

2. Paragraphs (b) through (h) are added to § 1952.297 of Subpart W to read as follows:

§ 1952.297 Changes to approved plans.

* * * * *

(b) *Notices of violation.* The State submitted a procedure for issuing notices of violation in lieu of citations for certain other than serious violations which the employer agrees to abate. The procedure as modified was approved by the Assistant Secretary on August 24, 1995.

(c) *Legislation.* The State submitted amendments to its Occupational Safety and Health Act, enacted in 1981, which provide for notices of violation in lieu of citations for certain other than serious violations; delete the authority for temporary variances for other than new standards; allow the Nevada Occupational Safety and Health Appeals Board to employ legal counsel; allow penalty collection actions to be brought in any court of competent jurisdiction; and ensure confidentiality to employees making statements to the Division of Occupational Safety and Health. Further amendments, enacted in 1989: require the maintenance of specific logs relating to complaints; provide public access to records on complaints, except for confidential information; provide confidentiality for those employees who file complaints or make statements, as well as for files relating to open cases; allow representatives of employees and former employees access to any records which indicate their exposure to toxic materials or harmful physical agents; define representative of employees or former employees; allow health care providers and government employees in the field of public safety, to file complaints; allow for oral complaints; require the division to respond to valid complaints of serious violations immediately and of other violations within 14 days; provide that an employee who accompanies a compliance officer on the inspection is entitled to be paid for the time spent, but that only one employee may accompany the compliance officer during the inspection; allow the Administrator of the Division of Occupational Safety and Health to issue an emergency order to restrain an imminent danger situation; and, double maximum authorized penalty levels. Amendments enacted in 1993 reflect the new State organizational structural by designating the previous Divisions as sections in the Division of Industrial Relations of the Department of Business and Industry. The Assistant Secretary approved these amendments on August 24, 1995.

(d) *Field Operations Manual.* The State's Field Operations Manual, comparable to the Federal Field Operations Manual, through Change 4, was approved by the Assistant Secretary on August 24, 1995.

(e) *Consultation Manual.* The State's Training and Consultation Section Policies and Procedures Manual was approved by the Assistant Secretary on August 24, 1995.

(f) *Occupational Safety and Health Administration Technical Manual.* The State's adoption of the Federal OSHA Technical Manual, through Change 3, with a cover sheet adapting Federal references to the State's administrative structure, was approved by the Assistant Secretary on August 24, 1995.

(g) *Pre-construction conferences.* A State regulations requiring pre-construction conferences with the Division of Industrial Relations for certain types of construction projects was approved by the Assistant Secretary on August 24, 1995.

(h) *Reorganized Plan.* The reorganization of the Nevada plan was approved by the Assistant Secretary on August 24, 1995.

[FR Doc. 95-20863 Filed 8-23-95; 8:45 am]
BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

Missouri Abandoned Mine Land (AML) State Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Missouri AML State Reclamation Plan (hereinafter referred to as the "Missouri plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Missouri proposed changes to its statutes, rules, and certain sections of the Missouri plan pertaining to contractor responsibility, exclusion of certain noncoal reclamation sites, reporting requirements, creation of a future reclamation set-aside program, and general reclamation requirements. The amendment is intended to revise the Missouri plan to be consistent and in compliance with the corresponding Federal standards, and to improve operational efficiency.

EFFECTIVE DATE: August 24, 1995.

FOR FURTHER INFORMATION CONTACT: Robert L. Markey, Acting Director, Kansas City Field Office, 934 Wyandotte St., Room 500, Kansas City, Missouri 64105, Telephone: (816) 374-6405.

SUPPLEMENTARY INFORMATION:

I. Background on Title IV of SMCRA

Title IV of SMCRA established an abandoned mine land reclamation (AMLR) program for the purpose of reclaiming and restoring lands and waters adversely affected by past mining. The Secretary of the Interior adopted regulations at 30 CFR 870 through 888 that implement Title IV of SMCRA. The program is funded by a reclamation fee levied on the production of coal.

Title IV provides for State submittal to OSM of an AMLR plan. The Federal regulations at 30 CFR Part 884 specify the content requirements of a State reclamation plan and the criteria for plan approval. Under these regulations, the Secretary reviewed the plans submitted by States and solicited and considered comments of State and Federal agencies and the public. Based upon the comments received, the Secretary determined whether a State had the ability and necessary legislation to implement the provisions of Title IV. After making such a determination, the Secretary decided whether to approve the State program. Approval granted the State exclusive authority to administer its plan. Upon approval of a State plan by the Secretary, the State may submit to OSM, on an annual basis, an application for funds to be expended by that State on specific projects that are necessary to implement the approved plan. Such annual requests are reviewed and approved by OSM in accordance with the requirements of 30 CFR part 886.

The Federal regulations at 30 CFR 884.15 provide that a State may submit to OSM a proposed amendment or revision to its approved reclamation plan. If the amendment or revision changes the objective, scope, or major policies followed by the State in the conduct of its reclamation program, the Director must follow the procedures set out in 30 CFR 884.14 for approval or disapproval of an amendment or revision to the State's AML plan.

Title IV of SMCRA, as enacted in 1977, provided that lands and waters eligible for reclamation were those that were mined or affected by mining and abandoned or inadequately reclaimed prior to August 3, 1977, and for which there was no continuing reclamation responsibility under State, Federal, or

other laws. The Abandoned Mine Reclamation Act of 1990 (Pub. L. 101-508, Title VI, Subtitle A, Nov. 5, 1990, effective Oct. 1, 1991) amended Title V of SMCRA to allow AML funds to be used to reclaim or abate mining-related problems at coal sites where the mining occurred after August 3, 1977. Such coal sites include (1) Interim program sites where mining occurred between August 4, 1977, and the date the Secretary approved a State's regulatory program in accordance with section 503 of SMCRA, and where bond forfeiture proceeds are insufficient for adequate reclamation and (2) bankrupt surety sites where mining occurred between August 4, 1977, and November 5, 1990, and as of November 5, 1990, funds available from the bankruptcy proceedings are not sufficient to provide for adequate reclamation or abatement. New Federal regulations at 30 CFR Subchapter R were adopted to implement the Abandoned Mine Reclamation Act of 1990 amendments to Title IV of SMCRA (see 59 FR 28136, May 31, 1994).

II. Background on the Missouri Plan

On January 29, 1982, the Secretary of the Interior approved the Missouri plan. General background information, including the Secretary's findings, the disposition of comments, and the approval of the Missouri plan can be found in the January 29, 1982, **Federal Register** (47 FR 4253). Subsequent actions concerning Missouri's plan and plan amendments can be found at 30 CFR 925.25.

III. Proposed Amendment

By letter dated November 29, 1995 (administrative record No. AML-MO-89), Missouri submitted a proposed amendment to the Missouri plan pursuant to SMCRA. Missouri submitted the proposed amendment in response to a September 26, 1994, letter (administrative record No. AML-MO-88) that OSM sent to Missouri in accordance with 30 CFR 884.15(d). Missouri proposed to amend its statutes at (1) Revised Statutes of Missouri (RSMo) 444.810.2, rulemaking procedures of the Land Reclamation Commission (Commission) and (2) RSMo 444.915.3, lands and water eligible for expenditures of the abandoned mine reclamation fund. Missouri also proposed to amend its regulations at 10 Code of State Regulations (CSR) 40-9.020(1) (D) and (E), and (3), other coal lands and waters eligible for reclamation activities. In addition, Missouri proposed to amend certain provisions of its AML State Reclamation Plan at (1) Section 884.13(C)(2), project ranking and

selection procedures, (2) Section 884.13(D)(3), purchasing and procurement procedures, and (3) Section 884.13(D)(4), accounting procedures.

OSM announced receipt of the proposed amendment in the December 13, 1994, **Federal Register** (59 FR 64176), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. AML-MO-91). The public comment period ended on January 12, 1995. At the request of the Missouri Department of Natural Resources, OSM held a public meeting in Jefferson City, Missouri on March 1, 1995. OSM entered a summary of the public meeting into the administrative record (administrative record No. AML-MO-96).

During its review of the proposed amendment, OSM identified concerns relating to the provisions of (1) RSMo 44.915.3(3), reclamation of coal sites where mining occurred between certain dates and the surety company became insolvent, (2) 10 CSR 40-9.020(1) (D) and (E), eligible coal lands and water, and (3) Section 884.13(D)(4) of the Missouri AML State Reclamation Plan, creation of a future reclamation set-aside program. OSM notified Missouri of the concerns by letter dated February 16, 1995 (administrative record No. AML-MO-93).

Missouri responded in a letter dated May 16, 1995, by submitting a revised amendment and additional explanatory information (administrative record No. AML-MO-100). Missouri proposed revisions to and additional explanatory information for (1) RSMo 444.915.3(3), reclamation of insolvent surety coal sites, (2) 10 CSR 40-9.020(1), priorities of eligible coal lands and waters for reclamation and reimbursement for the cost of reclamation, and (3) Section 884.13(D)(4) of the Missouri AML State Reclamation Plan, use of AML State-share funds to establish a future set-aside program in Missouri.

Based upon the revisions to and additional explanatory information for the proposed plan amendment submitted by Missouri, OSM reopened the public comment period in the May 25, 1995, **Federal Register** (60 FR 27708, administrative record No. AML-MO-91). The public comment period ended on January 12, 1995.

IV. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 884.14 and 884.15, finds that the proposed Missouri plan amendment submitted by Missouri on November 29,

1994, and as revised by it and supplemented with additional explanatory information on May 16, 1995, is not inconsistent with SMCRA and is in compliance with the corresponding Federal regulations at 30 CFR Subchapter R. Accordingly, the Director approves the proposed amendment.

1. Nonsubstantive Revisions to Missouri's Statutes, Rules, and Sections of the AML State Reclamation Plan

Missouri proposed revisions to the following previously approved statutes, rules, and sections of the Missouri plan that are nonsubstantive in nature and consist of minor editorial, punctuation, grammatical, and recodification changes (corresponding SMCRA or Federal regulation provisions are listed in parentheses):

RSMo 444.810.1, .1(8), and .1(10), powers of the Commission (sections 413 (a) and (c) of SMCRA),

RSMo 444.915.1(1), expenditures from the abandoned mine reclamation fund (sections 404 and 409 of SMCRA),

RSMo 444.915.2 (4) and (5), [recodification] priorities for expenditures of moneys from the abandoned mine reclamation fund (section 403(a) of SMCRA), 10 CSR 40-9.020(1) (B) and (C), general requirements for reclamation (30 CFR 874.12(b) and (c)),

Section 884.13(c)(2) of the Missouri AML State Reclamation Plan, Figure 1 [deleted] and Figure 2 [recodified] (no counterpart SMCRA or Federal regulation provisions), and

Section 884.13(c)(2), Step 3, No. 8, of the Missouri AML State Reclamation Plan, project evaluation and ranking (no counterpart SMCRA or Federal provisions).

Because the proposed revisions to these previously-approved statutes, rules, and sections of the Missouri AML State Reclamation Plan are nonsubstantive in nature, the Director finds that these proposed statutes, rules, and sections of the ANL State Reclamation Plan are consistent with SMCRA and in compliance with the implementing Federal regulations. Accordingly, the Director approves the proposed revisions.

2. Substantive Revisions to a Missouri Rule and Section of the AML State Reclamation Plan That Are Substantively Identical to the Corresponding Provisions of SMCRA and the Federal Regulations

Missouri proposed revisions to the following rule and section of the Missouri plan that are substantive in nature and contain language that is substantively identical to the requirements of the corresponding

Federal regulations provisions (listed in parentheses):

10 CSR 40-9.020(3)(A), definition of "left or abandoned in either an unreclaimed or inadequately reclaimed condition" (30 CFR 870.5) and

Section 884.13(D)(3) of the Missouri AML State Reclamation Plan, contractor eligibility (30 CFR 874.16 and 875.20).

Because the proposed revisions to this Missouri rule and section of the Missouri AML State Reclamation Plan are substantively identical to the corresponding provisions of the counterpart Federal regulations, the Director finds that they are consistent with SMCRA and in compliance with the Federal regulations. Therefore, the Director approves the proposed revisions.

3. RSMo 444.810.2 Through 444.810.8, Rulemaking Procedures

Missouri proposed the addition of new provisions at RSMo 444.810.2 through 444.810.8 to provide additional administrative procedures for rulemaking. These proposed rulemaking procedures set forth guidelines for processing rules through the Missouri joint committee on administrative rules concurrently with filing a proposed rule with the Secretary of State. The procedures proposed are in addition to those approved in the Missouri plan and do not restrict or require public participation and involvement as required at 30 CFR 884.14(c)(7). They specify internal State review procedures and are not in conflict with or inconsistent with Title IV of SMCRA and the implementing Federal regulations at 30 CFR Subchapter R. Therefore, the Director finds that the proposed additional rulemaking procedures at RSMo 444.810.2 through 444.810.8 are not inconsistent with SMCRA and the Federal regulations. The Director approves the proposed statutes.

4. RSMo 444.915.3, Reclamation of Interim Program and Bankrupt Surety Coal Sites

Missouri proposed to revise RSMo 444.915.3 by adding new language to provide that additional lands and water are eligible for reclamation or drainage abatement expenditures from the abandoned mine reclamation fund. Such lands include those (1) where the surface coal mining operation occurred during the period beginning on August 4, 1977, and ending on or before November 21, 1980 [the date in which the Secretary of the Interior approved Missouri's program pursuant to section 503 of SMCRA], and that funds for reclamation or abatement which are

available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site or (2) where the surface coal mining operation occurred during the period beginning on August 4, 1977, and ending on or before *October 1, 1991*, and that the surety of such mining operator became insolvent during such period, and as of *October 1, 1991*, funds immediately available from proceedings relating to such insolvency, or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site (emphasis added).

The proposed revisions at RSMo 444.915.3 are similar to the requirements of Section 402(g)(4) of SMCRA, except that SMCRA limits the dates for which insolvency of the surety occurred to the period beginning on August 4, 1977, and ending on or before *November 5, 1990*. OSM, in its February 16, 1995, issue letter to Missouri (administrative record No. AML-MO-93), discussed the difference in dates between RSMo 444.915.3(3) and section 402(g)(4) of SMCRA (issue No. 1). Missouri responded on May 16, 1995, by providing an explanation concerning the reason for the difference and stated that it would correct the date at RSMo 444.915.3(3) at the first available opportunity (administrative record No. AML-MO-100). Missouri also stated that it believes the State AML reclamation plan is adequate to ensure that expenditures of AML funds are limited to insolvent surety sites that were abandoned on or before November 5, 1990, because the State's rules at 10 CSR 40-9.020(1)(D)(3) contain the correct date for the eligibility period (see finding No. 5). In addition, Missouri provided a memorandum prepared by its attorney general's office dated March 5, 1995 (administrative record No. AML-MO-100), indicating that only one abandoned site in Missouri meets the insolvent surety criteria and for this site, the dates of abandonment and insolvency occurred before November 5, 1990.

Therefore, with the requirement that Missouri revise RSMo 444.915.3(3) to correct the date of "October 1, 1991," to "November 5, 1990," the Director finds that the revisions proposed by Missouri at RSMo 444.915.3 are consistent with section 402(g)(4) of SMCRA. The Director approves the proposed statute.

5. 10 CSR 40-9.020(1), Eligible Coal Lands and Water

Missouri proposed to revise its rules at 10 CSR 40-9.020(1) to provide that coal lands and water damaged and

abandoned after August 3, 1977, are eligible for reclamation activities if certain criteria are met. These criteria include findings that (1) the mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977, and November 21, 1980, and that funds available for reclamation or abatement pursuant to a bond or other form of financial guarantee or from any other source are insufficient to reclaim or abate the site, or (2) the mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition during the period beginning on August 4, 1977, and ending on or before November 5, 1990, and that the surety of the mining operator became insolvent during such period, and as of November 5, 1990, funds immediately available from proceedings relating to such insolvency, or from any financial guarantee or other source are insufficient to provide for adequate reclamation or abatement at the site, and (3) the coal site meets the eligibility requirements and priority objectives of 10 CFS 40-9.020 and the reclamation priority of the site is the same or more urgent than the reclamation priority for other eligible lands and water, and that priority be given to those sites which are in the immediate vicinity of a residential area or which have an adverse economic impact upon a community.

In addition, Missouri proposed to add provisions at 10 CSR 40-9.020(1) to require that (1) monies available from sources outside the fund or recovered from responsible parties involving lands eligible pursuant to 10 CSR 40-9.020 shall either be used to offset the cost of the reclamation or transferred to the fund if not required for further reclamation activities, (2) if reclamation of a site covered by an interim or permanent program permit is carried out under the State reclamation program, the permittee of the site shall reimburse the AML reclamation fund for the cost of reclamation in excess of any bond forfeited to ensure reclamation, and (3) the Commission, in performing reclamation activities under this rule, shall not be held liable for any violations of any performance standards or reclamation requirements specified in Chapter 444 RSMo (1994) nor shall a reclamation activity undertaken on such lands or waters be held to any standards set forth in Chapter 444 RSMo (1994).

The revisions proposed by Missouri at 10 CSR 40-9.020(1) provide similar requirements to those found in the counterpart Federal regulations at 30 CFR 874.12 (d) through (g). Therefore, the director finds that the proposed

revisions at 10 CSR 40-9.020(1) are in compliance with the Federal regulations. The Director approves the revisions to this rule.

6. Section 884.13(C)(2) of the Missouri AML State Reclamation Plan, Procedures for Project Ranking and Selection

Section 884.13(C)(2) of the Missouri plan amendment contains updates on policies and procedures concerning project ranking and selection. Section 884.13(C)(2), Step 1, references Form OSM-76, "Abandoned Mine Land Problem Area Description," and requires that such form be used to show site condition and to report actual reclamation accomplishments upon project completion to OSM. This is in compliance with the Federal regulation at 30 CFR 886.23(c) which provides for the submission of Form OSM-76 upon project completion to report the accomplishments achieved through the project. Section 884.13(C)(2), Step 2, provides for the elimination of selected problem sites and provides a list of circumstances when Missouri will eliminate a site from further consideration. These circumstances are consistent with the provisions of sections 402(g) and 411(d) of SMCRA and are in compliance with the Federal regulations at 30 CFR 874.12(d)(2) (i) and (ii) and 875.16.

Missouri submitted these proposed revisions to Section 884.13(C)(2) to satisfy the requirements of OSM's 884.15(d) letter dated September 26, 1994 (administrative record No. AML-MO-88). The Director finds that the revisions at Section 884.13(C)(2) of the Missouri AML State Reclamation Plan satisfy the requirements of and are consistent with SMCRA and the implementing Federal regulations at 30 CFR Subchapter R concerning reports and project ranking and selection. The Director approves the proposed revisions to Section 884.13(C)(2) of the Missouri AML State Reclamation Plan.

7. Section 884.13(D)(4) of the Missouri AML State Reclamation Plan, Future Reclamation Set-Aside Program

Missouri proposed to revise its accounting procedures at Section 884.13(D)(4) of the Missouri plan by adding language to provide that (1) up to 10 percent of the annual grants received under sections 402(g) (1) and (5) of SMCRA may be requested annually for use in treating acid mine drainage problems or for the future reclamation set-aside program in Missouri, and (2) such funds will be placed into the State Abandoned Mine Land Reclamation Fund (Fund No.

0697), an interest-bearing account which has been approved by OSM for these purposes, and will be expended solely to achieve the priorities of section 403(a) of SMCRA after September 30, 1995.

The proposed language at Section 884.13(D)(4) is similar to the Federal provisions concerning the future reclamation set-aside program at sections 402(g) (6) and (7) of SMCRA and the implementing Federal regulations at 30 CFR 873.12(a) and 876.12(a). The Director finds that the addition of provisions at Section 884.13(D)(4) pertaining to a set-aside program for Missouri is consistent with SMCRA and in compliance with the Federal regulations for such a program. The Director approves this revision to Section 884.13(D)(4) of the Missouri AML State Reclamation Plan.

V. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public Comments

OSM invited public comments on the proposed amendment, but none were received.

2. Agency Comments

Pursuant to 30 CFR 884.15(a) and 884.14(a)(2), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Missouri plan (administrative record No. AML-MO-90). No comments were received.

VI. Director's Decision

Based on the above findings, the Director approves, with an additional requirement, Missouri's proposed plan amendment as submitted on November 29, 1994, and as revised and supplemented with explanatory information on May 16, 1995.

The Director approves, as discussed in: Finding No. 1, RSMo 444.810.1, .1(8), and .1(10), concerning the powers of the Commission; RSMo 444.915.1(1), concerning expenditures from the abandoned mine reclamation fund; RSMo 444.915.2 (4) and (5), concerning recodification of the priorities for expenditures of moneys from the abandoned mine reclamation fund; 10 CSR 40-9.020(1) (B) and (C), concerning general requirements for reclamation; Section 884.13(C)(2) of the Missouri AML State Reclamation Plan, concerning deletion of Figure 1 and recodification of Figure 2; and Section

884.13(C)(2), Step 3, No. 8, of the Missouri AML State Reclamation Plan, concerning project evaluation and ranking; finding No. 2, 10 CSR 40-9.020(3)(A), concerning the definition of "left or abandoned in either an unreclaimed or inadequately reclaimed condition;" and Section 884.13(D)(3) of the Missouri AML State Reclamation Plan, concerning contractor eligibility; finding No. 3, RSMo 444.810.2 through 444.810.8, concerning rulemaking procedures; finding No. 5, 10 CSR 40-9.020(1), concerning eligible coal lands and water; finding No. 6, Section 884.13(C)(2) of the Missouri AML State Reclamation Plan, concerning procedures for project ranking and selection; and finding No. 7, Section 884.13(D)(4) of the Missouri AML State Reclamation Plan, concerning the future reclamation set-aside program.

With the requirement that Missouri further revise its statute, the Director approves, as discussed in finding No. 4, RSMo 444.915.3, concerning reclamation of interim program and bankrupt surety coal sites.

The Director approves the statutes, rules, and sections of the Missouri AML State Reclamation Plan as proposed by Missouri with the provision that they be fully promulgated in identical form to the statutes, rules, and sections of the Missouri AML State Reclamation Plan submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 925, codifying decisions concerning the Missouri plan, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State plan amendment process and to encourage States to bring their plans into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VII. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State abandoned mine land reclamation (AMLR) plans and revisions thereof since each such

plan is drafted and promulgated by a specific State, not by OSM. Decisions on proposed State AMLR plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State AMLR 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)).

4. 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.*).

5. 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 State submittal which is the subject of this rule is based upon 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 established by SMCRA or previously promulgated by OSM will be implemented by the State. 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 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 14, 1995.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 925—MISSOURI

1. The authority citation for Part 925 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 925.20 is revised to read as follows:

§ 925.20 Approval of the Missouri Abandoned Mine Land Reclamation Plan.

The Missouri Abandoned Mine Land Reclamation Plan, as submitted on September 11, 1981, is approved effective January 29, 1982. Copies of the approved plan are available at:

(a) Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, Jefferson City, MO 65102.

(b) Office of Surface Mining Reclamation and Enforcement, Kansas City Field Office, 934 Wyandotte Street, Room 500, Kansas City, MO 64105.

3. Section 925.25 is amended by adding paragraph (c) to read as follows:

§ 925.25 Approval of AML plan amendments.

* * * * *

(c) The Missouri plan amendment, as submitted to OSM on November 29, 1994, and as revised on May 16, 1995, is approved effective August 24, 1995.

[FR Doc. 95–21022 Filed 8–23–95; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01–95–051]

RIN 2115–AE46

Special Local Regulation: Stonington Lobster Boat Races, Deer Island Thoroughfare, Stonington, ME

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent special local regulation for a racing event called the Stonington Lobster Boat Race. The event will be held on Saturday, July 22, 1995, from 10 a.m. to 4 p.m., and thereafter annually on the third or fourth Saturday in July in the waters of Deer Island Thoroughfare, Stonington, ME. This regulation is needed to protect the boating public from the hazards associated with high speed powerboat racing in confined waters.

EFFECTIVE DATE: This regulation is effective July 22, 1995.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) B.M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223–8311.

SUPPLEMENTARY INFORMATION:

Drafting Information: The drafters of this rule are Lieutenant (Junior Grade) B. M. Algeo, Project Manager, First Coast Guard District, and Lieutenant Commander S.R. Watkins, Project Counsel, First Coast Guard District Legal Office.

Background and Purpose

On March 29, 1995, the sponsor, Deer Island-Stonington Chamber of Commerce, submitted a request to hold a powerboat race in Deer Island Thoroughfare, Stonington, ME. The Coast Guard is establishing a permanent regulation in Deer Island Thoroughfare for this event known as the “Stonington Lobster Boat Races.” The final rule establishes a regulated area in Deer Island Thoroughfare and provides specific guidance to control vessel movement during the race.

This event will include up to 100 power-driven lobster boats competing on a rectangular course at speeds approaching 20 m.p.h. Due to the inherent dangers of racing in a confined area and the large wakes produced, vessel traffic will be temporarily restricted to provide for the safety of the spectators and participants.

The sponsor will provide five committee boats to augment the Coast Guard patrol assigned to the event. The race course will be well marked and patrolled, but due to the speed and proximity of the participating vessels, it is necessary to establish a special local regulation to control spectator and commercial vessel movement within this confirmed area.

Regulatory History

A Notice of Proposed Rulemaking (NPRM) was published for this rule on May 11, 1995 (60 FR 25189), no comments were received and no changes were made to the original proposal. Good cause exists for making this rule effective in less than 30 days after Federal Register publication. The Coast Guard has recently adopted new procedures for making environmental assessments (EA) of various classes of marine events before granting final approval. Due to these new procedures, publication of this final rule for the Stonington Lobster Boat Races was delayed awaiting completion of the EA. Given current resources, the Coast Guard has been unable to complete the necessary EAs for various marine events thirty days prior to the event due to the volume and their extensive content. The Coast Guard does not believe publishing the final rule less than thirty days before the event creates a significant impact on