

on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State or Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 14, 1995.

Tim L. Dieringer,

Acting Assistant Director, Eastern Support Center.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

[CGD 93–022]

RIN 2115–AE41

Automated Dependent Surveillance Shipborne Equipment: Incorporation by Reference

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the incorporation by reference provisions or the Automated Dependent Surveillance (ADS) Shipborne Equipment. Due to the development of new Differential Global Positioning System (DGPS) standards, the existing standard incorporated by reference, Radio Technical Commission for Maritime Services' (RTCM) Recommended Standards for Differential NAVSTAR GPS Service, Version 2.0 contained in 33 CFR 164.03, has been superseded by new standards contained in Version 2.1. The Coast Guard proposes to replace Version 2.0 by incorporating the new standards contained in Version 2.1.

Additionally, Digital Selective Calling (DSC) standards for use with Vessel Traffic Services (VTS) and Maritime Mobile Services have recently been developed by the International Telecommunication Union Radiocommunication Bureau (ITU–R) and are also being proposed as a new incorporation by reference.

The new DGPS standards will ensure that ADS is compatible with the Coast Guard national DGPS network. The standards will also provide additional user safety information such as differential station health indicators.

The new DSC standards will ensure that the Automated Dependent Surveillance Shipborne Equipment (ADSSE), built by various manufacturers, will provide the same message in an internationally accepted format.

DATES: Comments must be received on or before June 19, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 93–022), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to Room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this rulemaking.

Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

A copy of the material proposed for "Incorporation by Reference" is available for inspection at Room 1409, U.S. Coast Guard Headquarters. It may also be obtained from the sources listed in the proposed rule.

FOR FURTHER INFORMATION CONTACT:

Irene Hoffman, Project Manager, Vessel Traffic Services Division. The telephone number is 202–267–6277.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 93–022) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Irene Hoffman, Project Manager, Vessel Traffic Services Division and Nicholas Grasselli, Project Counsel, Office of Chief Counsel.

Background and Purpose

Section 5004 of the Oil Pollution Act of 1990, as codified in 33 U.S.C. 2374, directed the Coast Guard to acquire, install, and operate additional equipment, as necessary, to provide surveillance of tank vessels carrying oil

from the Trans-Alaskan Pipeline through Prince William Sound.

While endeavoring to meet the requirements of the Act, the Coast Guard investigated various types of surveillance systems, including radar and dependent surveillance systems. The Coast Guard determined an ADS system that uses DGPS would meet the Coast Guard's requirements without being cost prohibitive to the Government and the user. The shipboard portion of the system, ADSSE, includes a 12 channel all-in-view DGPS receiver, a marine radiobeacon band receiver capable of receiving DGPS error correction messages, a VHF/FM transceiver using DSC, and a control unit.

On July 17, 1992, the Coast Guard published a final rule, Prince William Sound Automated Dependent Surveillance System, in the **Federal Register** (57 FR 31660). This final rule amended the Prince William Sound VTS regulations by incorporating the use of ADS using DGPS. The regulation requires tank vessels of 20,000 DWT or more, transiting Prince William Sound, to carry operating ADSSE.

Since the publication of this regulation, the Coast Guard has determined that the use of ADS may expand beyond Prince William Sound. In order to facilitate future expansion into other areas of the U.S., the final rule amending the National VTS Regulations (59 FR 36316), divided the Prince William Sound Automated Dependent Surveillance System rule into two sections: (a) A navigation equipment rule (§ 164.43); and (b) a vessel operating rule for Prince William Sound (§ 165.1704). VTS Reporting Exemptions for vessels equipped with an operating ADSSE are set forth in § 161.23(c). The "Incorporation by Reference" section (§ 161.109) associated with this rule has been redesignated as § 164.03(b)(2).

Discussion of Proposed Rules

Due to the development of new DGPS standards, the existing standard incorporated by reference, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.0 RTCM Paper 134-89/SC 104-68 incorporated in 33 CFR 164.03, has been superseded. Differential NAVSTAR GPS Service, Version 2.0 will be replaced with the new standards, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1 RTCM Paper 194-93/SC 104-STD, which have been developed with industry input and approved by RTCM.

Additionally, DSC standards for use with VTS and Maritime Mobile Service, Optional Expansion of the DSC System for use in the Maritime Mobile Service, ITU-R Recommendation 821 and Characteristics of a Transponder System using DSC Techniques for use with VTS and Ship-to-Ship Identification, ITU-R Recommendation 825, have been developed by the ITU-R with industry input and will also be incorporated by reference.

Incorporation by Reference

The proposed material would be incorporated by reference in § 164.03. Copies of the material are available for inspection where indicated under **ADDRESSES**. Copies of the material are also available from the sources listed in § 164.03.

Before publishing a final rule, the Coast Guard will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The upgrade of DGPS receivers from Version 2.0 RTCM Paper 134-89/SC 104-68, to Version 2.1 RTCM Paper 194-93/SC 104-STD requires only a firmware upgrade. At least one manufacturer has indicated that this upgrade is available at no cost to the user. Additionally, recent indications are that the cost to initially outfit tank vessels with DGPS equipment may be less than the original estimate of \$50,000 per vessel. A more reasonable estimate now would be approximately \$15,000 per vessel. The cost is expected to drop further as dependent surveillance is implemented in other U.S. ports and worldwide.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small

entities" may include: (1) Small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields; and (2) governmental jurisdictions with populations of less than 50,000. This regulation will only affect owners and operators of tank vessels of 20,000 or more DWT operating in Prince William Sound and carrying oil from the Trans-Alaska Pipeline. The construction and operating costs of vessels of this size is such that their owners tend to be major corporations or subsidiaries of major corporations. Business entities with the capital and operating costs of this magnitude do not meet the definition of "small entities."

Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation.

This rulemaking is intended to improve accuracy and reliability of vessel tracking equipment. It may benefit the environment by reducing the potential for catastrophic oil spills which may result from tank vessels involved in groundings, ramblings, or collisions. While this rulemaking may have a positive effect on the environment by minimizing the risk of environmental harm resulting from collisions and groundings, the impact is not expected to be significant enough to warrant further documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 164

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways, Incorporation by reference.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 164 as follows:

PART 164—NAVIGATION SAFETY REGULATIONS

1. The authority citation for part 164 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502 sec. 4114(a), Pub.L. 101-380, 104 Stat. 517 (46 U.S.C. 3703 note). Sec. 164.61 also issued under 46 U.S.C. 6101.

2. Section 164.03 paragraph (b) is revised to read as follows:

§ 164.03 Incorporation by Reference

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(b) The materials approved for incorporation by reference in this part and the sections affected are:

- International Maritime Organization (IMO)*
4 Embankment, London, SE1 7SR, U.K.
Recommendation on Performance Standards for Automatic Pilots, Resolution A.342(IX), adopted November 12, 1975 164.13
- Radio Technical Commission For Maritime Services (RTCM)*
655 Fifteenth St., N.W., Suite 300, Washington, D.C. 20005
Minimum Performance Standards (MPS) Marine Loran C Receiving Equipment, RTCM Paper 12-78/DO-100, 1977 164.41
- RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, RTCM Paper 194-93/SC 104-STD, 1994* 164.43
- International Telecommunication Union Radiocommunication Bureau (ITU-R)*
Place de Nations CH-1211 Geneva 20 Switzerland
Optional Expansion of the Digital Selective-Calling System for use in the Maritime Mobile Service, ITU-R Recommendation 821, 1992 164.43
- Characteristics of a Transponder System using Digital Selective-Calling Techniques for use with Vessel Traffic Services and Ship-to-Ship Identification, ITU-R Recommendation 825, 1992* 164.43

Dated: March 30, 1995.

G.A. Penington,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation Safety and Waterway Services.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 144-3-6972a; FRL-5194-1]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from semiconductor manufacturing.

The intended effect of proposing approval of this rule is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking (NPRM) will incorporate these rules into the federally approved SIP. EPA has evaluated each of these rules and is proposing to approve them under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: Comments must be received on or before May 22, 1995.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Rulemaking Section [A-5-3], Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

- Environmental Protection Agency, Air Docket 6102, ANR 443, 401 "M" Street, S.W., Washington 20460.
- California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.
- South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

FOR FURTHER INFORMATION CONTACT: Helen Liu, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San

Francisco, CA 94105. Telephone: (415) 744-1199.

SUPPLEMENTARY INFORMATION:

Applicability

The rule being proposed for approval into the California SIP is the South Coast Air Quality Management District (SCAQMD) Rule 1164—Semiconductor Manufacturing. This rule was submitted by the California Air Resources Board (CARB) to EPA on February 24, 1995.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included the Los Angeles-South Coast Air Basin Area (South Coast Area). 43 FR 8964; 40 CFR 81.305. Because this area was unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. [40 CFR 52.222] On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the above district's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies. Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.¹ EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment

¹ Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).