

(e) Owners or operators of new facilities in State waters must submit the number of copies of the response plan requested by MMS to the appropriate MMS office 60 days before commencing operations.

§ 254.15 Approval of plans.

(a) The Regional Supervisor shall approve a plan that meets the following criteria:

(1) The plan contains the information required in § 254.5 or § 254.14, as appropriate.

(2) The plan identifies a worst case scenario that accurately reflects:

(i) The risks associated with the oil or other hazardous material being produced, stored, or transported;

(ii) Any adverse environmental conditions that can be expected in the area where the oil or hazardous material is being produced, stored, or transported and any area where the oil or hazardous material could migrate following a spill; and

(iii) Any environmentally sensitive or economically important areas that could be damaged by the spill.

(3) The plan provides for equipment, personnel, procedures, training, and drills that will result in the ability to respond in a timely manner to the identified worst case spill and remove the spill to the maximum extent practicable as well as mitigate or prevent a substantial threat of such a discharge.

(4) The plan is consistent with the National Contingency Plan and all relevant Area Contingency Plans.

(5) The plan demonstrates that the responsible party has granted an identified person full authority to implement removal actions.

(b) If the Regional Supervisor determines at any time that a response plan submitted to MMS or a State is inadequate, the Regional Supervisor will specify deficiencies in the plan, and the responsible party must take action to modify the plan.

[FR Doc. 95-802 Filed 1-12-95; 8:45 am]

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Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Permanent Regulatory Program; Evaluation of Revegetation Success

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

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: OSM is reopening the public comment period for revised amendments to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio has submitted additional proposed changes to its guidelines for evaluating revegetation success. These guidelines describe the sampling methods and standards which Ohio proposes to use to evaluate revegetation success prior to bond release on areas with different postmining land uses. The amendments are intended to make the Ohio program as effective as the corresponding Federal regulations.

This document sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4:00 p.m. on February 13, 1995. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on February 7, 1995. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on January 30, 1995.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Robert H. Mooney, Acting Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232, Telephone: (614) 866-0578

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H-3, Columbus, Ohio 43224, Telephone: (614) 265-6675

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:

Mr. Robert H. Mooney, Acting Director, Columbus Field Office, (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1992, **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

On October 21, 1993 (Administrative Record No. OH-1944), the Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted a final combined version of two previous program amendments, Program Amendments Number 25R and 56R (PA 25R and PA 56R). In this combined submission, Ohio proposed to revise parts of the Ohio Administrative Code (OAC) pertaining to land use and revegetation success standards. Ohio also submitted "Guidelines for Evaluating Revegetation Success" establishing the sampling procedures for measuring vegetative ground cover, forage yield, and tree shrub stocking.

On May 2, 1994 (59 FR 22517), the Acting Assistant Director of OSM announced his decision approving combined PA 25R and 56R with certain exceptions. In that decision, the Assistant Director required Ohio to submit a proposed amendment to modify its "Guidelines for Evaluating Revegetation Success" to require the species diversity, erosion control, and other applicable requirements of OAC 1501:13-9-15(B) and (C) be evaluated at the time of final bond release. The Assistant Director also required that Ohio revise the formula for determining the sample size for evaluating tree and shrub success.

By letter dated July 19, 1994 (Ohio Administrative Record OH-2032), Ohio resubmitted revised "Guidelines for Evaluating Revegetation Success" which were intended to address the Assistant Director's requirements in his May 2, 1994, decision on PA 25R and 56R. OSM announced its receipt of proposed PA 25R and 56R in the **Federal Register** (59 FR 38577) on July 29, 1994. The public comment period ended on August 29, 1994. The public hearing scheduled for August 23, 1994, was not

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