

PART 950—WYOMING

1. The authority citation for part 950 continues to read as follows:

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

2. Section 950.15 is amended by adding paragraph (y) to read as follows:

§ 950.15 Approval of regulatory program amendments.

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(y) The following statutory provisions, as submitted to OSM on April 18, 1996, are approved effective August 27, 1996: revision of W.S. 35–11–426 (a) and (b), concerning in situ mineral mining permits and testing licenses; and W.S. 35–11–431(a)(vi), concerning applications for research and development testing licenses.

[FR Doc. 96–21676 Filed 8–26–96; 8:45 am]

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DEPARTMENT OF DEFENSE**Department of the Army****Corps of Engineers****33 CFR Part 334****Pamlico Sound and Adjacent Waters, North Carolina, Danger Zones; Alligator Bayou off St. Andrew Bay, Florida; and Suisun Bay, West of Carquinez Straits at the Naval Weapons Station, Concord, California, Restricted Areas**

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps is amending the regulations which establish several danger zones in Pamlico Sound and the Neuse River in North Carolina to delete one of the danger zones and make minor editorial changes to the regulations. The danger zone as it exists, protrudes into and interferes with navigation in Turnagain Bay and will not be used again by the Government for a use that precludes free use by the public. The Corps is also making minor editorial amendments to the regulations which establish a restricted area in the waters of Alligator Bayou, a tributary of St. Andrews Bay and the Gulf of Mexico, Florida and a restricted area in the waters of Suisun Bay, west of Carquinez Straits at the Naval Weapons Station, Concord, California, to clarify that persons, as well as vessels, are not allowed within the restricted areas. This amendment will not affect the size, location or further restrict the public's use of the restricted areas. The restricted

areas continue to be essential to the safety and security of Government facilities, vessels and personnel and protect the public from the hazards associated with the operations at Government facilities.

EFFECTIVE DATE: October 28, 1996.

ADDRESSES: HQUSACE, CECW–OR, Washington, D.C. 20314–1000.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph Eppard, Regulatory Branch, CECW–OR at (202) 761–1783, or questions concerning the Pamlico Sound, NC danger zone revocation may be directed to Mr. David Franklin of the Wilmington District at (910) 251–44952. Questions concerning the Alligator Bayou restricted area may be directed to Mr. Larry Evans of the Jacksonville District at (904) 232–3943. Any questions concerning the Suisun Bay, California restricted area may be directed to Mr. Mark D'Avignon of the San Francisco District at (415) 977–8446.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending the regulations in 33 CFR Part 334.420, 334.760 and 334.1110.

The Commanding Officer, Marine Corps Air Bases, Eastern Area, Cherry Point, North Carolina, has requested an amendment to the regulations in 33 CFR 334.420(b)(1)(ii), to disestablish a danger zone in the waters off Mulberry Point in Pamlico Sound. The area will be opened to public use upon the effective date of these final rules. The remaining danger zones established in 33 CFR 334.420 remain in effect. We are also making an editorial change to clarify that these danger zone regulations apply to personnel as well as vessels. The Commanding Officer, Coastal Systems Station, Dahlgren Division, Naval Surface Warfare Center, Panama City, Florida, and the Commanding Officer, Naval Weapons Station Concord, Concord, California have also requested that the word "person" be inserted into the regulations in 33 CFR 334.760(b)(1) and 33 CFR 334.1110(2), respectively, to clarify that restrictions apply not only to vessels, but to personnel as well. Other minor editorial changes are being made to 33 CFR 334.1110 to correct paragraph designations in the regulations. These amendments to the danger zones in 33 CFR 334.420 and the restricted areas in 33 CFR 334.760 and 334.1110 are being promulgated without being published as proposed rules with opportunity for public comment because the changes

are editorial in nature and since the revisions do not change the boundaries or increase the restrictions on the public's use or entry into the designated areas, the changes will have practically no effect on the public. Accordingly, we have determined that public comment is unnecessary and impractical.

Procedural Requirements**a. Review under Executive Order 12866**

This final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review under the Regulatory Flexibility Act

These rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 86–354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps expects that the economic impact of the changes to the restricted areas will have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

c. Review under the National Environmental Policy Act

An environmental assessment has been prepared for each of these actions. We have concluded, based on the minor nature of these proposed amendments that these amendments to danger zones and restricted areas will not have a significant impact to the human environment, and preparation of a environmental impact statement is not required. The environmental assessment for the appropriate area may be reviewed at the District Offices listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

d. Submission to Congress and the GAO

Pursuant to Section 801(a)(1)(A) of the Administrative Procedure Act as amended, by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this rule to the U.S. Senate, House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in the Federal Register. This rule is not a major rule within the meaning of section 804(2) of the Administrative Procedure Act, as amended.

e. Unfunded Mandates Act

This rulemaking does not impose an enforceable duty among the private sector and therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger Zones, Navigation (water), Transportation.

For the reasons set out in the preamble, 33 CFR Part 334 is amended as follows:

PART 334—DANGER ZONE AND RESTRICTED REGULATIONS

1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Section 334.420 is amended by revising the first sentence of paragraph (a)(2), removing paragraph (b)(1)(ii), redesignating paragraphs (b)(1)(iii), (iv) and (v) as (b)(1)(ii), (iii) and (iv), respectively, and revising paragraph (b)(2) to read as follows:

§ 334.420 Pamlico Sound and adjacent waters, N.C.; danger zones for Marine Corps operations.

(a) * * *

(2) *The regulations.* The area shall be closed to navigation and personnel at all times except for vessels engaged in operational and maintenance work as directed by the enforcing agency. * * *

(b) *Bombing, rocket firing, and strafing areas in Pamlico Sound and Neuse River—(1) The areas.* * * *

(2) *The regulations.* (i) The area described in paragraph (b)(1) of this section will be used as bombing, rocket firing, and strafing areas. Live and dummy ammunition will be used. The area shall be closed to navigation and all persons at all times except for such vessels as may be directed by the enforcing agency to enter on assigned duties. The area will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the area. Vessels or personnel which have inadvertently entered the danger zone shall leave the area immediately upon being so warned.

(ii) The areas described in paragraphs (b)(1)(ii), (iii) and (iv) of this section shall be used for bombing, rocket firing, and strafing areas. Practice and dummy ammunition will be used. All operations will be conducted during daylight hours, and the areas will be open to

navigation at night. No vessel or person shall enter these areas during the hours of daylight without special permission from the enforcing agency. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels or personnel which have inadvertently entered the danger zones shall leave the area immediately upon being warned.

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3. Section 334.760 is amended by revising paragraph (b)(1) to read as follows:

§ 334.760 Alligator Bayou, a tributary of St. Andrew Bay, Fla.; restricted area.

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(b) *The regulations.* (1) No vessel or person shall enter the area or navigate therein without permission of the Commanding Officer, Naval Ship Research and Development Laboratory, Panama City, Fla., or her/his authorized representative.

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4. Section 334.1110 is amended by revising the heading for paragraph (a); revising the paragraph (a)(1) designation and heading; and redesignating paragraph (a)(2) as (b), and revising it to read as follows:

§ 334.1110 Suisun Bay at Naval Weapons Station, Concord; restricted area.

(a) *The area.* * * *

(b) *The regulations.* (1) No person, vessel, watercraft, conveyance or device shall enter or cause to enter or remain in this area. No person shall refuse or fail to remove any person or property in his custody or under his control from this area upon the request of the Commanding Officer of the Naval Weapons Station Concord or his/her authorized representative.

(2) The regulations in this section shall be enforced by the Commanding Officer, Naval Weapons Station Concord, and such agencies as he/she shall designate.

Dated: August 2, 1996.

Stanley G. Genega,

Major General, U.S. Army, Director of Civil Works.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[W167-01-7276; FRL-5550-6]

Approval and Promulgation of Implementation Plan; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 10, 1996, the Environmental Protection Agency (EPA) proposed approval of a Wisconsin State Implementation Plan (SIP) revision. The purpose of the revision was to meet the requirements of the EPA transportation conformity rule set forth at 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. Conformity is the process, defined in the Clean Air Act, used to assure that transportation planning activities meet the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards. The proposed approval was subject to a 30 day public comment period during which no comments were received.

EFFECTIVE DATE: This final rule will be effective on September 26, 1996.

ADDRESSES: Copies of the SIP revision are available for inspection at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Michael Leslie at (312) 353-6680 before visiting the Region 5 Office.)

A copy of this SIP revision is available for inspection at the following location: Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 260-7548.

FOR FURTHER INFORMATION CONTACT: Michael G. Leslie, Regulation Development Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 353-6680.