size when determining sample adequacy; (10) sampling techniques for measuring woody plant density; (11) the use of representative strips to measure soil productivity on prime farmlands; (12) inter-seeding as a normal husbandry practice; (13) random sampling of clipped forage samples; and (14) t-test statistical calculations.

OSM notified North Dakota of the concerns by letter dated September 9, 1994 (administrative record No. ND–U–10). North Dakota responded in a letter dated December 21, 1994, by submitting a revised amendment and additional explanatory information (administrative record No. ND–U–14) that addressed the concerns identified by OSM.

Specifically, North Dakota (1) Proposes a requirement for vegetative ground cover sufficient to control erosion for recreation, residential, or industrial and commercial postmining land uses; (2) provides Natural Resources Conservation Service (formerly the Soil Conservation Service) concurrence with the sampling techniques used to demonstrate revegetation success on reclaimed prime farmlands; (3) proposes to indicate that the use of any alternative sampling techniques must be approved by OSM as well as by North Dakota; (4) provides additional explanatory information concerning the demonstration of productivity on tame pastureland; (5) provides additional explanatory information concerning consultation and approval from the State Game and Fish Department and State Forester for woodland and shelterbelt stocking and planting arrangements; (6) proposes to delete the revegetation success standards for non-replacement shelterbelts; (7) proposes to clarify the requirements for a premining land use assessment when an area is primarily used by wildlife; (8) proposes to require (a) that the fourth-stage bond release standard for annual grain crops must be met for the last two consecutive years of the liability period and (b) the approved standard for wetlands must be met at the time of final bond release; (9) provides additional explanatory information concerning the establishment of a maximum sample size; (10) proposes to require that woody plant density must be determined using methods that are statistically valid with a 90 percent confidence level; (11) provides additional explanatory information concerning the use of representative strips to measure soil productivity on prime farmlands; (12) provides additional explanatory information concerning the use of inter-seeding as a normal husbandry practice; (13) proposes to disallow the use of random samples to determine moisture content of all samples; (14) proposes an additional statistical formula for use in t-tests; and (15) proposes correction of typographical errors.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed North Dakota program amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the North Dakota program.

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 Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

IV. Procedural Determinations

I. 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).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that 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 12550) and the Federal regulations at 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 other requirements of 30 CFR Parts 730, 731, and 732 have been met.

3. 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 of 1969 (42 U.S.C. 4332(2)(C)).

4. 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.*).

5. 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 that 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.

V. List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 10, 1995.

Charles E. Sandberg,

Acting Assistant Director, Western Support Center.

[FR Doc. 95–1221 Filed 1–18–95; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–94–150]

RIN 2115–AE47

Drawbridge Operation Regulations; Saugus River, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the regulations governing the Fox Hill SR107 Bridge at mile 2.5 over the Saugus River, between Saugus and Lynn, Massachusetts. This proposed change will permit the bridge owner, the Massachusetts Highway Department (MHD), to reduce the number of hours in a day that the bridge will be manned by drawtenders and opened on signal. The proposed change also provides that at all other times drawtenders would be on call for one hour advance notice openings. This action is being considered in light of the historically few requests for bridge openings during the time periods that are proposed for one hour advance notice service.

DATES: Comments must be received on or before March 20, 1995.

ADDRESSES: Comments should be mailed to Commander (obr), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, Massachusetts 02110–3350. Comments may also be hand-delivered to room 628 at the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (617) 223–8364. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Manager, Bridge Branch, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested persons are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–94–150), the specific section of this proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½″ x 11″ unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period, and may change this proposal in light of comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (obr), First Coast Guard District at the address listed under ''**ADDRESSES**.'' The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The drafters of this notice are Mr. John W. McDonald, Project Manager, Bridge Branch and Lieutenant Commander Samuel R. Watkins, Project Counsel, District Legal Office.

Background and Purpose

The Fox Hill SR107 Bridge at mile 2.5 between Saugus and Lynn, Massachusetts, has a vertical clearance of 6′ above mean high water (MHW) and 16′ above mean low water (MLW). The existing regulations for the Fox Hill SR107 Bridge require it to open on signal at all times.

The MHD has requested authority to reduce the times when the bridge is manned by drawtenders and to provide for one hour advance notice openings when the bridge is not manned. This request by the MHD seeks relief from the unnecessary burden of manning the bridge during times of infrequent requests for bridge openings.

Discussion of Proposed Amendments

The proposed regulations for the Fox Hill SR107 Bridge will require the draw to open on signal, except that from October 1 through May 31, 7 p.m. to 5 a.m., and all day on December 25 and January 1, the draw shall open as soon as possible, but not more than one hour, after notice is given to the drawtenders either at the bridge during the time the drawtenders are on duty or by calling the number posted at the bridge.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1970) The Coast Guard expects the economic impact to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the regulation will not prevent mariners from transiting the Fox Hill SR107 Bridge. Rather, it will only require that mariners plan their transits and provide advance notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because of the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under 5 U.S.C. 605(b) that this action, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612, and it has determined that this proposed regulation does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1(g); section 117.255 also issues under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.618 is amended by adding paragraph (c) to read as follows:

§ 117.618 Saugus River.

* * * * *

(c) The Fox Hill SR107 Bridge at mile 2.5 shall open on signal, except that from October 1 through May 31, 7 p.m. to 5 a.m. daily, and all day on December 25 and January 1, the draw shall open as soon as possible, but not more than one hour, after notice is given to drawtenders either at the bridge during the time the drawtenders are on duty or by calling the number posted at the bridge.

Dated: January 3, 1995.

J.L. Linnon,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 95–1294 Filed 1–18–95; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 117

[CGD01–94–149]

RIN 2115–AE47

Drawbridge Operation Regulations; Danvers Rivers, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing a change to the regulations governing the operation of the Beverly-Salem SR1A bridge at mile 0.0 between Salem and Beverly, Massachusetts, and the Essex County Kernwood Bridge at mile 1.0 between Peabody and Beverly, Massachusetts. Both bridges span the Danvers River. These proposed changes will allow the bridges' owner, the Massachusetts Highway Department (MHD), to reduce the number of hours in a day that the bridges will be manned by drawtenders. The changes will permit a corresponding increase in the number of hours in a day that the bridges will be unmanned and opened only upon one hour advance notice. This action is being proposed in light of the historically few requests for bridge openings during the time periods that are proposed for expanded one hour advance notice service.

DATES: Comments must be received on or before March 20, 1995.

ADDRESSES: Comments should be mailed to Commander (obr), First Coast Guard District, Captain John Foster Wiliams Federal Building, 408 Atlantic Ave., Boston, Massachusetts 02110–3350. Comments may also be hand-delivered to room 628 at the same address between 6:30 a.m. and 3 p.m., Monday through Friday, except federal holidays. The telephone number is (617) 223–8364. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Manager, Bridge Branch, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested persons are invited to participate in this rulemaking by submitting written views, comments data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–94–149), the specific section of the proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½ x 11 unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period, and may change this proposal in light of comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (obr), First Coast Guard District at the address listed under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The drafters of this notice are Mr. John W. McDonald, Project Manager, Bridge Branch, and Lieutenant Commander Samuel R. Watkins, Project Counsel, District Legal Office.

Background and Purpose

The Beverly-Salem SR1A Bridge at mile 0.0 between Salem and Beverly, Massachusetts, has a vertical clearance of 10′ above mean high water (MHW) and 19′ above mean low water (MLW). The Essex County Kernwood Bridge at mile 1.0 between Peabody and Beverly, Massachusetts, has a vertical clearance of 8′ above MHW and 17′ above MLW.

The MHD has requested authority to reduce the times when the bridges are manned by drawtenders and to increase the times when the bridges are on a 1 hour advance notice for openings. This request by the MHD seeks relief from the unnecessary burden of manning the bridges during times of infrequent requests for bridge openings.

Discussion of Proposed Amendments

Under the proposed regulations for the Beverly-Salem SR1A Bridge, from October 1 through April 30, the daily period slated for 1 hour advance notice openings would be expanded by 4 hours, from 8 p.m. until 5 a.m.

Similarly, under the proposed regulations for the Essex County Kernwood Bridge, from October 1 through April 30, the daily period slated for 1 hour advance notice openings would be expanded by 5 hours, from 7 p.m. until 5 a.m.

These proposed changes would relieve the MHD of the burden of manning the bridges with drawtenders during times of infrequent requests for bridge openings. The operating regulations for the MBTA/AMTRAK Bridge at mile 0.05 would remain unchanged.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the regulation will not prevent mariners from transiting the Beverly-Salem and Essex County Kernwood Bridges. Rather, it will only require mariners to plan their transits and provide advance notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because of the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under 5 U.S.C. 605(b) that this action, if adopted, will not have a significant economic impact on a substantial number of small entities.