September 16, 1997, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL OH E5 Washington Court House, OH [Revised]

Washington Court House, Fayette County Airport, OH
(Lat. 39°34′ 13″N., long. 83°25′ 14″W.)
Court House NDB
(Lat. 39°35′ 58″N., long. 83°23′ 32″W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fayette County Airport and within 6.4 miles either side of the 037° bearing from the Court House NDB, extending from the 6.5-mile radius to 7.0 miles northeast of the NDB, and within 2.2 miles either side of the 037° bearing from the Court House NDB, extending from the 6.5-mile radius to 10.0 miles northeast of the NDB.

* * * * *

Issued in Des Plaines, Illinois on January 22, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–3731 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201, 330, and 358

[Docket No. 96N–0420]

Over-the-Counter Human Drugs; Proposed Labeling Requirements; Notice of Availability of Study Data and Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period on specific data.

SUMMARY: The Food and Drug Administration (FDA) is reopening to March 30, 1998 the comment period on specific data related to the February 27, 1997, proposed rule to establish a standardized format for the labeling of over-the-counter (OTC) drug products (62 FR 9024). As part of that rulemaking proceeding, the agency collected data under a study entitled ''Evaluation of Proposed Over-the-Counter (OTC) Label Format Comprehension,'' (Study A). This document announces the availability of the data and frequency tabulations that summarize the Study A data and reopens the comment period for the OTC rulemaking proceeding to allow an opportunity for comment on Study A.

DATES: Submit written comments on Study A by March 30, 1998.

ADDRESSES: Submit written comments on the information collected in Study A to the Dockets Management Branch (HFA–305), ATTN: Study A, OTC Drug Labeling Data Collection, Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kathryn J. Aikin, Food and Drug Administration, Division of Drug Marketing, Advertising, and Communications (HFD–40), 5600 Fishers Lane, Rockville, MD 20857, 301–827–2828, Aikink@cder.fda.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 27, 1997 (62 FR 9024), FDA published a proposed rule intended to enable consumers to better read and understand OTC drug product labeling and to more effectively apply the information in the labeling to the safe and effective use of such products. An important element of FDA'S proposed rule is a standardized labeling format for OTC drug products.

After issuing the proposed rule, FDA published in the **Federal Register** a notice under the Paperwork Reduction Act of 1995 announcing the agency's intention to conduct four studies relating to OTC drug products (62 FR 28482, May 23, 1997). The agency intends at this time to use two of the studies (''Evaluation of Proposed Over-the-Counter (OTC) Label Format Comprehension, Study A,'' and ''Over-the-Counter (OTC) Label Format Preference, Study B'') in deliberations on developing a standardized, easy to read and easy to understand, labeling format for OTC drug products (see 62 FR 9024). In the **Federal Register** of December 30, 1997 (62 FR 67770), the agency requested comments specifically related to Study B. The data and frequency tabulations for Study A are now available.

In Study A, consumers were invited to view examples of OTC label designs. Respondents were asked questions designed to measure knowledge and attitudes about OTC drug products, as well as decisions about proper use of the products. The agency is now seeking comments on the data developed under Study A, including the participants' responses on the comprehension elements measured for the specific label designs viewed. The comments on Study A will be included in the agency's deliberations on developing a final, standardized OTC labeling format regulation.

Interested persons may, on or before March 30, 1998, submit written comments on the data developed under Study A to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document and labeled ''ATTN: Study A, OTC Drug Labeling Data Collection.'' The data, frequency tabulations, and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. An electronic format of the data are available on the internet at: www.fda.gov/CDER/ or can be obtained in electronic form from the Dockets Management Branch at the address listed previously.

Dated: February 4, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–3625 Filed 2-12-98; 8:45 am]

BILLING CODE 4160–01–F

NATIONAL MEDIATION BOARD

29 CFR Part 1208

Freedom of Information Act, Implementation; Fee Schedule

AGENCY: National Mediation Board.

ACTION: Proposed rule.

SUMMARY: The National Mediation Board is proposing to amend its rule implementing the Freedom of Information Act (FOIA), as provided by the Freedom of Information Reform Act of 1986 (Pub. L. 99–570), which requires that the NMB promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of FOIA requests and establishing procedures and guidelines for determining when such fees should be waived or reduced. The proposed revisions substantially conform to the Uniform Freedom of Information Act Fee Schedule and Guidelines published by the Office of Management and Budget in 52 FR 10012 (March 27, 1987).

DATES: Comments must be received by: March 16, 1998.

ADDRESSES: Send or deliver written comments to: Ronald M. Etters, General Counsel, 1301 K Street, N.W., Suite 250, Washington, D.C. 20572, Telephone (202) 523–5920.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986 (Pub. L. 99–570) requires agencies to adopt regulations that conform to the

Act regarding procedures and fees for obtaining copies of agency records. The Reform Act specifically required the Office of Management and Budget (OMB) to develop and issue a schedule of fees and guidelines pursuant to notice and comment. That Act also required agencies to publish their own regulations for those same purposes based upon the OMB guidelines. The regulations represent NMB's response to that requirement. They are based upon the OMB guidelines.

Executive Order 12291

This rule is not a ''major rule'' under Executive Order 12291 because it is not ''likely to result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.'' Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b), do not apply because the proposed rule does not impose any significant economic requirements upon small entities. Accordingly, no regulatory flexibility analysis is required.

Paperwork Reduction Act

These regulations, if promulgated in final form, will not result in any implications pursuant to the Paperwork Reduction Act.

List of Subjects in 29 CFR 1208

Freedom of information.

In consideration of the foregoing, the NMB proposes to amend Part 1208 of 29 CFR, Chapter X.

PART 1208—FREEDOM OF INFORMATION

1. The authority citation for part 1208 would continue to read as follows:

Authority: 44 Stat. 577, as amended; 45 U.S.C. 151–163.

2. Section 1208 would be revised to read as follows:

§ 1208.2 Production or disclosure of material or information.

(a) *Requests for identifiable records and copies.* (1) All requests for National Mediation Board records shall be filed in writing by mailing, faxing, or delivering the request to the Chief of Staff, National Mediation Board, Washington, DC 20572.

(2) The request shall reasonably describe the records being sought in a manner which permits identification and location of the records.

(i) If the description is insufficient to locate the records, the National Mediation Board will so notify the person making the request and indicate the additional information needed to identify the records requested.

(ii) Every reasonable effort shall be made by the Board to assist in the identification and location of the records sought.

(3) Upon receipt of a request for the records the Chief of Staff shall maintain records in reference thereto which shall include the date and time received, the name and address of the requester, the nature of the records requested, the action taken, the date the determination letter is sent to the requester, appeals and action thereon, the date any records are subsequently furnished, the number of staff hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

(4) All time limitations established pursuant to this section with respect to processing initial requests and appeals shall commence at the time a written request for records is received at the Board's offices in Washington, D.C.

(i) An oral request for records shall not begin any time requirement.

(b) *Processing the initial request.* (1) *Time limitations.* Within 20 working days (excepting Saturdays, Sundays, and working holidays) after a request for records is received, the Chief of Staff shall determine and inform the requester by letter whether or the extent to which the request will be complied with, unless an extension is taken under paragraph (b)(3) of this section.

(2) Such reply letter shall include:

(i) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, a brief explanation of how the exemption applies to the record withheld.

(ii) The name or names and positions of the person or persons, other than the Chief of Staff, responsible for the denial.

(iii) A statement that the denial may be appealed within thirty days by writing to the Chairman, National Mediation Board, Washington, D.C. 20572, and that judicial review will thereafter be available in the district in which the requester resides, or has his principal place of business, or the district in which the agency records are situated, or the District of Columbia.

(3) *Extension of time.* In unusual circumstances as specified in this paragraph, the Chief of Staff may extend the time for initial determination on requests up to a total of ten days (excluding Saturdays, Sundays, and legal public holidays). Extensions shall be granted in increments of five days or less and shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph ''unusual circumstances'' means, but only to the extent necessary to the proper processing of the request:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request, or the need for consultation among two or more components of the agency having substantial subject matter interest therein.

(4) *Treatment of delay as a denial.* If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the request may deem his request denied, and exercise a right of appeal, in accordance with § 1208.2(c). When no determination can be dispatched within the applicable time limit, the responsible official shall nevertheless continue to process the request; on expiration of the time limit he shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the Chairman of the Board in accordance with § 1208.2(c) and he may ask the requester to forego appeal until a determination is made.

(c) *Appeals to the Chairman of the Board.* (1) When a request for records has been denied in whole or in part by the Chief of Staff or other person authorized to deny requests, the requester may, within thirty days of its receipt, appeal the denial to the Chairman of the Board. Appeals to the Chairman shall be in writing, addressed to the Chairman, National Mediation Board, Washington, D.C. 20572.

(2) The Chairman of the Board will act upon the appeal within twenty working days (excluding Saturdays, Sundays and

legal public holidays) of its receipt unless an extension is made under paragraph (c)(3) of this section.

(3) In unusual circumstances as specified in this paragraph, the time for action on an appeal may be extended up to ten days (excluding Saturdays, Sundays and legal public holidays) minus any extension granted at the initial request level pursuant to § 1208.2(b)(3). Such extension shall be made written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph ''unusual circumstances'' means, but only to the extent necessary to the proper processing of the appeal:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request or the need for consultation among components of the agency having substantial subject matter interest therein.

(4) *Treatment of delay as a denial.* If no determination on the appeal has been dispatched at the end of the twenty-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States, as specified in 5 U.S.C. 552(a)(4). When no determination can be dispatched within the applicable time limit, the appeal will nevertheless continue to be processed; on expiration of the time limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review in the United States district court in the district in which he resides or has his principal place of business, the district in which the Board records are situated or the District of Columbia. The requester may be asked to forego judicial review until determination of the appeal.

(d) *Indexes of certain records.* (1) The National Mediation Board at its office in Washington, D.C. will maintain, make available for public inspection and copying, and publish quarterly (unless the Board determines by order published in the **Federal Register** that such publication would be unnecessary or impracticable) a current index of the materials available at the Board offices which are required to be indexed by 5 U.S.C. 552(a)(2).

(i) A copy of such index shall be available at cost from the National Mediation Board, Washington, D.C. 20572.

(ii) Reserved.

2. Section 1208.6 would be revised to read as follows:

§ 1208.6 Schedule of fees and methods of payment for services rendered.

(a) *Definitions.* For the purposes of this section the following definitions apply:

(1) The term *direct costs* means those expenditures which the National Mediation Board actually incurs in searching for, duplicating, and, in the case of commercial requesters, reviewing documents to respond to a FOIA request. For example, direct costs include the salary of the employee performing the work (the basic rate of pay for the employee plus sixteen percent of the rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space and heating or lighting the facility in which the records are stored.

(2) The term *search* includes all time spent looking for material that is responsive to a request, including page-by-page and line-by-line identification of material within documents. Searches may be done manually or by computer using existing programming.

(3) The term *duplication* refers to the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microfilm, audiovisual materials, or machine readable documentation (e.g., magnetic tape or disk), among others.

(4) The term *review* refers to the process of examining documents located in response to a commercial use request (see paragraph (a)(5) of this section) to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(5) The term *commercial use request* refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, the NMB will look first to the use which a requester will put the document requested. Where the NMB has reasonable cause to doubt the use is not clear from the request itself, the National Mediation Board may seek additional clarification before assigning the request to a specific category.

(6) The term *educational institution* refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education and an institution of vocational education, which operates a program or programs of scholarly research.

(7) The term *non-commercial scientific institution* refers to an institution that is not operated on a commercial basis as that term is defined in paragraph (a)(5) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(8) The term *representative of the news media* refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term ''news'' means information that is about current events or that would be of current interest to the public. These examples are not intended to be all inclusive. In the case of ''free-lance'' journalists, they may be regarded as working for a news organization if they demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but the NMB may also look to the past publication record of a requester in making this determination.

(b) *Exception of fee charges.* (1) With the exception of requesters seeking documents for a commercial use, the NMB will provide the first 100 pages of duplication and the first two hours of search time without charge. The world ''pages'' in this paragraph refers to paper copies of standard size, usually 8.5≥ × 11≥, or their equivalent in microfiche or computer disks. The term ''search time'' in this paragraph is based on a manual search for records. In applying this term to searches made by computer, when the cost of the search as set forth in paragraph (d)(2) of this section equals the equivalent dollar amount of two hours of the salary of the person performing the search, the NMB

will begin assessing charges for computer search.

(2) The NMB will not charge fees to any requesters, including commercial use requester, if the cost of collecting the fee would be equal to or greater than the fee itself.

(3)(i) The NMB will provide documents without charge or at reduced charges if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(ii) In determining whether disclosure is in the public interest under paragraph (b)(3)(i) of this section, the NMB will consider the following factors:

(A) *The subject of the request.* Whether the subject of the requested records concerns ''the operations or activities of the government'';

(B) *The informative value of the information to be disclosed.* Whether the disclosure is ''likely to contribute'' to an understanding of government operations or activities;

(C) *The contribution to an understanding of the subject by the general public likely to result from disclosure.* Whether disclosure of the requested information will contribute to ''public understanding'';

(D) *The significance of the contributions to the public understanding.* Whether the disclosure is likely to contribute ''significantly'' to public understanding of government operations or activities;

(E) *The existence and magnitude of a commercial interest.* Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(F) *The primary interest in disclosure.* Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ''primarily in the commercial interest of the requester.''

(iii) A request for a fee waiver based on the public interest under paragraph (b)(3)(i) of this section must address the factors of (b)(3)(ii) as they apply to the request for records in order to be considered by the Chief of Staff.

(c) *Level of fees to be charged.* The level of fees to be charged by the NMB in accordance with the schedule set forth in paragraph (d) of this section, depends on the category of the requester. The fee levels to be charged are as follows:

(1) A request for documents appearing to be for commercial use will be charged to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.

(2) A request for documents from an educational or non-commercial scientific institution will be charged for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, requesters must show that the request is being made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research.

(3) The NMB shall provide documents to requesters who are representatives of the news media for the cost of reproduction alone, excluding charges for the first 100 pages.

(4) The NMB shall charge requesters who do not fit into any of the categories above such fees which recover the full direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. All requesters must reasonably describe the records sought.

(d) The following fees shall be charged in accordance with paragraph (c) of this section:

(1) *Manual searches for records.* The salary rate (i.e., basic pay plus sixteen percent) of the employee(s) making the search. Search time under this paragraph and paragraph (d)(2) of this section may be charged for even if the NMB fails to locate responsive records or if records located are determined to be exempt from disclosure.

(2) *Computer searches for records.* The actual direct cost of providing the service, including computer search time directly attributable to searching for records responsive to a FOIA request, runs, and operator salary apportionable to the search.

(3) *Review of records.* The salary rate (i.e., basic pay plus sixteen percent) of the employee(s) conducting the review. This charge applies only to requesters who are seeking documents for commercial use and only to the review necessary at the initial administrative level to determine the applicability of any relevant FOIA exemptions, and not at the administrative appeal level or an exemption already applied.

(4) *Certification or authentication of records.* $2.00 per certification or authentication.

(5) *Duplication of records.* Fifteen cents per page for paper copy reproduction of documents, which the NMB determined is the reasonable direct cost of making such copies taking into account the average salary of the operator and the cost of the reproduction machinery. For copies of records prepared by computer, such as tapes or printouts, the NMB shall charge the actual cost, including operator time, of production of the tape or printout.

(6) *Forwarding material to destination.* Postage, insurance and special fees will be charged on an actual cost basis.

(7) *Other costs.* All other direct costs of preparing a response to a request shall be charged to requester in the same amount as incurred by NMB.

(e) *Aggregating requests.* When the NMB reasonably believes that a requester or group of requesters is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the NMB will aggregate any such requests and charge accordingly.

(f) *Charging interest.* Interest at the rate prescribed in 31 U.S.C. 3717 may be charged those requesters who fail to pay fees charged, beginning on the thirtieth day following the billing date. Receipt of a fee by the NMB, whether processed or not, will stay the accrual of interest. If a debt is not paid, the agency may use the provisions of the Debt Collection Act of 1982, (Pub. L. 97–365, 29 CFR part 1450) including disclosure to consumer reporting agencies, for the purpose of obtaining payment.

(g) *Advance payments.* The NMB will not require a requester to make an advance payment, i.e., payment before work is commenced or continued on a request, unless:

(1) The NMB estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250. Then the NMB will notify the requester of the likely cost and obtain satisfactory assurances of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charge in a timely fashion (i.e., within thirty days of the date of the billing), in which case the NMB requires the requester to pay the full amount owed plus any applicable interest as provided above or demonstrate that he has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester. When the NMB acts under paragraph (g)(1) or (2) of this section, the

administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., twenty working days from receipt of initial requests and twenty working days from receipt of appeals from initial denial, plus permissible extension of these time limits) will begin only after the NMB has received fee payments described above.

(h) *Payment.* Payment of fees shall be made by check or money order payable to the United States Treasury.

Dated: February 1, 1998.

Stephen E. Crable,

Chief of Staff.

[FR Doc. 98–3115 Filed 2–12–98; 8:45 am]

BILLING CODE 7550–01–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 218, 250, and 256

RIN 1010–AC32

Postlease Operations Safety

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: These proposed revisions update and clarify MMS regulations concerning postlease operations. The revised rule provides authority to MMS to grant an easement and a right-of-use for an outer Continental Shelf (OCS) tract to a State lessee. It also clarifies the distinction between granting and directing a suspension, and the different consequences of each; sets out criteria to disqualify an operator with repeated poor operating performance from acquiring any new leaseholdings; and requires written accident reports.

DATES: MMS will consider all comments we receive by May 14, 1998. We will begin reviewing comments then and may not fully consider comments we receive after May 14, 1998.

ADDRESSES: Mail or hand-carry written comments (3 copies) to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817; Attention: Rules Processing Team (Comments).

FOR FURTHER INFORMATION CONTACT: Kumkum Ray, Engineering and Operations Division, at (703) 787–1600.

SUPPLEMENTARY INFORMATION: The proposed revision of 30 CFR part 250, subpart A, is an effort to streamline and organize the various topics that apply in a general sense to all the other subparts under 30 CFR part 250. These postlease operations regulations would contain requirements as well as useful information and reference materials, with an emphasis on operations performance. We would include a newer edition of a document incorporated by reference (API RP 2A).

Definition of Lessee

We would include an owner of operating rights in the definition of lessee. We would emphasize in § 250.15(d) that, in addition to the lessee and operator, all persons who conduct lease activities on behalf of the lessee or operator must also comply with our regulations. The operator is responsible for the performance of its contractors. MMS will hold the operator accountable for the contractors' performance.

Performance standards

We would revise the regulation addressing crane operations to include certain specifications that apply to platforms in the Pacific OCS Region. Also, we would include two new sections under Performance standards: One on welding procedures and another on electrical equipment requirements. These requirements are repeated under Drilling (subpart D), Well-Completion (subpart E), and Well-Workover (Subpart F). Since the requirements apply to all exploration, development, and production operations, they would be listed in subpart A and would be removed from the various other subparts.

Disqualifying an operator

Safety is MMS's top priority for offshore operations. A new regulation has been proposed to provide criteria that MMS will consider, individually or collectively, in evaluating whether to disqualify operators with repeated poor safety performance from acquiring additional leases. In some particularly serious cases, this could also result in MMS disapproving or revoking a company's status as a designated operator. MMS will hold a meeting in Houston, Texas within the comment period of the rulemaking, to consult with industry before setting up criteria to implement this provision in our rules. We will publish the meeting notice in the **Federal Register**. We recognize that the vast majority of operators are conscientious in their operations. The intention of this provision is to safeguard you from the few that may be in dire non-compliance.

Civil Penalty

The reference related to civil penalty appeals has been deleted from subpart A. On August 8, 1997, MMS published a revision to subpart N which provides information related to civil penalty appeals.

Granting a right-of-use and easement

In our effort to establish and maintain a cooperative relationship with coastal States, and lessees of State submerged land oil and gas leases adjacent to the OCS, we are proposing to amend our regulations currently in § 250.7. (See proposed § 250.18). The proposed rule further implements the Secretary of the Interior's authority to regulate offshore operations under the OCS Lands Act. The rule would provide specific regulatory authority for Regional Directors to grant an easement and right-of-use on an OCS tract to the State lessee when the lease is near or adjacent to the Federal and State jurisdictional boundary. MMS would require an application processing fee, annual rental payments, and surety bonds from State lessees.

Suspensions

We are proposing to reorganize the section on suspensions to flow better and to distinguish clearly between granting or directing a suspension. A new provision at § 250.19 (l)(5) would authorize suspensions as necessary for the diligent development of marginal reserves that would otherwise not be developed. The proposed revisions to ''effect of suspensions on lease terms'' appear in § 250.19 and § 256.73.

Accident reports

Recent rapid growth in offshore exploration and production activities in the Gulf of Mexico has led to an attendant increase in accidents and injuries on the OCS related to these activities. Since safety is our top priority, MMS sees a strong need to upgrade our accident investigation functions to ensure the continued safety of OCS operations. The proposed rule adds a new requirement (proposed § 250.20(a)) that OCS operators, lessees, or permit holders provide the MMS District Supervisor with written reports concerning accidents on the OCS. We have provided a table to specify the reports required for different types of accidents. MMS will provide more guidance on thresholds for fires, and factors that impair safety, through Notices to Lessees. Safety concerns also prompted the new requirement in proposed paragraph (b) in this section to require evacuation statistics during natural occurrences such as earthquakes and hurricanes.