960114 (March 15, 1996)

#### Volume VI

#### California

CA960002 (March 15, 1996)  
CA960028 (March 15, 1996)  
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CA960060 (April 12, 1996)  
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CA960077 (April 12, 1996)  
CA960078 (April 12, 1996)  
CA960079 (April 12, 1996)  
CA960080 (April 12, 1996)  
CA960084 (April 12, 1996)

#### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled “General Wage Determinations Issued Under the Davis-

Bacon and Related Act". This publication is available at each of the 50 Regional Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487-4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC, 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC, this 16th Day of January 1997.

Terry Sullivan,

*Chief, Branch of Construction Wage Determinations.*

[FR Doc. 97-1500 Filed 1-23-97; 8:45 am]

BILLING CODE 4510-27-M

## Mine Safety and Health Administration

RIN 1219-AA81

### Response to Recommendations of the Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Response to Advisory Committee recommendations.

**SUMMARY:** On November 14, 1996, the Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers (Advisory Committee) issued its report to the Secretary of Labor. The Advisory Committee identified a number of issues, developed findings, and made recommendations on how to eliminate coal workers' pneumoconiosis and silicosis. The Federal Mine Safety and Health Act of 1977 requires the Secretary of Labor to issue a public response to the Advisory Committee's recommendations. Accordingly, the Secretary, through the Mine Safety and Health Administration (MSHA), is responding in this Notice to

the recommendations contained in the Advisory Committee report.

**FOR FURTHER INFORMATION CONTACT:**

Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, Virginia 22203; phone 703-235-1910.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers (Advisory Committee) was established by the Secretary of Labor (Secretary) on January 31, 1995, in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), and the Federal Mine Safety and Health Act of 1977 (Mine Act) 30 U.S.C. 801 (1977). The Secretary charged the Advisory Committee to make recommendations for improved standards, or other appropriate actions, on permissible exposure limits to eliminate coal workers pneumoconiosis and silicosis (commonly referred to as "Black Lung"); the means to control respirable coal mine dust levels; improved monitoring of respirable coal mine dust levels and the role of the miner in that monitoring; and the adequacy of the current sampling program to determine the actual levels of dust concentrations to which miners are exposed.

On November 14, 1996, the Advisory Committee submitted its report to the Secretary. The report contained numerous recommendations directed toward elimination of coal workers' pneumoconiosis and silicosis. The report concluded that:

\* \* \* although progress towards making mines safer from the health hazards of respirable coal mine dust is substantial, it is not sufficient to achieve the intent of the Coal Act [the predecessor to the Mine Act]. The Committee believes that the elimination of coal workers' pneumoconiosis and silicosis requires a systematic approach incorporating simultaneously:

(1) greater reduction of dust generation and entrainment; (2) greater reduction of ambient concentrations through better dust control plans; (3) improved continuous monitoring and dust sampling programs; (4) greater reduction of personal exposures; (5) enhanced training of miners and mine officials on relevant aspects of coal mine dust control; (6) upgraded medical surveillance programs; (7) more rapid intervention programs; (8) enhanced research on continuing vexing scientific, engineering, and medical issues; and (9) continuous critical evaluation of the coal mine respirable dust standard of 2.0 mg/m<sup>3</sup> and the silica standard of 100 µg/m<sup>3</sup>.

Recommendations of the Advisory Committee address each of these areas in detail.

**B. Agency Determination**

Section 101(a)(2) of the Mine Act (30 U.S.C. 811(a)(2)) provides that if the Secretary of Labor determines that a rule should be proposed and has appointed an Advisory Committee to provide recommendations regarding the rule, then the Secretary shall publish a proposed rule, or the reasons for his determination not to publish such a rule, within 60 days following the Advisory Committee's recommendations. Accordingly, MSHA, on behalf of the Secretary of Labor, is responding in this Notice to the recommendations of the Advisory Committee.

MSHA has completed a preliminary review of the Advisory Committee's recommendations. There are 20 principal recommendations set out in the Advisory Committee report, which are further subdivided into a total of approximately 100 distinct action items. The recommendations are both extensive and significant, and warrant thorough consideration by the Agency. MSHA is consequently proceeding with an in-depth evaluation of the recommendations, and will respond to them in an orderly fashion. The Agency anticipates that a comprehensive MSHA review of the recommendations will result in a variety of Agency actions. Based on its initial review, MSHA anticipates that a number of the recommendations may be implemented through internal MSHA administrative or policy changes; action on other recommendations may require rulemaking. In some cases, both regulatory and administrative action may be necessary. Many of the recommendations are general in nature and would require further development by MSHA to be suitable for publication as a proposed rule.

MSHA is considering both rulemaking and actions other than rulemaking. MSHA will notify the mining community as it makes determinations regarding implementation of Advisory Committee recommendations.

Dated: January 17, 1997.

J. Davitt McAteer,

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 97-1677 Filed 1-23-97; 8:45 am]

BILLING CODE 4510-43-P