consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

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 Big Stone Gap Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

*Public Hearing*

If you wish to comment at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on October 25, 1999. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

To assist the transcriber and ensure an accurate record, we request that, if possible, each person who testifies at a public hearing provide us with a written copy of his or her testimony. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing 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 comment at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendments you may request a meeting at the Big Stone Gap Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of the meetings will be posted in advance at the locations listed above under **ADDRESSES.** A summary of meeting will be included in 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 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 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.

*Unfunded Mandates*

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 946**

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 29, 1999.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 99–26358 Filed 10–7–99; 8:45 am]

**BILLING CODE 4310–05–P**

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## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 948

**[WV–081–FOR]**

## West Virginia Permanent Regulatory Program

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

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** OSM is announcing the reopening of the public comment period on a proposed amendment to the West Virginia permanent regulatory program (hereinafter referred to as the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment revises the West Virginia Code to create the Office of Explosives and Blasting, and adds and amends sections of the West Virginia Code concerning blasting. The amendment is intended to improve the operational efficiency of the State program. The comment period is being reopened because West Virginia submitted additional information which may affect our final decision on the proposed amendment.

**DATES:** Written comments must be received on or before 4:00 p.m. on October 25, 1999.

**ADDRESSES:** Your written comments should be mailed or hand delivered to Mr. Roger W. Calhoun, Director, Charleston Field Office at the address listed below.

Copies of the proposed amendment, the West Virginia program, and the administrative record on the West Virginia program are available for public review and copying at the addresses below, during normal business hours, Monday through Friday, excluding

holidays. You may receive one free copy of the proposed amendment by contacting the OSM Charleston Field Office.

Mr. Roger W. Calhoun, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301 Telephone: (304) 347–7158

West Virginia Division of Environmental Protection, 10 McJunkin Road, Nitro, West Virginia 25143, Telephone: (304) 759–0515

In addition, copies of the proposed amendment are available for inspection during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, P.O. Box 886, Morgantown, West Virginia 26507, Telephone: (304) 291–4004

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 323 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255–5265

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger W. Calhoun, Director, Charleston Field Office; Telephone: (304) 347–7158.

**SUPPLEMENTARY INFORMATION:**

## I. Background on the West Virginia Program

On January 21, 1981, the Secretary of the Interior conditionally approved the West Virginia program. Background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of the approval can be found in the January 21, 1981, **Federal Register** (46 FR 5915–5956). Subsequent actions concerning the West Virginia program and previous amendments are codified at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

## II. Discussion of the Proposed Amendment

By letter dated March 25, 1999 (Administrative Record Number WV–1119), the West Virginia Division of Environmental Protection (WVDEP) submitted an amendment to the West Virginia program pursuant to 30 CFR 732.17. The amendment concerns changes to Chapter 22 Article 3 (§ 22–3) and § 22–1 of the West Virginia Code as contained in West Virginia Senate Bill (SB) 681. The amendment creates the Office of Explosives and Blasting within the WVDEP, and adds and amends sections of the West Virginia Code concerning blasting. By letter dated April 1, 1999 (Administrative Record Number WV–1121), the WVDEP notified us that the West Virginia Governor signed SB–681, and provided a copy of the signed bill.

We published an announcement of the proposed rule and invited public comment in the April 20, 1999, **Federal Register** (64 FR 19327). No one requested a public hearing on the proposed amendment, so none was held.

During our review of the amendment, we submitted to West Virginia a listing of our issues and draft findings on the proposed amendment (Administrative Record Number WV–1136). The WVDEP requested a meeting to discuss our issues and draft findings, and that meeting was held on July 19, 1999. Finally, the WVDEP sent us a letter dated August 10, 1999 (Administrative Record Number WV–1137) which addressed the issues we presented in our listing and at the July meeting. A brief summary of the WVDEP's responses follows.

The WVDEP stated that the deletion of W.Va. Code section 22–3–13(b)(15)(C) does not leave a gap in the state's program. This section requires that blasting operations limit the type of explosives and detonating equipment, the size, timing and frequency of blasts based upon the conditions of the site so as to prevent injury to persons, damage to public and private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel or availability of ground or surface water outside the permit area. The WVDEP stated that the deletion of this section leaves no gap in the approved program, because existing provisions at W.Va. Code section 22–3–2(c)(1), (2), and (5), and in the Code of State Regulations (CSR) at sections 38–2–6.4, 38–2–6.5 and 38–2–6.5.a., continue to apply and cover all of the requirements contained in the deleted provision.

The WVDEP stated that new section 22–3–13a(g) merely adds a requirement that operations conducting production blasting submit a pre-blast survey to the Office of Explosives and Blasting at least 15 days before blasting. The new section is not intended to limit the general requirement for a pre-blast survey to production blasting. In fact, the WVDEP stated, the regulatory time limits for pre-blast surveys, at CSR 38–2–6.8.a.4, continue to apply to all other blasting. The WVDEP agrees with OSM that a copy of the pre-blast survey should be provided to the owner or occupant of a dwelling who requested the survey, regardless of whether the owner or occupant actually requests a copy.

The WVDEP stated that it would not object if OSM were to disapprove section 22–3–13a(j), because this provision appears to exempt the surface blasting effects of underground mining operations from the general pre-blast survey requirements of section 22–3–13a.

The WVDEP stated that the distance prohibition on production blasting, contained in section 22–3–22a(d), is in addition to the general mining prohibitions contained in section 22–3–22(d)(4), and is not intended to replace those general prohibitions. Also, the WVDEP stated that if the site-specific blast design requirements of section 22–3–22a(e) are waived, the operator must still submit a generic blast design, as required by CSR 38–2–6.5.g.

The WVDEP requested that OSM defer its decision with respect to the new bond release provisions of section 22–3–23(c), because it plans to submit implementing regulations that it believes will address OSM's concerns with this provision. OSM is concerned that the proposed change to section 22–3–23(c) will allow final bond release prior to the end of the revegetation responsibility period, and that this allowance would be inconsistent with SMCRA section 515(b)(20).

Finally, the WVDEP stated that the new civil penalty provisions of section 22–3–30a apply only to production blasting violations that result in property damage. All other blasting related violations, according to the WVDEP, would continue to be subject to the existing civil penalty provisions contained in CSR 38–2–20.

We are reopening the public comment period to provide an opportunity to review the information provided by the WVDEP in response to our issues and draft findings on this amendment. If the information submitted by the WVDEP is found to be adequate, we may rely on that information as we make our findings on the provisions of the proposed amendment.

## III. Public Comment Procedures

We are seeking comments, in accordance with the provisions of 30 CFR 732.17(h), on the WVDEP response letter dated August 10, 1999. Since the WVDEP letter responds directly to the issues raised in our July 7, 1999, listing of issues and draft findings, we recommend that you consult both documents during your review. Your comments should address whether the explanations provided by the WVDEP satisfy the applicable program approval criteria of 30 CFR 732.15. If the explanations provided by the WVDEP are deemed adequate, we may rely on

them as we write our findings on the proposed amendment to the West Virginia program.

*Written Comments*

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking [or administrative] record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking [or administrative] record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Your written comments should be specific, pertain only to the issues proposed in this notice and include explanations in support of your recommendations. Comments received after the time indicated under **DATES** or at locations other than the OSM Charleston Field Office will not necessarily be considered in the final rulemaking or included in 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 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*

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

## List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 29, 1999.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 99–26359 Filed 10–7–99; 8:45 am]

BILLING CODE 4310–05–P

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 100

**[CGD 05–99–084]**

**RIN 2115–AE46**

## Special Local Regulations for Marine Events; International Tug-of-War, Spa Creek, Annapolis Harbor, Maryland

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish temporary special local regulations for the International Tug-of-War, a marine event to be held over the waters of Spa Creek, Annapolis Harbor, Maryland. This action is necessary to protect participants, spectators, and vessels transiting the event area. This action is intended to enhance the safety of life and property during the event.

**DATES:** Comments must reach the Coast Guard on or before October 25, 1999.

**ADDRESSES:** You may mail comments to Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, hand-deliver them to Room 119 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays or fax them to (757) 398–6203. Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble will become part of this docket and will be available for inspection and copying at the above address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** S. L. Phillips, Project Manager, Operations Division, Auxiliary Section, at (757) 398–6204.

**SUPPLEMENTARY INFORMATION:**

### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 05–99–084) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments