

held because no one requested an opportunity to testify.

By letter dated October 21, 1994, (Administrative Record No. OH-2066), OSM provided its questions and comments to Ohio on the July 19, 1994, submission of Ohio's "Guidelines for Evaluating Revegetation Success." By letter dated December 20, 1994 (Ohio Administrative Record OH-2075), Ohio resubmitted revised guidelines which are intended to address the questions and comments in OSM's October 21, 1994 letter. Ohio's new proposed changes to its guidelines are described briefly below:

(1) Ohio is adding text to require that inspectors verify that the vegetation is successfully stabilizing the soil surface from erosion when inspectors evaluate areas for final bond release.

(2) Ohio is revising the guidelines to require a minimum of 100 samples to evaluate ground cover.

(3) Ohio is correcting errors in the statistical formulas for sampling adequacy and crop productivity.

(4) Ohio is deleting references in the guidelines to "subsamples."

(5) Ohio is revising the guidelines to exclude the first year's yields from consideration in meeting prime farmland crop productivity.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio 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 Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. on January 30, 1995. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

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.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment 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. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT.**" All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order No. 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 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 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 which require approval by the Office of Management and Budget 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 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. Hence, 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 in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 9, 1995.

Richard J. Seibel,

Acting Assistant Director, Eastern Support Center.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 156

[CGD 93-081]

RIN 2115-AE90]

Designation of Lightering Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting; request for comments.

SUMMARY: The Coast Guard announces a public meeting on February 16, 1995, in the New Orleans, Louisiana, area to

provide the public an opportunity to comment on its proposal to establish three lightering zones in the Gulf of Mexico. The proposed zones are more than 60 miles from the baseline from which the territorial sea of the United States is measured and will allow single hull tankers using these zones to conduct lightering operations until the year 2015. The views presented at this meeting together with written comments on the proposal will be considered by the Coast Guard in formulating a final rule.

DATES: The meeting will be held February 16, 1995, from 9 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Best Western Landmark Hotel, Mardi Gras Ballroom, 2601 Severn Avenue, Metairie, LA. Comments become part of this docket (CGD 93-081) and are available for inspection or copying at room 3406, Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Stephen Kantz, Oil Pollution Act (OPA 90) Staff (G-MS-A), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593, telephone (202) 267-6740. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION:

Regulatory History

In November 1993, the Coast Guard received several requests to establish lightering zoned in the Gulf of Mexico. On December 2, 1993, the Coast Guard published in the **Federal Register** a notice of these petitions for rulemaking and request for comment (58 FR 63544).

Currently, 33 CFR part 156 provides that the Coast Guard will consider various factors in designating lightering zones—traditional use of the area for lightering; weather and sea conditions; water depth; proximity to shipping lanes, vessel traffic schemes, anchorages, fixed structures, designated marine sanctuaries, fishing areas, and designated units of the National Park System, National Wild and Scenic Rivers System, National Wilderness Preservation System, properties included on the National Register of Historic Places and National Registry of Natural Landmarks, and National Wildlife Refuge System; and other relevant safety, environmental, or economic data (33 CFR 156.230).

On December 16, 1993, the Coast Guard published in the **Federal Register** a notice of public meeting to solicit opinions on whether lightering zones should be established and, if so, where they should be located and what

operating conditions should be mandated (58 FR 65683). A public meeting was held in Houston, Texas, on January 18, 1994. At that time, the Oil Spill Coordinator from the State of Louisiana requested that a public meeting be held in Louisiana after there was an opportunity to review any proposal by the Coast Guard to designate lightering zones.

On January 5, 1995, the Coast Guard published the notice of proposed rulemaking in the **Federal Register** (60 FR 1958). The coordinates of the three lightering zones proposed to be established are set forth in the proposed rulemaking.

Summary of the Rulemaking

By using these proposed designated lightering zones more than 60 miles from the baseline, single hull tank vessels contracted for after June 20, 1990, and older single hull tank vessels phased out by OPA 90, would be able to lighter in the U.S. Economic Exclusive Zone (EEZ) until January 1, 2015. In addition to establishing the first lightering zones designated by the Coast Guard, the proposed rulemaking would also incorporate the use of recognized industry guidelines, impose certain weather and sea state restrictions, and require compliance with U.S. work hour limitations. It would also designate three other areas within the vicinity of the ecologically sensitive Flower Garden Banks National Marine Sanctuary in which all lightering will be prohibited.

In the NPRM, the Coast Guard specifically requested comments on the practicality of also designating a smaller northern area as an additional, fourth lightering zone. The boundaries of this northern area, which would be called "South Sabine Point," would consist of the waters bounded by a line connecting the following points beginning at:

Latitude N.	Longitude W.
28°30'00"	92°38'00", thence to
28°44'00"	93°24'00", thence to
28°33'00"	94°00'00", thence to
28°18'00"	94°00'00", thence to
28°18'00"	92°38'00", and thence to the point of beginning.

This rulemaking has been determined to be a significant regulatory action under established criteria of the Department of Transportation and the Office of Management and Budget.

Meeting Procedure

Members of the public planning to make oral presentations during the meeting should call the number listed in **FOR FURTHER INFORMATION CONTACT** no

later than the day before the meeting, and state their intention to speak about docket number 93-081, provide their name, and the approximate duration of their presentation. Persons making oral presentations are also encouraged to submit a copy of their remarks in writing during the meeting.

Dated: January 9, 1994.

J.C. Card,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-5138-2]

Ocean Dumping; Proposed Site Designation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate an Ocean Dredged Material Disposal Site (ODMDS) in the Gulf of Mexico offshore Tampa, Florida, as an EPA-approved ocean dumping site for the disposal of suitable dredged material. This proposed action is necessary to provide an acceptable ocean disposal site for consideration as an option for dredged material disposal projects in the greater Tampa, Florida vicinity. This proposed site designation is for an indefinite period of time, but the site is subject to continuing monitoring to insure that unacceptable adverse environmental impacts do not occur.

DATES: Comments must be received on or before February 27, 1995.

ADDRESSES: Send comments to: Wesley B. Crum, Chief, Coastal Programs Section, Water Management Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

The file supporting this proposed designation is available for public inspection at the following locations: EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street, SW., Washington, DC 20460 EPA/Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Department of the Army, Jacksonville District Corps of Engineers, 400 West Bay Street, P.O. Box 4970, Jacksonville, FL 32232-0019

FOR FURTHER INFORMATION CONTACT: