

Section II, H and [deletion of] ranking and selection of noncoal reclamation projects and Table I, Comprehensive/Problem Evaluation Matrix—Description of needs, proposed construction and activities;

Part III—Coordination of Tribal AML programs with other programs;

Section IV, A(1)—Acquisition of lands by the Hopi Tribe;

Section IV, A(2)(a)(i)—Appraisals;

Section IV, A(2)(b)—Lands eligible for acquisition;

Sections IV, A(2)(c), (d), (e), B(2), and C—Land acquisition, management, and disposal;

Section IV, B(1)—Management of acquired lands;

Part V and Figures 1 and 2—Reclamation on private land;

Section VI, A, B, and C—Rights of entry;

Deletion of section VI, C—Entry for emergency reclamation;

Part VII—Hopi Department of Natural Resources (DNR) policy on public participation;

Part VIII and Figure 4—Organization of the Hopi Tribe;

Part IX—Personnel staffing policies;

Part X—Purchasing and procurement;

Part XI—Management accounting;

[Deletion of] sections 884.13(e) (1), (2), and (3)—Purpose of Hopi Tribe plan and criteria for ranking and identifying projects;

Part XII—Economic conditions of the Hopi Reservation;

Part XIII—Flora and fauna;

Appendices 1 through 12—Addition of cover pages;

Appendix 1—Constitution and By-Laws of the Hopi Tribe, as amended;

Appendix 7—Title of the appendix;

Memorandum from the Assistant General Counsel/Legislation Counsel to DNR dated May 18, 1995—Elimination of Title IV from the draft Hopi Code Mining Ordinance;

Hopi Tribal Council Resolution H-134-89, adopted August 29, 1989; and

Memorandum from the Hopi Tribe Office of Financial Management to DNR dated September 7, 1995—Purchasing procedures.

3. Section 756.18 is amended by adding paragraphs (a) through (h) to read as follows:

§ 756.18 Required amendments to the Hopi Tribe's Abandoned Mine Land Reclamation Plan.

* * * * *

(a) By June 24, 1996, the Hopi Tribe shall revise the introductory paragraph at Part I, or otherwise revise the purpose of the Hopi Tribe plan, to provide separate and distinct provisions for coal and noncoal reclamation activities to be consistent with sections 403 and 411 of SMCRA and in compliance with the Federal regulations at 30 CFR Parts 874 and 875 in order to properly reflect the objectives and priorities for expenditures of monies from the abandoned mine land fund.

(b) By June 24, 1996, the Hopi Tribe shall delete section I, A(3) and recodify any subsequent paragraphs accordingly, or otherwise revise the Hopi Tribe plan,

to provide appropriate provisions subsequent to the certification of completion of coal reclamation.

(c) By June 24, 1996, the Hopi Tribe shall revise Section I, A(4), or otherwise revise the Hopi Tribe plan, to require the same objectives and priorities concerning public facilities as set forth at section 411(e) of SMCRA.

(d) By June 24, 1996, the Hopi Tribe shall revise Section II, A(1), or otherwise revise the Hopi Tribe plan, to require that any coal reclamation activities subsequent to certification of completion of coal reclamation are subject to the provisions of sections 401 through 410 of SMCRA.

(e) By June 24, 1996, the Hopi Tribe shall revise Section II, B(1)(d)(ii) by deleting the word "property" for priority 2 noncoal reclamation, or otherwise revise the Hopi Tribe plan to provide for the protection of public health, safety, and general welfare from the adverse effects of mineral mining and processing practices.

(f) By June 24, 1996, the Hopi Tribe shall revise Section IV, A(1) by deleting the word "coal" from the phrase "coal refuse thereon," or otherwise revise the Hopi Tribe plan to ensure that lands eligible for acquisition include those on which refuse from both coal and noncoal mining practices are located.

(g) By June 24, 1996, the Hopi Tribe shall revise Section IV, B(1) by reinstating the phrase "may be used, pending."

(h) By June 24, 1996, the Hopi Tribe shall revise the Hopi Tribe plan by reinstating Section 884.13(f)(2), or otherwise modify its plan to include information concerning significant esthetic, historic or cultural, and recreational values.

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DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 861

Department of Defense Commercial Air Carrier Quality and Safety Review Program

AGENCY: Department of the Air Force, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force revises its regulation on DoD quality and safety criteria for air carriers providing or seeking to provide airlift services to the DoD. The revision clarifies air carrier prerequisites before

an air carrier can solicit DoD business and be used by DoD agencies. Specifically, the change clarifies that cargo carriers must have previously performed cargo business in the 12 continuous months immediately prior to applying for DoD business. The revision also changes the Commercial Airlift Review Board (CARB) membership from six voting members to four.

This revision serves to notify the aviation industry of the above changes. The changes are necessary for the DoD Commercial Airlift Review Board to effectively and legally carry out its aviation safety responsibilities as specified in the National Defense Authorizations Act for fiscal year 1987.

EFFECTIVE DATE: April 23, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis D. Emmons, Chief, DoD Air Carrier Survey and Analysis Division, Directorate of Operations, Headquarters Air Mobility Command (HQ AMC/DOB), Scott AFB IL 62225-5302, telephone (618) 256-4801/4806.

SUPPLEMENTARY INFORMATION: This part is published as a final rule because it implements Public Law 99-661 (FY87 National Defense Authorization Act, § 1204, Requirements Concerning Transportation of Members of the Armed Forces by Chartered Aircraft) and DoD Directive 4500.53 (Commercial Passenger Airlift Management and Quality Control). Additionally, and as part of the final rule determination, this part is related to public contracts and to provisions for agency management.

The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12866, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601-661), does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (44 U.S.C. 35), and poses no negative environmental impact as defined in the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq).

List of Subjects in 32 CFR Part 861

Air carriers, Aviation safety.

Therefore, 32 CFR Part 861 is amended as follows:

PART 861—DEPARTMENT OF DEFENSE COMMERCIAL AIR CARRIER QUALITY AND SAFETY REVIEW PROGRAM

1. The authority citation for Part 861 continues to read as follows:

Authority: 10 U.S.C. 8013; 10 U.S.C. 2640.

2. Section 861.3 is amended by revising paragraph (d)(1) to read as follows:

§ 861.3 DOD commercial air carrier quality and safety requirements.

* * * * *

(d) * * *

(1) Quality and Safety Requirements—prior experience. Commercial air carriers or operators applying to conduct passenger or cargo business for the United States Department of Defense are required to possess 12 months of continuous service equivalent to the service sought by DoD. The service must have been performed for the 12 continuous months immediately prior to applying for DoD business. Prior experience must be equivalent in difficulty and complexity in regard to distance, weather systems, international or national procedures, similar aircraft, schedule demands, aircrew experience, and management required.

* * * * *

3. Section 861.4 is amended by revising paragraph (g)(1) and (2) to read as follows:

§ 861.4 DOD Commercial Airlift Review Board procedures.

* * * * *

(g) * * *

(1) Four voting members will constitute the CARB; two senior, knowledgeable individuals appointed by Commander, AMC; one similarly knowledgeable individual appointed by USCINTRANS; and one appointed by Commander, MTMC. At least one of the voting HQ AMC members and the MTMC member will be of general/flag officer or civilian equivalent rank. Other non-voting CARB members will be appointed as necessary to facilitate the CARB deliberative process. A non-voting recorder will also be appointed.

(2) The HQ AMC senior member will act as the CARB chairperson. A voting member who will not be present at any meeting of the CARB, may be represented by a knowledgeable alternate empowered with the voting responsibilities of the voting member. Three voting members (or their alternate) shall constitute a quorum. Decisions shall be by majority vote. In the case of a tie vote, the chairperson will have the deciding vote.

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Patsy J. Conner,
Air Force Federal Register Liaison Officer.
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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-96-028]

RIN 2115-AE46

Special Local Regulations: River Race Augusta; Augusta, GA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary Special Local Regulations for the River Race Augusta. This event will be held from 7 a.m. to 5 p.m. est (eastern standard time) on May 17, 18, and 19, 1996. There will be approximately seventy-five participants racing 16 to 18 foot outboard power boats on that portion of the Savannah River at Augusta, Georgia, between U.S. Highway 1 (Fifth St) Bridge at mile marker 199.45 and Eliot's Fish Camp at mile marker 197. The boats will be competing at high speeds and at close range on a prescribed course. The nature of the event and the closure of the Savannah River creates an extra or unusual hazard in the navigable waters. These temporary regulations are necessary to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: This rule is effective from 7 a.m. to 5 p.m. eastern standard time on May 17, 18, and 19, 1996.

FOR FURTHER INFORMATION CONTACT: ENS M.J. DaPonte, Coast Guard Group Charleston at (803) 724-7621.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The information to hold the event was not received until April 4, 1996, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Discussion of Regulations

The temporary regulations are needed to provide for the safety of life during River Race Augusta. These regulations are intended to promote safe navigation on the waters off Augusta on the Savannah River during the races by controlling the traffic entering, exiting, and traveling within these waters. The anticipated concentration of spectator and participant vessels associated with

the River Race poses a safety concern, which is addressed in these special local regulations. The temporary regulations will not permit the entry or movement of spectator vessels and other nonparticipating vessel traffic between the U.S. Highway Route 1 (Fifth Street) Bridge at mile marker 199.45 and Eliot's Fish Camp at mile marker 197 from 7 a.m. to 5 p.m. est, on May 17, 18 and 19, 1996. The temporary regulations will permit the movement of spectator vessels and other non-participants after the termination of race each day, and during intervals between scheduled events at the discretion of the Coast Guard Patrol Commander.

Regulatory Evaluation

This rulemaking is not a significant regulatory action under Section 3(f) of the Executive Order 12866 and does not require an assessment of the potential costs and benefits under Section 6(a)(3) of that Order. It has been exempted from review 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 proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. These temporary regulations will last for only 10 hours each day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this action will not have a significant economic impact on a substantial number of small entities.

Collection of Information

These temporary regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that