Authority: Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 1–90 (55 FR 9033), as applicable; 29 CFR part 1911.

§ 1926.5 [Amended]

2. In § 1926.5, the table is amended to correct the control number for the entry at 1926.1101 to read as follows:

1926.1101 .....1218–0134.

[FR Doc. 98–9058 Filed 4–7–98; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[SPATS No. IL–089–FOR]

Illinois Regulatory Program

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 Illinois regulatory program (hereinafter referred to as the ''Illinois program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Illinois requested that OSM reconsider two regulations disapproved in a previously proposed amendment to the Illinois program and submitted explanatory information in support of its request. These regulations concern the determination of revegetation success for non-contiguous surface disturbance areas less than or equal to four acres. The additional explanatory information is intended to clarify the regulations by providing an interpretation statement and specifying procedures and evaluation criteria that would be used in the implementation of the regulations. The amendment is intended to improve operational efficiency.

EFFECTIVE DATE: April 8, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204–1521, Telephone: (317) 226–6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, **Federal Register** (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, and 913.17.

By letter dated February 3, 1995 (Administrative Record No. IL–1615), Illinois submitted a proposed amendment to its program pursuant to SMCRA. OSM announced receipt of the proposed amendment in the February 27, 1995, **Federal Register** (60 FR 19522). The public comment period ended March 29, 1995. A public hearing was requested, and it was held on March 24, 1995. OSM identified concerns relating to the proposed amendment, and notified Illinois of these concerns by letters dated April 28 and August 3, 1995 (Administrative Record Nos. IL–1649 and IL–1660, respectively). By letter dated November 1, 1995 (Administrative Record No. IL–1663), Illinois responded to OSM's concerns by submitting revisions to its proposed amendment. OSM reopened the public comment period in the December 5, 1995, **Federal Register** (60 FR 62229). The public comment period closed on January 4, 1996. OSM approved the proposed amendment with certain exceptions and additional requirements on May 29, 1996 (61 FR 26801). The exceptions were the Director's decision not to approve some of the proposed regulations. This amendment addresses two of those regulations.

II. Submission of the Proposed Amendment

By letter dated August 5, 1997 (Administrative Record No. IL–1670), the Illinois Department of Natural Resources, Office of Mines and Minerals (OMM) requested that OSM reconsider its May 29, 1996, decision not to approve Illinois' regulations at 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F). Illinois resubmitted the regulations with an interpretation statement, program procedures, and evaluation criteria for implementation of them. These regulations concern the determination of revegetation success for non-contiguous, surface disturbance areas less than or equal to four acres. By letters dated September 26 and November 3, 1997 (Administrative Record Nos. IL–1671 and IL–1672), OMM provided additional explanatory information to clarify the procedures and evaluation criteria that would be used in the implementation of the proposed regulations.

Based upon its request for reconsideration and the additional explanatory information submitted by Illinois, OSM reopened the public comment period in the December 23, 1997, **Federal Register** (62 FR 67014). The public comment period closed on January 7, 1998.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

Illinois proposed the following regulatory language at 62 IAC 1816.116(a)(3)(F) for surface coal mining and 62 IAC 1817.116(a)(3)(F) for underground coal mining.

> Non-contiguous areas less than or equal to four acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.

Illinois' proposal would exclude non-contiguous, surface disturbance areas of less than or equal to four acres from productivity testing to prove revegetation success. In OSM's May 29, 1996, decision not to approve Illinois' regulations at 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F), the practicality of excluding the need to test for revegetation success for small areas such as signs, boreholes, power poles, and other small and minimally disturbed areas was recognized. OSM explained that in order for it to approve this type of proposal, Illinois would need to provide additional language that would more closely correlate the maximum acreage to the types of activities which would qualify for the exemption. Also, Illinois would need to provide additional language as to what would constitute a satisfactory demonstration of minimum disturbance, achievement of original capability, and achievement of postmining land use. As discussed below, OMM provided additional information to meet each of OSM's conditions for reconsideration of

its proposed regulations by providing an interpretation statement, program procedures, and evaluation criteria that would be used in the implementation of the regulations.

1. Interpretation Statement

OMM provided the following interpretation for the proposed regulatory language at 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F):

Non-contiguous, surface disturbance areas, with an approved land use of cropland or pasture/hayland, less than or equal to four acres which:

1. Have minor soil disturbances from activities such as signs, boreholes, power poles, stockpiles and substations;

2. Have the majority of the subsoil remaining in place; and

3. Were not affected by coal or toxic material handling, may use the following procedures for determination of revegetation success, in lieu of Section (a)(4).

(i) The operator must document the required three criteria of (F) above have been met.

(ii) The affected area is successfully supporting its approved post mining land use when compared to the similar, adjacent unaffected areas at the end of the responsibility period.

The Department will evaluate areas requested by the operator, using qualified individuals, and determine them successfully revegetated, if it finds subsection (i) and (ii) have been met. The Department will require the area to be tilled with conventional agricultural subsoiler or deeper as it deems necessary.

Illinois' interpretation clarifies that only those non-contiguous areas of less than or equal to four acres that have been subject to surface disturbance only and have an approved land use of cropland or pasture/hayland will qualify under the proposed regulations. It clarifies that these areas are only exempt from the requirements of 62 IAC 1816.116(a)(4) and 1817.116(a)(4) concerning the use of Agricultural Lands Productivity Formula (ALPF) at 62 IAC 1816.Appendix A to measure production. The ALPF contains the approved sampling methods used by Illinois to determine success of revegetation for areas designated in the approved reclamation plan as cropland, pasture, hayland, or grazing land. The interpretation statement clarifies that areas affected by coal or toxic material handling will not be eligible under the proposed regulations. It clarifies that OMM will require the areas to be tilled with a conventional agricultural subsoiler or, when warranted, a deep tiller and that OMM will use qualified individuals to evaluate the revegetated areas. The Director finds that Illinois' interpretation of its proposed regulations provides the necessary clarification that is lacking in the language of the regulations.

2. Correlation of the Maximum Acreage to the Types of Activities and Demonstration of Minimum Disturbance

OMM proposed a four acre maximum under the recommendation of the Illinois Department of Agriculture (IDOA). OMM enclosed a letter dated September 10, 1997, from the IDOA which supports the proposed amendment (Administrative Record No. IL–1671). The IDOA agreed that small isolated areas of four acres or less should not be subject to the full sampling procedures under the Agricultural Lands Productivity Formula. The IDOA stated that based on its experience with cropland restoration under the ALPF, it firmly believed the four-acre threshold is practical and represents a reasonable approach to the evaluation of cropland and hayland at Illinois mines. The IDOA in cooperation with the OMM implements the Agricultural Lands Productivity Formula.

OMM explained that the proposed regulation language describes minor disturbance as an area where the majority of the subsoil remains in place. It also is intended to include areas where topsoil removal was not required. OMM would ensure all non-toxic contaminants are either prevented from mixing with the subsoil or are adequately removed without significant loss of in-place subsoil. It would require the use of techniques such as engineering fabrics to be placed prior to rock placement where it deems it appropriate. Areas affected by coal or toxic material handling would not be eligible under the proposed regulation. OMM would differentiate the minor disturbances into three main types.

(1) *Areas where topsoil was left in place.* Signs, markers and power poles are common examples. A disturbed area is generally less than .25 acres. The type of disturbance is so minor and small that sampling of these areas is impractical.

(2) *Areas where topsoil was removed and stockpiled and the subsoil was left in place.* Common examples include rock dust holes and electrical substations. The disturbed area rarely exceeds one acre. Typically a bulldozer is used to remove and stockpile the topsoil for these areas. Bulldozers possess a ground pressure less than or equal to conventional farm equipment. In order to alleviate any soil compaction, OMM will require the area to be tilled with a conventional agricultural subsoiler or, if necessary, a deep tiller.

(3) *Areas where the topsoil was removed and stockpiled and portions of the area were excavated for foundations or for shaft construction.* Subsoils were stockpiled where necessary and later replaced during reclamation of the site. A disturbed area may approach four acres. Scrapers and excavators may be used in preparing these areas for use. Amny foundations existing on site will be removed from the rooting zone. In order to alleviate any soil compaction, OMM will require the area to be tilled with a conventional agricultural subsoiler or, if necessary, a deep tiller.

Most surface coal mining permits in Illinois are issued for several hundred acres or more, with some issued for over 1,000 acres. A common occurrence at surface mines is a fringe of surface disturbance only areas adjacent to the mined areas. These surface disturbance only areas are surrounded by unaffected land and usually have been used for signs, markers, power poles, or electrical substations. Most non-contiguous, minor disturbance areas associated with underground mines are permitted under Illinois' regulations at 62 IAC 1785.23 for minor underground mine facilities not at or adjacent to the processing or preparation facility or area. The types of facilities permitted under these regulations include air shafts, fan and ventilation buildings, small support buildings or sheds, access power holes, other small miscellaneous structures and associated roads. These small isolated areas are surrounded by unaffected land. The Director finds that Illinois has provided adequate information to correlate the maximum acreage to the types of activities that would qualify under the proposed regulations and has provided a satisfactory explanation of what constitutes minimum disturbance.

3. *Achievement of Original Capability.* In its letter of September 26, 1997, OMM stated that the process of the permittee planting of the crop and OMM's evaluating the crop is the ''demonstration of capability,'' if it is determined the crops are successful.

On May 2, 1994 (finding 16.C, 59 FR 22513, 22514), OSM made the following applicable findings concerning the achievement of original capability in the preamble discussion of a proposed amendment submitted by the State of Ohio.

Section 515(b)(2) of SMCRA requires that land affected by surface coal mining operations be restored to a condition capable of supporting the uses which it was capable of supporting prior to any mining or to higher or better uses of which there is a reasonable likelihood. However, this capability demonstration is independent of the

revegetation requirements of paragraphs (b)(19) and (b)(20) of section 515(b) of SMCRA * * * Indeed, in the preamble to 30 CFR 816.133(a) as revised on September 1, 1983 (48 FR 39892, 39897), the Secretary states that:

[T]he final rule emphasizes the land's capability, both with regard to premining uses and higher or better uses, in this implementation of Section 515(b)(2) of the Act. This requirement is distinct from the revegetation or prime farmland rules, which under some circumstances may require actual production on the reclaimed land as a measure of successful reclamation.

Furthermore, section 508(a) of SMCRA and its legislative history (S. Rep. No. 128, 95th Cong., 1st Sess. 77 (1977)) provide that the demonstration that premining capability can and will be restored must be made as part of the reclamation plan submitted with the permit application. Thus, the land use restoration requirements of section 515(b)(2) are addressed primarily through the permit application review process, and compliance is achieved by adherence to the reclamation plan and other performance standards such as those pertaining to toxic materials, topsoil, and backfilling and grading. No separate capability demonstration is necessary upon the completion of mining and reclamation.

The permits which contain the non-contiguous, surface disturbance areas of four acres or less are subject to all of the permit application review processes of the approved Illinois program. These areas also must adhere to the approved reclamation plans and the toxic materials, topsoil, and backfilling and grading performance standards of the approved Illinois program. The minor disturbances, discussed in the above finding under item 2, should have minimal impact on the pre-mining soil capability. Also, Illinois' requirement that the area be tilled with a conventional agricultural subsoiler or, if necessary, a deep tiller would alleviate what impact did occur. Therefore, based upon this discussion and OSM's May 2, 1994, policy finding regarding the demonstration of pre-mining capability, the Director finds that the approved Illinois program will assure the achievement of original capability for non-contiguous, surface disturbance areas of less than or equal to four acres.

Achievement of Postmining Land Use. OMM would assess the success of the area by the determination the area is supporting its post mining use and there were no observable differences between these areas and adjacent unaffected areas. OMM would not use this testing procedure if coal or other toxic material were to be handled in the immediate affected area. OMM would require at a minimum the area to be tilled with an agricultural subsoiler, preferably before topsoil replacement. In the event of poor crop performance on areas being evaluated, Illinois will require tillage to greater depths as deemed appropriate, based on timing, soil handling techniques, and equipment used for reclamation. If mitigation efforts are still unsuccessful, Illinois would require soil penetrometer testing and deeper tillage if deemed appropriate. Areas topsoiled to date will be evaluated in their current state, if a subsoiler has already been through the soil. OMM explained that all determinations of the success of these small areas will be done by qualified individuals experienced in the field of agronomy and soils. OMM's staff currently includes an individual certified under ARCPACS. ARCPACS: A Federation of Certifying Boards in Agriculture, Biology, Earth and Environmental Sciences is a certification program that certifies professionals in agronomy and soils, who possess sufficient education and experience in these fields. Certified individuals are bound by a code of ethics, regarding their professional opinion and conduct. Illinois has persons other than ARCPACS certified persons available for crop evaluations. They include persons who are currently involved in the ALPF testing program such as IDOA personnel and U.S. Department of Agriculture crop enumerators.

The evaluation of the crop would be done near the time of the harvest of the crop grown. Hay would be required in a pasture land use and corn or soybeans would be required in a crop land use. The observation would be done for a minimum of two years of the responsibility period, excluding the first year. No phase III bonds would be released before the fifth year of the responsibility period.

OSM notes that an inspection and evaluation of the reclamation work involved would also be conducted upon receipt of a bond release request in accordance with Illinois' regulation at 62 IAC 1800.40(b). The Director finds that Illinois has adequate procedures and qualified individuals to determine whether the small, minimally distributed areas have achieved their postmining land use.

In accordance with section 101(f) of SMCRA, OSM has always maintained that the primary responsibility for developing, authorizing, issuing and enforcing regulations for surface coal mining and reclamation operations should rest with the States. The absence of minimum standards in portions of the Federal rules is not a weakening of revegetation requirements but reflects that the rules are designed to account for regional diversity in terrain, climate, soils, and other conditions under which mining occurs. OMM in its implementation of the Illinois program has found that it is impracticable to test crop productivity on small isolated areas. Several of these non-contiguous, minimally disturbed areas have been reclaimed for several years. From a practical standpoint, it is usually difficult to identify precisely where such areas are located in the field once revegetation is established in accordance with the approved reclamation plan. As discussed earlier, OSM recognizes the practicality of excluding the need to test for revegetation success for small minimally disturbed areas. Although OSM provided exceptions in the Federal regulations from the full performance standards for soil removal and prime farmland for minor disturbance areas at 30 CFR 816.22(a)(3), 817.22(a)(3), 823.11(a), 823.12(c)(2), and 823.14(d), OSM did not consider the eventual need for exceptions from the full requirements of the Federal revegetation standards for success at 30 CFR 816.116 and 817.116 for minimally disturbed areas. The Federal regulations at 30 CFR 816.22(a)(3) and 817.22(a)(3) authorize the regulatory authority to approve an exception from the requirement to remove topsoil for minimally disturbed areas for surface and underground mines, including operations on prime farmland, for minor disturbances which occurs at the site of small structures, such as power poles, signs, or fence lines. The Federal regulation at 30 CFR 823.11(a) authorizes the regulatory authority to approve an exemption from prime farmland performance standards for coal preparation plants, support facilities, and roads of underground mines that are actively used over extended periods of time and where such uses effect a minimal amount of land. The Federal regulations at 30 CFR 823.12(c)(2) and 823.14(d) authorize the regulatory authority to approve an exception from the requirement to remove and reconstruct B and C soil horizons when the B and C horizons would not otherwise be removed by mining activities and where soil capability can be retained, such as areas beneath surface mine and underground mine support facilities. OSM recognizes that standards sampling methods may not be practical for the small minimally disturbed areas that will be eligible under Illinois' regulations at 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F). These areas will still subject to the general revegetation requirements of Illinois' counterparts to the Federal regulations at 30 CFR 816.111 and 817.111. With the exception of the

sampling methods approved of measuring revegetation success for cropland and pastureland at 62 IAC 1816.Appendix A, these areas will also be subject to the applicable revegetation standards for success and responsibility periods contained in Illinois' counterparts to 30 CFR 816.116 and 817.116. Disturbance of the limited types referenced by Illinois for these small areas should have minimal impact on soil productivity, if any. Also, areas this small would have a negligible impact on the overall production of the surrounding non-mined cropland or pastureland. Illinois has established that qualified individuals experienced in the fields of agronomy and soils that have the experience and ability to make valid determinations as to whether a diverse, effective permanent vegetative cover has been successfully established will evaluate these small areas. The interpretation, program procedures, and evaluation criteria provided in Illinois' letter of August 5, 1997, as modified by its letters of September 26 and November 3, 1997, should ensure that these minimally disturbed areas are capable of achieving a productivity level compatible with the approved postmining land uses and that crop production will be at least equal to that of the surrounding unmined lands. Therefore, the Director finds that requiring these areas to be evaluated by the statistically valid sampling methods approved in the Illinois program would be impractical.

Based on the above discussions, the Director is approving Illinois' proposed regulations at 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F) in combination with its August 5, 1997, interpretation statement, program procedures, and evaluation criteria as modified by its letters dated September 26, 1997, and November 3, 1997. Also, since approval of these regulations will satisfy the required amendment codified at 30 CFR 913.16(x), it is being removed. The Director wants to emphasize that this method for determining revegetation success is only being approved for small, minimally disturbed areas.

IV. Summary and Disposition of Comments

Public Comments

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

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Illinois program during its review of Illinois' February 3, 1995, proposed amendment (Administrative Record Nos. IL–1618 and IL–1664). The Natural Resources Conservation Service (NRCS) was the only agency to comment on Illinois' proposed regulations at 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F). Although it did comment on aspects of the proposed language, the NRCS concurred with the State's objective in proposing the rules (Administrative Record Nos. IL–1657, June 7, 1995, and IL–1661, July 20, 1995). The concerns expressed by the NRCS were that compaction alleviation be required, eligible activities be identified, a maximum size area be designated, and minimum soil disturbance be defined. As shown above in the preamble discussion, OSM took the NRCS concerns into consideration during its evaluation of Illinois' request for reconsideration of its May 29, 1996, decision on the proposed regulations.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Illinois proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request the EPA's concurrence.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM is required to solicit comments on proposed amendments which may have an effect on historic properties from the SHPO and ACHP. OSM solicited comments from the SHPO and ACHP during its review of Illinois' February 3, 1995, proposed amendment (Administrative Record Nos. IL–1618 and IL–1664). The SHPO concurred with Illinois' proposed amendment on March 3, 1995 (Administrative Record No. IL–1624(A)). The proposed regulations addressed in this final rule have no effect on historic properties. Therefore OSM did not solicit additional comments from the SHPO or ACHP.

V. Director's Decision

Based on the above findings, the Director approves Illinois' regulations at 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F) as submitted on February 3, 1995, and as revised on November 1, 1995, in combination with the interpretation statement, program procedures, and evaluation criteria to be used in the implementation of the regulations as submitted on August 5, 1997, and as revised on September 26, 1997, and November 3, 1997.

The Director approves the regulations as proposed by Illinois with the provision that they be fully promulgated in identical form to the regulations submitted to and review by OSM and the public and that the interpretation statement, program procedures, and evaluation criteria proposed by Illinois be used in the implementation of the regulations.

the Federal regulations at 30 CFR Part 913, codifying decisions concerning the Illinois program, are being amended to implement this decision.

VI. 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 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (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 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 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 corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 27, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR part 913 is amended as set forth below:

PART 913—ILLINOIS

1. The authority citation for part 913 continues to read as follows:

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

2. Section 913.15 is amended in the table by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 913.15 Approval of Illinois regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
August 5, 1997	April 8, 1998	62 IAC 1816.116(c)(3)(F); 1817.116(a)(3)(F); Interpretation Statement, Program Procedures, and Evaluation Criteria for 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F).

§ 913.16 [Amended]

3. Section 913.16 is amended by removing and reserving paragraph (x).

[FR Doc. 98–9174 Filed 4–7–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay; 98–005]

RIN 2115–AA98

Safety Zone: San Francisco Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of San Francisco Bay, California, between Pier 35 and the Golden Gate Bridge. This temporary regulation will apply to the powerboat race sponsored by the Pacific Offshore Powerboat Racing Association taking place on April 19, 1998 between Blossom Rock and the south tower of the Golden Gate Bridge. The temporary safety zone will be bounded by the following positions: commencing at Latitude 37°49′10″N, Longitude 122°24′07″W; thence to 37°48′50″N, 122°24′07″W; thence to 37°48′56″N, 122°28′48″W; thence to 37°48′48″N, 122°28′48″W; thence returning to the point of origin. This temporary safety zone is necessary to provide for the safety of participants, spectators, and property during the event. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or the Patrol Commander. Commercial vessels may request authorization to transit this safety zone by contacting Vessel Traffic Service on channel 14. Vessel Traffic Service will coordinate commercial vessel transits with the Patrol Commander.

DATES: This safety zone will be in effect on April 19, 1998 from 1 p.m. to 3 p.m. PDT.

ADDRESSES: U.S. Coast Guard Marine Safety Office, San Francisco Bay, Building 14, Coast Guard Island, Alameda, CA 94501–5100.

FOR FURTHER INFORMATION CONTACT: Lieutenant Andrew B. Cheney, U.S. Coast Guard Marine Safety Office, San Francisco Bay at (510) 437–3073.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking (NPRM) was not published for this regulation, and good cause exists for making it effective prior to, or less than 30 days after, **Federal Register** publication. Publication of an NPRM and delay of its effective date would be contrary to the public interest since the precise location of the powerboat race necessitating the promulgation of this safety zone, and other pertinent logistical details surrounding the event, were not finalized until a date fewer than 30 days prior to the event date.

Discussion of Regulation

The Pacific Offshore Powerboat Racing Association has been granted a permit by Commander, Coast Guard Group San Francisco to sponsor a multiple lap powerboat race on April 19, 1998 on the waters of San Francisco Bay between the south tower of the Golden Gate Bridge and Blossom Rock. This safety zone is necessary to protect participants, spectators, and property from hazards associated with this race. Entry into, transmit through, or anchoring within this safety zone is prohibited, unless authorized by the Captain of the Port or the Patrol Commander. Commercial vessels may