Airspace Management, in areas outside U.S. domestic airspace, is governed by the Convention on International Civil Aviation. Specifically, the FAA is governed by Article 12 and Annex 11, which pertain to the establishment of necessary air navigational facilities and services to promote the safe, orderly, and expeditious flow of civil air traffic. The purpose of Article 12 and Annex 11 is to ensure that civil aircraft operations on international air routes are performed under uniform conditions.

The International Standards and Recommended Practices in Annex 11 apply to airspace under the jurisdiction of a contracting state, derived from ICAO. Annex 11 provisions apply when air traffic services are provided and a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting this responsibility may apply the International Standards and Recommended Practices that are consistent with standards and practices utilized in its domestic jurisdiction.

In accordance with Article 3 of the Convention, state-owned aircraft are exempt from the Standards and Recommended Practices of Annex 11. The United States is a contracting state to the Convention.

Article 3(d) of the Convention provides that participating state aircraft will be operated in international airspace with due regard for the safety of civil aircraft. Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6007—Offshore Airspace Areas

* * * * *

San Juan Low, PR [Revised]

That airspace extending upward from 5,500 feet MSL from the point of intersection of the San Juan Oceanic CTA/FIR and Miami Oceanic CTA/FIR boundary at lat. 21°08′00″ N., long. 67°45′00″ W., thence from that point southeast via a straight line to intersect a 100-mile radius of the Fernando Luis Ribas Dominicci Airport at lat. 19°47′28″ N., long. 67°09′37″ W., thence clockwise via a 100-mile radius of the Fernando Luis Ribas Dominicci Airport to lat. 18°53′05″ N., long. 67°47′43″ W., thence from that point northwest via a straight line to interest the point where the Santo Domingo FIR turns northwest at lat. 19°39′00″ N., long. 69°09′00″ W., thence from that point northeast along the San Juan CTA/FIR and Miami CTA/FIR boundary to the point of beginning.

* * * * *

Issued in Washington, DC, on May 28, 1999.

Paul Gallant,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 99–14214 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 668

[FHWA Docket No. FHWA–97–3105]

RIN 2125–AE27

Emergency Relief Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The FHWA proposes to amend its regulation on the emergency relief (ER) program to revise the threshold used in determining eligibility for a disaster from $500,000 to $700,000. The threshold is used to distinguish between heavy maintenance or routine emergency repairs and serious damage eligible under the ER program. An advance notice of proposed rulemaking (ANPRM) on the disaster eligibility threshold was published in the **Federal Register** on February 19, 1998, seeking comments on the need to revise the threshold and various options to accomplish this.

In addition, the FHWA proposes to amend the regulation to include recent clarifying guidance on administering the ER program. The amendments include clarification of ER funding eligibility for betterment/replacement facilities, for projects and project features resulting from the National Environmental Policy Act (NEPA) process, and for traffic damage caused by response vehicles. In addition, changes made in the ER application process are included, as well as minor revisions to guidance for eligible uses of ER funding.

DATES: Written comments are due on or before August 6, 1999. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Signed written comments should refer to the docket number that appears at the top of this document and should be submitted to the Docket Clerk, U.S. DOT Dockets Room PL–401, 400 Seventh Street, SW., Washington, D.C 20590–0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mohan P. Pillay, Office of Engineering, 202–366–4655, or Wilbert Baccus, Office of the Chief Counsel, 202–366–0780, FHWA, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resources locator (URL): *http://dms.dot.gov*. It is available 24 hours each day, 365 days each year. Please follow instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at http://www.nara.gov/fedreg and at the Government Printing Office's databases at http://www.access.gpo.gov/nara.

Background

The current FHWA regulations implementing the emergency relief program are found primarily in 23 CFR 668. Subpart A of part 668 sets forth the procedures for the administration of ER funds for the repair or reconstruction of Federal-aid highways caused by natural disasters or catastrophic failures. For the purposes of this NPRM, the term disaster referred to throughout this document means a natural disaster or catastrophic failure. The FHWA proposes to amend these regulations in the following manner and for reasons indicated below.

In response to the ANPRM published in the **Federal Register** on February 19, 1998, 63 FR 8377, the FHWA received comments from a total of 24 entities. The commenters include 17 State Departments of Transportation (DOT), 3 county governments, 2 State Associations of County Engineers, 1 State County Highway Association, and the American Road and Transportation Builders Association (ARTBA).

The ANPRM solicited comments basically on two options and also requested commenters suggest additional options and concepts. The two options were: (1) continue to have a single ER threshold applied to all States, but increase the threshold to a higher value—for example $1,000,000; or (2) formulate more than one disaster eligibility threshold using a tiered approach based on the size of a State's highway program. Under the second option the States would be grouped into tiers based on the size of their Federal-aid program—i.e., Federal-aid apportionments a State received in the previous fiscal year. A minimum disaster eligibility threshold would be formulated for each tier beginning from a base threshold. For example, a $500,000 threshold for Federal-aid highway apportionments under $100 million; a $1,000,000 threshold for apportionments over $100 million and below $500 million; and a $2,000,000 threshold for apportionments at or above $500 million.

Discussion of Comments

Most commenters to the ANPRM are opposed to the revision of the $500,000 threshold, with only two commenters favoring the proposal to increase the threshold: one to $1,000,000, and the other to $750,000 adjusted to inflation every five years. The commenters' argument against revising the existing threshold is that they allege it would create extreme hardship on local units of government, whose resources are very limited. Commenters assert that they do not have the flexibility to shift resources from other areas to cover the cost of road damage due to a natural disaster. The commenters provided no explanation or evidence why it was appropriate or feasible for the Federal government, rather than the State governments, to pay these costs from its very limited resources.

All commenters, except 4 State DOTs, oppose the tier concept which involves formulating more than one minimum disaster eligibility threshold based on the funding size of a State's Federal-aid highway program. It should be noted that a substantial portion of the ER program funds in most of the eligible disasters goes to repair damages on Federal-aid highways owned and administered by the counties and other local jurisdictions. The tier concept is opposed mainly because commenting entities indicated that the counties and other local agencies would not be treated equally from State to State.

Two commenters suggested applying a flat rate percentage to the State's Federal-aid highway program to come up with a threshold value. One State DOT recommended that the threshold level be set at 0.4 percent of total Federal-aid apportionments for all States. Another State DOT stated that, in lieu of a tiered system, the threshold for a qualifying disaster be set at ½ of 1 percent of the amount ''allocated to a State by Congress.''

One State DOT recommended adjusting the minimum threshold to $750,000 with an inflationary adjustment every five years based on the road construction cost index.

ER Threshold

After considering all comments received, the FHWA has decided not to further pursue the tier option concept and the proposed fixed percentage concept. Both approaches would have the same adverse impact on county and local governments. Upon further evaluation, we believe that it would not be advisable to pursue either the tier option or the fixed percentage option because the counties and other local agencies would not be treated equally from State to State. For example, a county whose Federal-aid highways have sustained $1.5 million of eligible ER repair costs, but is located in a State where the ER eligibility threshold is set at $2 million, would not receive any benefits from FHWA ER program funds. On the other hand, another county with the same amount of damage, but located in a State with a $1 million threshold, would be eligible to receive ER assistance. Also, we are concerned that under either the tier or fixed percentage approach, the States with larger highway programs could lose some ER funding, as the higher disaster eligibility threshold in these States might eliminate some disasters which would have qualified for funding under the current threshold.

The FHWA believes that a revision of the current threshold is reasonable and prudent. It should be noted that 23 CFR 668, subpart A, was revised in 1987 to establish, for the first time, dollar guidelines for consideration of whether a disaster would be categorized as ''serious '' from the perspective of 23 U.S.C. 125. The $500,000 threshold was established to distinguish between heavy maintenance or routine emergency repairs and serious damage eligible under the ER program. This threshold at a minimum, must be elevated to reflect the change in the current purchasing power of the dollar.

The FHWA, therefore, proposes to use the increase in the composite index for the Federal-aid highway construction from 1987 to 1997. Section 668.105(j) would be amended to increase the minimum disaster eligibility threshold to $700,000. The FHWA would plan to periodically review the threshold and adjust as appropriate, through future rulemakings. In exceptional circumstances, such as in the case of Territories and in States with small highway programs, a disaster under the $700,000 threshold could be considered eligible for ER funding as is now the case with damage in the range of $500,000 or slightly less under the existing ER threshold.

ER Program Administration

In addition, the FHWA proposes to amend the part 668 regulation as follows to include recent clarifying guidance on administering the ER program:

Section 668.103 would be amended to include the following definition for betterments: ''Betterments.—Added protective features, such as rebuilding of roadways at a higher elevation or the lengthening of bridges, or changes which modify the function or character of a highway facility from what existed prior to the disaster or catastrophic failure, such as additional lanes or added access control.'' This amendment would clarify betterment guidance since there has been wide interpretation of the term ''betterments'' for determining ER funding eligibility. This definition of betterments would clearly establish the meaning of this term for the purposes of the FHWA's ER program.

Section 668.103 would also be amended to modify the definition of emergency repairs by replacing the

word ''travel'' with the word ''traffic'' to be consistent with other use of this phrase in title 23 United States Code, and in this regulation concerning the ER program. This revision would make item (3) under the definition read ''restoring essential traffic'' instead of ''restoring essential travel.''

Section 668.109(b)(6) would be amended to eliminate from the first sentence, ''such as relocation, replacement, upgrading or other added features not existing prior to the disaster.'' This would make this section consistent with the modified definition of betterments proposed to be included in Section 668.103. This revision would eliminate confusion in interpreting the term ''betterments'' for ER funding eligibility determination and would make it clear that relocation or replacement of a highway facility is not always a betterment under the ER program.

Section 668.109(c)(2)(i) would be amended by inserting the term to any public road'' after the word ''damage'' to further clarify the meaning of the sentence.

Section 668.109(c)(2)(iii) would be revised to expand the eligibility of ER funds to repair damages to Federal-aid highways caused by, not only vehicles making repairs to other transportation facilities, but also vehicles, such as fire engines or trucks removing debris, which are responding to a disaster.

Section 668.109(c)(8) would be amended by adding the term ''including snow and ice removal'' after the word ''system.'' This would clarify that snow and ice removal are part of the other normal maintenance activities and are not eligible for ER funding.

Section 668.109 (d) would be amended by replacing the phrase ''highway facilities'' with the phrase ''of a highway facility at its existing location'' in the first sentence after the term ''replacement;'' and by adding the following sentence after the last sentence: ''Where it is neither practical nor feasible to replace a damaged highway facility in kind at its existing location, an alternate facility selected through the National Environmental Policy Act (NEPA) process, if of comparable function and character to the destroyed facility, is eligible for ER reimbursement.'' This would further clarify the guidance on eligibility of replacement highway facilities, particularly in those special cases where replacement of a damaged highway is not practical or feasible at its existing location, and an alternative is developed through the NEPA process.

Section 668.111(b) on application procedures and the need for the field report would be modified to acknowledge the quick release process. The ''Quick Release'' process is used to very quickly deliver ER assistance to large disasters where damage is obvious and evident and there is an immediate need to make ER funds available to States within a very short time frame.

Section 668.111(c)(2) would be amended to add the term ''as appropriate'' after the term ''field report.'' This would allow enough flexibility in those instances where the quick release process is used as outlined in the added new section 668.111(b)(3). This would clarify section 668.111(c)(2) that an ER application need not include a field report if the application is to be processed under the ''Quick Release'' method.

Section 668.113(b)(1) would be revised to reflect the current project procedures. The reference to ''the certification acceptance procedures found in 23 U.S.C. 117'' would be eliminated because the method using certification acceptance procedures in administering Federal-aid projects has been eliminated from Title 23, U.S.C. by Transportation Equity Act for the 21st Century, TEA–21, P.L. 105–178.

Rulemaking Analysis and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue a final rule at any time after the close of the comment period. In addition to the late comments, the FHWA will also continue to file relevant information in the docket as it becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of the U.S. Department of Transportation's regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking would be minimal. These proposed changes would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. This rulemaking proposes to amend current regulations implementing the emergency relief program to revise the ER eligibility threshold established 10 years ago, as well as to incorporate changes made to clarify the guidance on the ER program. It is not anticipated that these proposed changes would affect the total Federal funding available under the ER program. Consequently, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action would not have a significant economic impact on a substantial number of small entities.

The economic impact on States and local jurisdictions would be minimal because the increase in threshold value is kept at a minimum level only to account for inflation based on the increase in the composite index for Federal-aid highway construction from 1987 to 1997. These amendments would clarify and simplify procedures used for providing emergency relief assistance to States in accordance with the existing laws, regulations and guidance. The ER funds received by the States would not be significantly affected by these proposed amendments. In any event, States are not included in the definition of ''small entity'' set forth in 5 U.S.C. 601. Therefore, this proposed action would not have a significant economic impact on a substantial number of small entities for the purposes of the Regulatory Flexibility Act.

Unfunded Mandates Reform Act

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the FHWA must prepare a budgetary impact statement on any proposal or final rule that includes a Federal mandate that may result in estimated annual costs to State, local or tribal government of $100 million or more. The Congressional Budget Office has also concluded that Pub. L. 105–117 would impose no Federal mandates, as defined in the Unfunded Mandates Reform Act, and would impose no significant costs on State, local, or tribal government. The FHWA concurs in that conclusion, and does not intend to impose any duties upon State, local, or tribal governments beyond those prescribed by Pub. L. 105–117.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. These proposed amendments would not preempt any State law or State regulation, and no significant additional costs or burdens would be imposed on the States thereby. In addition, this proposed rule would not affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This proposed action does not contain a collection of information requirement for the purpose of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The agency has analyzed this proposed action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR 668

Disaster assistance, Emergency Relief Program, Grant programs-transportation, Highways and roads.

Issued on: May 25, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA proposes to amend title 23, Code of Federal Regulations, part 668 as set forth below.

PART 668— EMERGENCY RELIEF PROGRAM

1. The authority citation for part 668 continues to read as follows:

Authority: 23 U.S.C. 101, 120(e), 125, and 315; 49 CFR 1.48(b).

2. Section 668.103 is amended by adding the term ''Betterments'' in alphabetical order, and by revising paragraph (3) of the term ''Emergency repairs'' to read as follows:

§ 668.103 Definitions.

* * * * *

Betterments. Added protective features, such as rebuilding of roadways at a higher elevation or the lengthening of bridges, or changes which modify the function or character of a highway facility from what existed prior to the disaster or catastrophic failure, such as additional lanes or added access control.

* * * * *

Emergency repairs. * * *

(3) Restoring essential traffic.

* * * * *

3. Section 668.105(j), is amended by removing the figure ''$500,000'' and inserting in its stead the figure ''$700,000''.

4. Section 668.109 is amended by revising paragraphs (b)(6), (c)(2)(i) and (iii), (c)(8), and (d) to read as follows:

§ 668.109 Eligibility.

* * * * *

(b) * * *

(6) Betterments, only where clearly economically justified to prevent future recurring damage. Economic justification must weigh the cost of betterment against the risk of eligible recurring damage and the cost of future repair;

* * * * *

(c) * * *

(2) * * *

(i) Repair of surface damage to any public road caused by traffic making repairs to Federal-aid highways.

* * * * *

(iii) Repair of surface damage to Federal-aid highways caused by vehicles responding to a disaster; provided the surface damage has occurred during the first 60 days after a disaster occurrence, unless otherwise approved by the FHWA Division Administrator.

* * * * *

(8) Other normal maintenance and operation functions on the highway system including snow and ice removal; and

* * * * *

(d) Replacement of a highway facility at its existing location is appropriate when it is not technically and economically feasible to repair or restore a seriously damaged element to its predisaster condition and is limited in ER reimbursement to the cost of a new facility to current design standards of comparable capacity and character to the destroyed facility. With respect to a bridge, a comparable facility is one which meets current geometric and construction standards for the type and volume of traffic it will carry during its design life. Where it is neither practical nor feasible to replace a damaged highway facility in kind at its existing location, an alternative selected through the National Environmental Policy Act (NEPA) process, if of comparable function and character to the destroyed facility, is eligible for ER reimbursement.

* * * * *

5. Section 668.111 is amended by adding paragraph (b)(3); and revising paragraph (c)(2) to read as follows:

§ 668.111 Application procedures.

* * * * *

(b) * * *

(3) For large disasters where extensive damage to Federal-aid highways is readily evident, the FHWA Administrator may approve an application under paragraph (d) of this section prior to preparation of the field report. In these cases, an abbreviated field report, summarizing eligible repair costs by jurisdiction, is to be prepared and submitted to FHWA Headquarters after the damage inspections have been completed.

(c) * * *

(2) A copy of the field report as appropriate.

* * * * *

6. Section 668.113 is amended by revising paragraphs (b)(1) and (b)(3) to read as follows:

§ 668.113 Program and project procedures.

* * * * *

(b) *Project procedures.* (1) Projects for permanent repairs shall be processed in accordance with regular Federal-aid procedures. In those cases where a regular Federal-aid project in a State similar to the ER project would be handled under the project oversight exceptions found in title 23 of the United States Code, the ER project can be handled in a similar fashion subject to the following two conditions:

(i) Any betterment to be incorporated into the project and for which ER funding is requested must receive prior FHWA approval; and

(ii) The FHWA reserves the right to conduct final inspections on all ER projects. The Division Administrator has the discretion to undertake final inspections on ER projects as deemed appropriate.

(2) * * *

(3) Emergency repair meets the criteria for categorical exclusions pursuant to 23 CFR 771.117 and normally does not require any further NEPA approvals.

[FR Doc. 99–14290 Filed 6–4–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Chapter II

Review of Existing Regulations

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Review of regulations; request for comment.

SUMMARY: MMS has been performing annual reviews of its significant regulations and asking the public to participate in these reviews since 1994. The purpose of the reviews is to identify and eliminate regulations that are obsolete, ineffective, or burdensome. In addition, the reviews are meant to identify essential regulations that should be revised because they are either unclear, inefficient, or interfere with normal market conditions. As MMS moves towards performance based regulations, we are looking at ways to offer regulatory relief to industry for exceptional performance. We request your comments and suggestions with respect to which regulations could be more performance based and less prescriptive.

The purpose of this document is twofold. First, we want to provide the public an opportunity to comment on MMS regulations that should be eliminated or revised, or could be more performance based. Second, we are providing a status update of the actions MMS has taken on comments previously received from the public in response to documents published March 1, 1994, March 28, 1995, May 20, 1996, April 24, 1997, and June 12, 1998. We will only include in this document status updates on comments which have not been closed or implemented in the five previous status update documents listed above.

DATES: Written comments must be received by August 6, 1999.

ADDRESSES: Mail written comments to Department of the Interior; Minerals Management Service; Mail Stop 4230; 1849 C Street NW; Washington, DC 20240; Attention: Bettine Montgomery, MMS Regulatory Coordinator, Policy and Management Improvement.

FOR FURTHER INFORMATION CONTACT: Bettine Montgomery, Policy and Management Improvement, telephone: (202) 208–3976; Fax: (202) 208–4891; and E-Mail: Elizabeth.Montgomery@mms.gov.

SUPPLEMENTARY INFORMATION: MMS began a review of its regulations in early 1994 under the directives contained in the President's Executive Order 12866. The Executive Order calls for periodic regulatory reviews to ensure that all significant regulations are efficient and effective, impose the least possible burden upon the public, and are tailored no broader than necessary to meet the agency's objectives and Presidential priorities.

We invited the public to participate in the regulatory review. The invitation was sent out via different media, namely a **Federal Register** document dated March 1, 1994 (59 FR 9718); MMS and independent publications; and public speeches by MMS officials during that time.

MMS received approximately 40 public comments which were almost equally divided between its Royalty Management and Offshore Minerals Management Programs. We acknowledged the comments in a July 15, 1994 (59 FR 36108), document and set forth our planned actions to address the comments, along with an estimated timetable for these actions.

In the **Federal Register** notices published March 28, 1995 (60 FR 15888); May 20, 1996 (61 FR 25160); April 24, 1997 (62 FR 19961); and June 12, 1998 (63 FR 32166), MMS: (a) asked for further public comments on its regulations, and (b) provided a status update of actions it had taken on the major public comments received to date. We received 10 responses from the 1995 document, 5 responses from the 1996 document, 2 responses from the 1997 document, and 3 responses from the 1998 document. A number of the commentators expressed appreciation for our streamlining efforts and responsiveness to suggestions from our regulated customers.

This document updates our planned actions and related timetables on the major comments received to date. It also solicits additional comments from the public concerning regulations that should be either eliminated or revised, or could be more performance based. Since some of the public responses received in response to prior documents contained comments on very specific and detailed parts of the regulations, this document does not address every one received. For information on any comment submitted which is not addressed in this document, please contact Mrs. Montgomery at the number and location stated in the forward sections of this document.

MMS regulations are found at Title 30 in the Code of Federal Regulations. Parts 201 through 243 contain regulations applicable to MMS's Royalty Management Program; Parts 250 through 282 are applicable to MMS's Offshore Minerals Management; and Part 290 is applicable to Administrative Appeals.

Status Report

The following is a status report by program area on the comments MMS has received, to date, on its regulations.

A. Offshore Minerals Management (OMM) Program

OMM is currently reviewing the following 10 sections of OMM regulations:

1. Regulations Governing Conservation of Resources and Diligence (30 CFR 250, Subpart A)

Comments Received—(a) ''Revise Determination of Well Producibility to make wireline testing and/or mud logging analysis optional * * *.'' (b) ''* * * consider comments from the 11/30/95 MMS sponsored workshop to formulate policy for granting SOP (suspension of production) approvals based on host capacity delays, non-contiguous unitization, and market conditions/economic viability.''

Action Taken or Planned—For (a) above, a proposed rule, ''Postlease Operations,'' revising Subpart A was published on February 13, 1998 (63 FR 7335). This revision addressed the determination of well producibility, and the public was invited to comment on this and all areas of the proposed rule. The comment period closed on July 17, 1998. For (b) above, MMS did consider the comments from the November 30, 1995, workshop on granting suspensions of production when preparing the proposed rule. A final rule is being prepared for publication.

Timetable—We plan to publish the final rule by mid-summer of 1999.

2. Regulations Applicable to Directional Surveys (30 CFR 250.401, Subpart D)

Comments Received—''Revise directional survey requirements to allow a composite measurement-while-drilling