DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 70, 73, 74, 80, 81, 82, 101, 178, 201, and 701

[Docket Nos. 79N–0043 and 92N–0334]

Permanent Listing of Color Additive Lakes; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration is extending to August 3, 1996, the comment period for a proposed rule that published March 4, 1996 (61 FR 8372). The document proposed to list certain color additive lakes permanently as suitable and safe for use in foods, drugs, and cosmetics. FDA is taking this action in response to a request for additional time to review and understand the details of the proposed rule.

DATES: Written comments by August 3, 1996.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Process descriptions, identity information for anions in precipitants, and ingredient specifications for substrata (including rosin), and rosin samples to the Colors Technology Branch (HFS–126), Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

FOR FURTHER INFORMATION CONTACT:

Regarding proposed certification procedures and proposed product ingredient declarations: Julie N. Barrows, Center for Food Safety and Applied Nutrition (HFS–105), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4662.

Regarding other issues: Arthur L. Lipman, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3073.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 4, 1996 (61 FR 8372), FDA issued a proposed rule to list certain color additive lakes permanently as suitable and safe for use in foods, drugs, and cosmetics. The proposed rule modified a July 21, 1995, proposed rule regarding label declaration of FD&C Yellow No. 6 (60 FR 37611). Interested persons were given until June 3, 1996, to submit written comments on the proposal.

The agency has received a request from the Cosmetic, Toiletry, and Fragrance Association (CTFA) for an extension of the comment period for the proposal. Although FDA's general policy is not to extend such comment periods so that necessary regulations can be issued as expeditiously as possible, in this case the agency agrees that the requestor and others may need additional time to study the ramifications of this complex proposal in order to submit meaningful comments. Therefore, after careful consideration, FDA is extending the comment period for the proposal for an additional 60 days, until August 3, 1996.

Interested persons may, on or before August 3, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number of the rulemaking or rulemakings to which the comment is relevant. As stated in the March 4, 1996, proposed rule (61 FR 8372 at 8406), comments on modifications to the July 21, 1995 (60 FR 37611), proposal regarding label declaration of FD&C Yellow No. 6 should be identified with both docket numbers found in brackets in the heading of this document; comments on other aspects of the proposed rule should be identified with docket number 79N–0043 only. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In addition, interested persons may, on or before August 3, 1996, submit to the Office of Cosmetics and Colors (address above) written comments containing process information relating to the identity and current use of substrata (including rosin) in lakes, and samples of such substrata. Written comments regarding the use of anions other than chloride and sulfate in precipitants may also be submitted to this address. Two copies of each comment and one 5-pound sample are to be submitted, and each submission is to be identified with the docket number (79N–0043) found in brackets in the heading of this document.

Dated: May 29, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–14053 Filed 5–31–96; 12:12 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC19

Unitization

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: MMS proposes to amend its unitization regulations by removing the model unit agreements for exploration, development, and production units and development and production units. The model agreements would be available from the Regional Supervisor. The rule would also be written in ''plain English.'' We take this action to support the President's initiative to reform Government regulations. Our interest is to shorten the regulation and clarify the wording.

DATES: MMS will consider all comments received by August 5, 1996. We will begin reviewing comments at that time and may not fully consider comments we receive after August 5, 1996.

ADDRESSES: Mail or hand-carry written comments to the Department of the Interior, Minerals Management Service, 381 Elden Street, Mail Stop 4700, Herndon, Virginia 22070–4817, Attention: Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: Judith M. Wilson, Engineering and Standards Branch, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION: The rules on unitization in 30 CFR part 250, implementing Section 5(a)7 of the Outer Continental Shelf (OCS) Lands Act Amendments of 1978, were published on May 2, 1980. The rules were amended on February 16, 1982. The amended rulemaking removed the provisions that required segregation of the portion of the OCS oil and gas lease not included in the unit agreement. That amendment was based on the Department of the Interior (DOI) Solicitor's Opinion M–36927. The rules were amended again in April 1988, when MMS restructured and consolidated into one document the rules governing oil, gas, and sulphur exploration, development, and production operations on the OCS. The model unit agreements were incorporated at this time. The last revision was in July 1991, to include sulphur operations in unitization.

This subpart, 30 CFR part 250, Subpart M, Unitization, is intended to

prevent waste, conserve natural resources (protection of marine life was incorporated into conservation in 1971), and/or protect correlative rights. The rules include provisions to:

- explain the authority and requirements for unitization;
- provide for compulsory or voluntary unitization;
- explain requirements for competitive reservoir operations;
- explain how a lessee may request a determination of whether a reservoir is competitive;
- explain how to submit a joint development and production plan;
- explain the process for voluntary unitization;
- explain the process for compulsory unitization; and
- explain the role of a model agreement.

This proposed rule does not intend any substantive changes to this regulation. It would shorten existing regulations by removing the model unit agreements. The ''plain English'' would clarify the rule.

There are two model unit agreements, one for exploration, development, and production units, the other for development and production units. The model agreements would continue to be available from the Regional Supervisor. The Regional Supervisor could approve variations from the model agreements for good cause.

Author: This document was prepared by Judy Wilson, Engineering and Standards Branch, Offshore Resource Evaluation Division, MMS.

Executive Order (E.O.) 12866

This rule does not meet the criteria for a significant rule requiring review by the Office of Management and Budget under E.O. 12866.

Regulatory Flexibility Act

Since this proposed amendment has no economic effects, DOI has determined that this proposed rule will not have a significant effect on a substantial number of small entities.

Paperwork Reduction Act

This proposed rule contains a collection of information which has been submitted to the Office of Management and Budget (OMB) for review and approval under section 3507(d) of the Paperwork Reduction Act of 1995. As part of our continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on any aspect of the reporting burden. Submit your comments to the Office of Information and Regulatory Affairs, OMB, Attention Desk Officer for the Department of the Interior (OMB control number 1010–0068), Washington, DC 20503. Send a copy of your comments to the Chief, Engineering and Standards Branch; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070–4817. You may obtain a copy of the proposed collection of information by contacting the Bureau's Information Collection Clearance Officer at (703) 787–1242.

The title of this collection of information is ''30 CFR 250, Subpart M, Unitization.'' OMB previously approved it under OMB control number 1010–0068.

The collection of information consists of a proposed unit agreement; a proposed initial plan of operation; supporting geological, geophysical, and engineering data; and any other information necessary to show that the unitization proposal meets the criteria in § 250.190. If approved, respondents will submit to MMS a unit agreement, unit operation agreement, and the initial plan of operation as the Regional Supervisor may require.

MMS uses the information to ensure that operations under the proposed unit agreement will prevent waste, conserve natural resources, and protect correlative rights including the Government's interests.

Respondnets are Federal OCS oil, gas, and sulphur lessees. MMS receives approximately 53 responses each year. The frequency of submission varies.

MMS estimates the annual reporting burden to be approximately 2,424 hours, an average of 45.7 hours per response. Based on $35 per hour, the burden hour cost to respondents is estimated to be $84,840. The estimate of other annual costs to respondents is unknown.

MMS will summarize written responses to this notice and address them in the final rule. All comments will become a matter of public record.

1. MMS specifically solicits comments on the following questions:

(a) Is the proposed collection of information necessary for the proper performance of MMS's functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the Paperwork Reduction Act of 1995 requires agencies to estimate the total annual cost burden to respondents or recordkeepers resulting from the collection of information. MMS needs your comments on this item. Your response should split the cost estimate into two components:

(a) Total capital and startup cost component and

(b) Annual operation, maintenance, and purchase of services component.

Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: before October 1, 1995; to comply with requirements not associated with the information collection; for reasons other than to provide information or keep records for the Government; or as part of customary and usual business or private practice.

The Paperwork Reduction Act of 1995 provides that 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.

Takings Implication Assessment

The DOI certifies that this rule does not represent a governmental action capable of interference with constitutionally protected property rights. A Takings Implication Assessment prepared pursuant to E.O. 12630, Government Action and Interference with Constitutionally Protected Property Rights, is not required.

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

DOI has certified to OMB that this proposed rule meets the applicable civil justice reform standards provided in Sections 3(b)(2) of E.O. 12988.

National Environmental Policy Act

MMS has examined the proposed rulemaking and has determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)).

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.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons set forth in the preamble, the Minerals Management Service proposes to amend 30 CFR part 250 as follows:

PART 250—SUBPART M—UNITIZATION

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1334.

2. Subpart M is revised to read as follows:

Subpart M—Unitization

Sec.
250.190 What is the purpose of this subpart?
250.191 What are the requirements for unitization?
250.192 What if I have a competitive reservoir on my lease?
250.193 How do I get approval for voluntary unitization?
250.194 How will MMS require unitization?

Subpart M—Unitization

§ 250.190 What is the purpose of this subpart?

This subpart explains how Outer Continental Shelf (OCS) leases are unitized. If you are an OCS lessee, use the regulations in this subpart for both voluntary and required unitization situations. The purpose of unitization is to:

(a) Conserve natural resources;

(b) Prevent waste; and/or

(c) Protect correlative rights, including Federal royalty interests.

§ 250.191 What are the requirements for unitization?

(a) *Voluntary unitization.* You and other OCS lessees may ask the Regional Supervisor to approve a request for voluntary unitization. The Regional Supervisor may approve the request for voluntary unitization if unitized operations:

(1) Will promote and expedite lease exploration and development; or

(2) Are necessary to prevent waste, conserve natural resources, or protect correlative rights, including Federal royalty interests, of a reasonably delineated and productive reservoir.

(b) *Compuslory unitization.* The Regional Supervisor may require you and other lessees to unitize operations if unitized operations are necessary to prevent waste, conserve natural resources, or protect correlative rights of a reasonably delineated and productive reservoir.

(c) *Unit area.* The area that a unit includes is the minimum number of leases that will allow the lessees to minimize the number of platforms, facility installations, and wells necessary for efficient exploration, development, and production. A unit may include whole leases of portions of leases.

(d) *Unit agreement.* You and the other lessees of the leases in the unit must enter into a unit agreement that allocates benefits to unitized leases. The unit agreement must designate a unit operator and specify the effective date of the unit agreement. A unit agreement of terminates when the unit no longer produces unitized substances and the unit operator no longer conducts drilling or well-workover operations under the unit agreement, unless the Director orders or approves a suspension of production under § 250.10.

(e) *Unit operating agreement.* The unit operator and the owners of working interests in the unitized leases must enter into a unit operating agreement. The unit operating agreements must describe how all the unit participants will apportion all costs and liabilities incurred maintaining or conducting operations. When a unit involves one or more net-profit-share leases, the unit operating agreement must describe how to attribute costs and credits to the net-profit-share lease(s).

(f) *Termination or adjustment of a unit agreement.* If your unit agreement expires or terminates, or if MMS adjusts the unit area to exclude your lease from the unit, your lease expires unless:

(1) Its initial term has not expired;

(2) You conduct drilling, production, or well-reworking operations on your lease consistent with applicable regulations; or

(3) MMS orders or approves a suspension of production or operations for your lease.

(g) *Unit operations.* If your lease is subject to a unit agreement, the entire lease continues for the term provided in the lease and as long thereafter as any portion of your lease remains part of the unit area, and as long as operations continue the unit in effect.

(1) Drilling, production, and well-reworking operations performed on any lease in accordance with the unit agreement benefit all leases in the unit. If your unit ceases drilling activities for a period between the discovery and delineation of one or more reservoirs and the initiation of actual development and production operations and that time period would extend beyond your lease's primary term, you must request and obtain MMS approval of a suspension of production under § 250.10.

(2) When a lease in a unit agreement is beyond the primary term and the lease or unit is not producing, the lease will expire unless:

(i) You conduct a continuous drilling or well reworking program designed to develop or restore the lease or unit production; or

(ii) MMS orders or approves a suspension of operations under § 250.10.

§ 250.192 What if I have a competitive reservoir on my lease?

(a) The Regional Supervisor may require you to conduct development and production operations in a competitive reservoir under either a voluntary joint Development and Production Plan or a unitization agreement. A competitive reservoir has one or more producing or producible well completions on each of two or more leases, or portions, with different owners. For purposes of this paragraph, a producible well completion is a well which is capable of production and which is shut in but not necessarily connected to production facilities, and from which the operator plans future production.

(b) You may request that the Regional Supervisor make a preliminary determination whether a reservoir is competitive. When you receive the preliminary determination, you have 30 days (or longer if the Regional Supervisor allows additional time) to concur or to submit an objection with supporting evidence if you do not concur. The Regional Supervisor will make a final determination and notify you.

(c) If you conduct drilling or production operations in a competitive reservoir, you and the other affected lessees must submit for approval a joint plan of operations. You must submit the joint plan within 90 days after the Regional Supervisor makes a final determination that the reservoir is competitive. The joint plan must provide for the development and/or production of the reservoir. You may submit supplemental plans for the Regional Supervisor's approval.

(d) If you and the other affected lessees cannot reach an agreement on a joint Development and Production Plan within the approved period of time, each lessee must submit a separate plan to the Regional Supervisor. The Regional Supervisor may hold a hearing to resolve differences in the separate plans. If the differences in the separate plans are not resolved at the hearing and the Regional Supervisor determines that unitization is necessary under § 250.191(b), MMS will initiate unitization under § 250.194.

§ 250.193 How do I get approval for voluntary unitization?

(a) You must file a request with the Regional Supervisor for approval of a unit. Your request must include:

(1) A draft of the proposed unit agreement;

(2) A proposed initial plan of operation;

(3) Supporting geological, geophysical, and engineering data; and

(4) Other information that may be necessary to show that the unitization proposal meets the criteria of § 250.190.

(b) The unit agreement must comply with the requirements of this part. MMS will provide a model unit agreement for you to follow. If you make changes to the model agreement, you must obtain the approval of the Regional Supervisor.

(c) After the Regional Supervisor approves your unitization proposal, you and the unit operator must sign it and file copies of the unit agreement, the unit operating agreement, and the plan of operation with the Regional Supervisor.

§ 250.194 How will MMS require unitization?

(a) If the Regional Supervisor determines that unitization of operations within a proposed unit area is necessary to prevent waste, conserve natural resources of the OCS, or protect correlative rights, including Federal royalty interests, the Regional Supervisor may order unitization according to a plan for unitization. This plan will conform to the model unit agreement available from the Regional Supervisor unless the Regional Supervisor approves a variation.

(b) If you ask MMS to compel unitization, you must file a request with the Regional Supervisor. Include a proposed unit agreement as described in § 250.192(b), a proposed unit operating agreement, and a proposed initial plan of operation together with supporting geological, geophysical, and engineering data, and any other information that may be necessary to show that unitization meets the criteria of § 250.190. The proposed unit agreement must include a counterpart executed by each lessee seeking compulsory unitization. Lessees seeking compulsory unitization must simultaneously serve, on the non-consenting lessees, copies of:

(1) The request;

(2) The proposed unit agreement with executed counterparts;

(3) The proposed unit operating agreement; and

(4) The proposed initial plan of operation.

(c) If the Regional Supervisor initiates compulsory unitization, MMS will serve all lessees of the proposed unit area with a copy of the plan for unitization and a statement of reasons for the proposed unitization.

(d) The Regional Supervisor will not compel unitization until MMS provides all lessees of the proposed unit area written notice and an opportunity for a hearing. If you want MMS to hold a hearing, you must request it within 30 days after you receive written notice from the Regional Supervisor or after you are served with a request for compulsory unitization from anther lessee.

(e) MMS will not hold a hearing under this paragraph until at least 30 days after MMS provides written notice of the hearing date to all parties owning interests which would be made subject to the unit agreement. The Regional Supervisor must give all lessees of the proposed unit area an opportunity to submit views orally or in writing and to question both those seeking and those opposing compulsory unitization. Adjudicatory procedures are not required. The Regional Supervisor will make a decision based upon a record of the hearing, including any written information made a part of the record. The Regional Supervisor will arrange for a court reporter to make a verbatim transcript. The party seeking compulsory unitization must pay for the court reporter and pay for and provide to the Regional Supervisor within 10 days after the hearing three copies of the verbatim transcript, made by a court reporter.

(f) The Regional Supervisor will issue an order that requires or rejects compulsory unitization. That order must include a statement of reasons for the action taken including identification of those parts of the record which form the basis of the decision. Any party may appeal the final order of the Regional Supervisor under 30 CFR part 290.

[FR Doc. 96–13990 Filed 6–4–96; 8:45 am]

BILLING CODE 4310–MR–M

---

30 CFR Part 256

RIN 1010–AC15

Drilling Requirements for Outer Continental Shelf Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Minerals Management Service (MMS) proposes to amend its lease term regulations to remove the requirement that all lessees begin an exploratory well within the first 5 years of the primary term for new 8-year leases on the Outer Continental Shelf (OCS). MMS is proposing this change because recently enacted legislation provides more effective incentives to expedite lease development. A drilling requirement would apply when MMS stipulates a drilling requirement in the notice of sale.

DATES: MMS will consider all comments received by August 5, 1996. We will begin reviewing comments at that time and may not fully consider comments we receive after August 5, 1996.

ADDRESSES: Mail or hand-carry written comments to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 4700; Herndon, Virginia 22070–4817; Attention: Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: Judith M. Wilson, Engineering and Standards Branch, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION: Section 8(b) of the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 *et seq.*, as amended, 92 Stat. 629, states that an oil and gas lease is issued ''for an initial period of five years; or not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water * * *.'' Currently, MMS offers 10-year terms for leases in water depths of 900 meters or more. In water depths of 400 to 900 meters, MMS offers 8-year lease terms