

IV. Procedural Determinations

1. 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 1255) 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 the 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 (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.

List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 13, 1995.

Charles E. Sandberg,

Acting Assistant Director, Western Support Center.

[FR Doc. 95-1708 Filed 1-23-95; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 334

Danger Zone and Restricted Area Regulations

AGENCY: Army Corps of Engineers, DoD.

ACTION: Proposed rule.

SUMMARY: The U.S. Army Corps of Engineers is proposing to amend the regulations in 33 CFR part 334 to add a clause that alerts mariners that potential navigation and charting errors may occur in the boundaries of some danger zones and restricted areas as a result of the updating and replacement of the North American Datum of 1927 with the North American Datum of 1983. The promulgation of these regulations will notify mariners that geographic coordinates establishing danger zone and restricted area boundaries, promulgated in 33 CFR part 334 are not to be used for plotting on maps and charts where NAD 83 is referenced unless the geographic coordinates in the regulations are expressly labeled "NAD '83". Geographic coordinates without the NAD 83 reference may be plotted on charts or maps which are referenced to NAD 83 only after applying the correct formula that is published on the map or chart being used.

DATES: Comments must be submitted in writing on or before February 23, 1995.

ADDRESSES: HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Eppard at (202) 272-1783.

SUPPLEMENTARY INFORMATION: A datum is a reference point, line or surface used as a reference in surveying and mapping. Through the use of satellites

and other modern surveying techniques, it is now possible to establish global reference systems. The North American Datum of 1983 (NAD 83), a new adjustment of the U.S. network of horizontal control, has been adopted as a standard reference datum by the United States and Canada. In March 1988, the National Ocean Service, National Oceanic and Atmospheric Administration, commenced publishing charts in NAD 83. The parameters of the Ellipsoid of reference used with NAD 83 are very close to those used for the World Geodetic System of 1984 (WGS 84). The ellipsoid used for NAD 83, Geodetic Reference System 1980 (GRS 80), is earth-centered or geocentric as opposed to the nongeocentric ellipsoids previously employed. This means that the center of the ellipsoid coincides with the center of the mass of the earth. Any inquiries and requests for further information regarding NAD 83 and National Ocean Service nautical charts should be addressed to: Director, Coast Survey (NCG2), National Ocean Service, NOAA, 1315 East-West Highway, Station 6147, Silver Spring, Maryland 20910-3282.

Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps of Engineers is proposing to amend the regulations in 33 CFR part 334 by inserting the following clause that alerts mariners to the potential for navigation and charting errors in consequence of the NAD 83.

"Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used".

Notes

1. The U.S. Army Corps of Engineers has determined that this proposed rule is not a major rule within the meaning of Executive Order 12866 and is in accordance with the exemption provided military functions.

2. This proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354) which requires preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small

entities, i.e., small businesses, small government jurisdictions. We do not believe that the establishment of these rules will have any negative impacts on small entities because the procedures codified here will only serve to eliminate errors and confusion about the applicability of the 1983 North American Datum. Finally, no reporting or record-keeping requirements are imposed on any small entity as the result of this amendment to the danger zone/restricted area regulations.

Therefore, we have determined that this proposed rule, if and when finalized, will not have a significant economic impact on a substantial number of small entities and a regulatory flexibility analysis is not warranted.

List of Subjects in 33 CFR Part 334.

Navigation, Waterways,
Transportation.

Accordingly, we are proposing to amend part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3)

2. Section 334.6 is added as follows:

§ 334.6 Datum.

(a) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(b) For further information on NAD 83 and National Service nautical charts please contact: Director, Coast Survey (N/CG2), National Ocean Service, NOAA, 1315 East-West Highway, Station 6147, Silver Spring, MD 20910-3282.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 95-1661 Filed 1-23-95; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[SC01-FRL-5143-4]

Clean Air Act Proposed Full Approval of Operating Permits Program; State of South Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed full approval.

SUMMARY: EPA proposes to grant full approval to the Operating Permits Program submitted by the State of South Carolina for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources, and to certain other sources.

DATES: Comments on this proposed action must be received in writing by February 23, 1995.

ADDRESSES: Written comments on this action should be addressed to Carla E. Pierce, Regional Program Manager, Title V Program Development Team, Air Programs Branch, at the EPA Region 4 office listed.

Copies of the State's submittal and other supporting information used in developing the proposed full approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE., Atlanta, GA 30365. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Scott Miller, Title V Program Development Team, Air Programs Branch, Air Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30365, (404) 347-3555 extension 4153.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under title V of the Clean Air Act Amendments of 1990, (Clean Air Act ("Act") sections 501-507), EPA has promulgated rules that define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40

Code of Federal Regulations (CFR) part 70. Title V requires states to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that states develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by two years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal operating permits program.

II. Proposed Action and Implications

A. Analysis of State Submission

1. Support Materials

Pursuant to section 502(d) of the Act, the governor of each state must develop and submit to the Administrator an operating permits program under state or local law or under an interstate compact meeting the requirements of title V of the Act. The South Carolina Department of Health and Environmental Control (DHEC) requested, under the signature of Governor Carroll A. Campbell, Jr., approval of its operating permits program with full authority to administer the program submittal in all areas of the State of South Carolina, including the Catawba Indian Reservation.

The South Carolina submittal, provided as Section II—"Complete Program Description," addresses 40 CFR 70.4(b)(1) by describing how DHEC intends to carry out its responsibilities under the part 70 regulations. The program description has been deemed to be sufficient for meeting the requirement of 40 CFR 70.4(b)(1).

Pursuant to 40 CFR 70.4(b)(3), the Governor is required to submit a legal opinion from the Attorney General (or the attorney for the state air pollution control agency that has independent legal counsel) demonstrating adequate authority to carry out all aspects of a title V operating permits program. The State of South Carolina submitted an Attorney General's Opinion demonstrating adequate legal authority as required by Federal law and regulation.