

3. RSMo 444.950.2 Phase I Reclamation Bond Requirement

Missouri proposes to remove the existing provisions at RSMo 444.950.2 through 8 concerning requirements and procedures for adoption of new or amended rules; to add the following new provision at RSMo 444.950.2; and to redesignate RSMo 444.950.9 through 11 as RSMo 444.950.3 through 5.

No rule or portion of a rule promulgated under the authority of sections 444.800 to 444.970 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

4. Missouri also submitted a copy of Chapter 536 of RSMo, Administrative Procedure and Review, which is referenced in the proposed revisions to RSMo 444.810 and 444.950.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Missouri program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Mid-Continent Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.d.t., on April 17, 1996. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

The location and time of the hearing will be arranged with those persons requesting the hearing. Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The public hearing will continue on the specified date until all persons

scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public hearing, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

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).

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, to the extent allowed by law, 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 regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of

section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

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 State submittal which is the subject of this rule is based upon counterpart 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 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 for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 26, 1996.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96-7950 Filed 4-1-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP TAMPA 95-016]

RIN 2115-AA97

Safety Zone; Tampa Bay, Hillsborough Bay and Approaches, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish regulations governing the movement of vessels with a beam greater than 110 feet within Tampa Bay and Hillsborough Bay, Florida and their approaches. In view of the safety hazards to the harbor, vessels and structures associated with wide beam

vessels, the Coast Guard deems it necessary to control the movement of these vessels and to establish safety zones surrounding these vessels in prescribed areas under certain conditions. The purpose of this action is to establish regulations governing vessel movement procedures that were previously implemented on a case by case basis with Captain of the Port Orders. By establishing this proposed permanent rule companies would be aware of the scheduled wide beam transits and would be able to adjust their movements accordingly and avoid incidents that pose safety hazards.

DATES: Comments must be received on or before June 3, 1996.

ADDRESSES: Comments should be mailed to Commanding Officer, Marine Safety Office Tampa, 155 Columbia Drive, Tampa, Florida, 33606-3598. The comments will be available for inspection and copying at 155 Columbia Drive, Tampa, Florida, telephone (813) 228-2189. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to that address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Dirk A. Greene, Coast Guard Marine Safety Office Tampa at (813) 228-2189.

SUPPLEMENTARY INFORMATION: By establishing a permanent rule, the Coast Guard will enhance public notice of the rule. Companies aware of scheduled wide beam transits can adjust movements of their vessels to avoid incidents that pose safety hazards. Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (COTP Tampa 95-016) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. The proposed rule may be changed in light of the comments received. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Discussion of Proposed Regulations

Wide beam vessels are defined as all vessels with a beam of 110 feet or

greater, with drafts restricting them to narrow ship channels. Historically, these vessels have posed added safety hazards to the harbor, vessels, and structures due to their limited ability to maneuver in narrow channels, navigate sharp turns, and pass other large vessels within Tampa Bay, Hillsborough Bay and approaches. In order to reduce the likelihood of any adverse incidents associated with the passage of these vessels in Tampa Bay, Hillsborough Bay and their approaches, the Coast Guard proposes that moving safety zones be implemented around all such vessels in these areas. The proposed moving safety zone would consist of an area around the vessel the width of the channel and 1000 yards fore and aft of the vessel. The safety zone would be in effect as the inbound wide beam passes Mullet Key Channel buoy 23 and 24 and would remain in effect until the vessel is moored. The proposed safety zone would be in effect anytime the vessel is underway intrabay until the vessel passes Mullet Key Channel buoy 23 and 24 outbound. The precaution of a moving safety zone is deemed necessary, because vessels with a wide beam have limited ability to take evasive action when operating within the confines of the main ship channel. The likelihood of collision would be minimized by eliminating meeting, overtaking or crossing situations in the affected channels. Vessels would not be permitted to meet or overtake the wide beam vessel while it is underway. By establishing these proposed moving safety zones, the Coast Guard expects to minimize the risk of collision on the Tampa Bay, Hillsborough Bay and approaches.

Regulatory Evaluation

This proposed rulemaking 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 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The conditions outlined herein for moving wide beam vessels in Tampa Bay have been followed through utilization of Captain of the Port Orders for at least five (5) years.

Since the impact of this proposed rule is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Section 2.B.2. of Commandant Instruction M16475.1B that this action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46.

§ 165.754 Tampa Bay, Hillsborough Bay and Approaches, FL.

(a) A moving safety zone is established around any vessel restricted to the channel with a beam exceeding 110 feet during its transit of Tampa Bay and Hillsborough Bay. The moving safety zone consists of an area around the vessel the width of the channel and 1000 yards fore and aft of the vessel.

(1) The safety zone is established when a wide beam vessel passes Mullet Key Channel buoys 23 and 24 (LLNR 1445 and LLNR 1446) inbound and at all times when the vessel is under way within Tampa Bay and Hillsborough Bay.

(2) The safety zone is disestablished when the wide beam vessel passes

Mullet Key Channel buoys 23 and 24 (LLNR 1445 and LLNR 1146) outbound.

(b) No vessel shall enter the safety zone without the permission of the Captain of the Port Tampa.

(c) The general regulations governing safety zones contained in 33 CFR § 165.23 apply.

(d) Any vessel with a beam greater than 110 feet shall give Coast Guard Marine Safety Office Tampa a minimum of 24 hours notice of its intended arrival, departure, and berth transfer within Tampa Bay.

(e) Marine Safety Office Tampa will notify the marine community of periods during which a safety zone will be in effect by providing advance notice of scheduled arrivals and departures of wide beam vessels via a marine broadcast Notice to Mariners.

(f) If a vessel with a beam greater than 110 feet begins its transit more than a hour and a half from the scheduled time stated in the Broadcast Notice to Mariners, the vessel shall notify and obtain permission from the Captain of the Port Tampa before commencing its inbound or outbound transit, or departing its berth to shift to another berth.

(g) The Captain of the Port Tampa may waive any of the requirements of this section for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances make the application of this section unnecessary or impractical for purposes of port safety or environmental protection.

Dated: March 19, 1996.

R.W. Harbert,

Captain, U.S. Coast Guard, Captain of the Port Tampa.

[FR Doc. 96-7957 Filed 4-1-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL-18-6-6819b; FRL-5424-5]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On May 23, 1995, and June 7, 1995, the Illinois Environmental Protection Agency (IEPA) submitted to the USEPA an adopted rule and supporting information for the control of batch processes as a requested State Implementation Plan (SIP) revision.

This rule is part of the State's control measures for volatile organic compound (VOC) emissions, for the Chicago and East St. Louis ozone nonattainment areas, and is intended to satisfy part of the requirements of section 182(b)(2) of the Clean Air Act (Act) amendments of 1990. VOC is one of the air pollutants which combine on hot summer days to form ground level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. This regulation requires a reasonably available control technology (RACT) level of control as required by the amended ACT. This action lists the State implementation plan revision that USEPA is proposing to approve and provides an opportunity for public comment. A rationale for approving this request is presented in the final rules section of this Federal Register, where USEPA is approving the revision request as a direct final rule without prior proposal because USEPA views this as a noncontroversial revision and anticipates no adverse comments. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments the direct final rule will be withdrawn. Any parties interested in commenting on this notice should do so at this time. The final rule on this proposed action will address all comments received.

DATES: Comments on this document must be received by May 2, 1996.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments should be strictly limited to the subject matter of this proposal.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Air Programs Branch, U.S. Environmental Protection Agency, Region 5, (312) 886-6052, at the Chicago address indicated above.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: January 17, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96-7905 Filed 4-1-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[IN55-1-7076b; FRL-5435-9]

Approval and Promulgation of Implementation Plan; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA proposes to approve the State implementation plan (SIP) revision submitted by the State of Indiana for 326 IAC 2-9-1 and 326 IAC 2-9-2 (a), (b), and (e) of its Source Specific Operating Agreement (SSOA) regulation. The USEPA made a finding of completeness in a letter dated November 25, 1994. These sections of the SSOA regulation have been developed to establish federally enforceable conditions for industrial or commercial surface coating operations, graphic arts operations, or grain elevators by limiting potential emissions below the title V major source threshold levels. In the final rules section of this Federal Register, the USEPA is approving these actions as a direct final rule without prior proposal because USEPA views these as noncontroversial actions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. The USEPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received on or before May 2, 1996.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulatory Development Section, Regulatory Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulatory Development Section, Regulatory Development