

support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Charleston Field Office will not necessarily be considered in OSM's final decision or included in the Administrative Record.

#### B. Public Hearings

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.D.T. on April 26, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the 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 speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

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**.

#### C. Public Meeting

If only a few persons request an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss recommendations on how OSM and West Virginia should implement the provisions of section 720(a) of SMCRA, the implementing Federal regulations, and/or the counterpart State provisions, may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

Dated: April 5, 1995.

**Richard J. Seibel,**

*Acting Assistant Director, Eastern Support Center.*

[FR Doc. 95-8889 Filed 4-10-95; 8:45 am]

**BILLING CODE 4310-05-M**

## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation

#### 33 CFR Part 402

##### Tariff of Tolls: Proposed Revision

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada have jointly established and presently administer the St. Lawrence Seaway Tariff of Tolls. This Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the Corporation and the Authority. To improve the competitiveness of the Seaway, the Corporation and the Authority are proposing that the Tariff charges for the 1995 season under the Tariff Schedule be the same as for the 1994 season. In addition, the Corporation and the Authority are proposing, for competitive purposes, that the Incentive Tolls Program be continued and that the volume rebate be revised to broaden the base years and clarify the reporting requirements for the volume rebate.

**DATES:** Any party wishing to present views or data on the proposed revision may file comments with the Corporation on or before May 11, 1995.

**ADDRESSES:** Send comments to Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 366-0091.

**SUPPLEMENTARY INFORMATION:** In an effort to improve the Seaway's competitiveness, it is proposed to continue the section 402.8, the Schedule of Tolls, charges for the 1995 at the 1994 season levels. Accordingly, no change would be required to the Schedule as it now appears.

The Corporation and the Authority also are proposing, for competitive purposes, that the Incentive Tolls

Program be continued and be revised. In section 402.9, the discount for new business, subsection (a) would be amended to reflect its applicability to the 1995 navigation season and subsection (c) would be amended in part to change the base years for calculating the discount from 1991 through 1993 to 1992 through 1994. In section 402.11, volume rebates, subsection (a) would be amended to reflect its applicability to the 1995 navigation season and subsections (b) and (c) would be amended to change the base years for calculating the rebate from three years, 1991 through 1993, to four years, 1991 through 1994. The base years for the subsection (c) proviso on mergers or take-overs would also be changed from 1991 through 1994 to 1991 through 1995. Finally, subsection (d) would be amended to change the submission date for the traffic history description for the purposes of calculating the rebate to the end of the 1995 season and to clarify what specific information is required, *i.e.*, the shipper's or receiver's Seaway traffic history for 1991, 1992, 1993, 1994, and 1995 by port, vessel name, transit date, commodity description, and tonnage.

#### Regulatory Evaluation

This proposed regulation involves a foreign affairs function of the United States, and therefore, Executive Order 12866 does not apply. This proposed regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures and the proposed regulation is not considered significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

#### Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The Saint Lawrence Seaway Tariff of Tolls relates to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

#### Environmental Impact

This proposed regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of human environment.

## Federalism

The Corporation has analyzed this proposal under the principles and criteria in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

## List of Subjects in 33 CFR Part 402

### Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation proposes to amend Part 402—Tariff of Tolls (33 CFR Part 402) as follows:

## PART 402—[AMENDED]

1. The authority citation for 33 CFR Part 402 continues to read as follows:

**Authority:** 68 Stat. 93, 33 U.S.C. 981–990.

2. Section 402.9 would be amended by revising paragraph (a) and the first sentence of paragraph (c) introductory text to read as follows:

### § 402.9 Incentive tolls.

(a) Notwithstanding anything contained in this Tariff, the portion of the composite toll related to charges per metric ton of cargo charged on new business shall be reduced by fifty percent for a Seaway transit beginning and ending during the 1995 navigation year.

\* \* \* \* \*

(c) For the purposes of this section, “new business” means cargo that has not moved through a Seaway lock between an origin and a destination as defined in this paragraph (c) during the navigation seasons of 1992, 1993, and 1994 or cargo that has moved through a Seaway lock in quantities representing less than five percent of the average of Seaway traffic between an origin and a destination during the navigation seasons of 1992, 1993, and 1994. \* \* \*

\* \* \* \* \*

5. Section 402.11 would be amended by revising the first sentence of paragraph (a) and paragraph (b) through (d) to read as follows:

### § 402.11 Volume discount.

(a) A volume rebate shall be granted to a shipper of downbound cargo or to a receiver of upbound cargo at the end of the 1995 navigation season after payment of the full toll specified in the schedule under the tariff in § 402.8 of this part if shipments of a particular commodity during 1995 exceed by a minimum of 25,000 tons the shipper's or receiver's highest tonnage for that particular commodity during 1991, 1992, 1993, or 1994 in the Seaway.

\* \* \*

(b) Volume rebates shall be granted only with respect to commodities whose shipper and receiver have shipped or received the subject commodity in the years 1991, 1992, 1993, and 1994 and have not been subject of a merger or take-over during 1991, 1992, 1993, 1994, or 1995.

(c) The volume rebate shall be equal to a 50 percent reduction of the portion of the composite toll related to charges per metric ton of cargo paid for the shipments that surpass the shippers or receiver's highest tonnage for that commodity during 1991, 1992, 1993, or 1994. Payment of rebates will be made directly to the qualified receiver or shipper.

(d) A description of the shipper's or receiver's Seaway traffic history for 1991, 1992, 1993, 1994, and 1995 by port, vessel name, transit date, commodity description, and tonnage shall be submitted by the shipper or receiver prior to the end of 1995 and shall be subject to audit by the Authority.

\* \* \* \* \*

Issued at Washington, D.C. on April 4, 1995.

Saint Lawrence Seaway Development Corporation.

**Marc C. Owen,**

*Chief Counsel.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA 20-1-6517, PA 31-1-6009, PA 39-1-6518, AD-FRL-5187-6]

### Proposed Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Approval of PM-10 Implementation Plan for the Liberty Borough Area of Allegheny County

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve three State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania for the purpose of attaining and maintaining the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10) in Allegheny County. These implementation plans were submitted by the State to: fulfill the County's Group III requirements;

strengthen the Allegheny County SIP; and satisfy certain federal requirements for an approvable nonattainment area PM-10 SIP for the Liberty Borough area of Allegheny County, Pennsylvania. This action is being taken under section 110 of the Clean Air Act.

**DATES:** Comments must be received on or before May 11, 1995.

**ADDRESSES:** Comments may be mailed to Marcia L. Spink, Associate Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public

inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Allegheny County Health Department of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

**FOR FURTHER INFORMATION CONTACT:** Alan J. Cimorelli, (215) 597-6563.

## SUPPLEMENTARY INFORMATION:

### Background

On July 1, 1987, EPA promulgated National Ambient Air Quality Standards (NAAQS) for PM-10 (52 FR 24634). These standards replaced those promulgated for total suspended particulate (TSP) in 1971. On that day, EPA also promulgated, in 40 CFR parts 51 and 52, policies and regulations by which it would implement the PM-10 NAAQS.

Although there was a lack of extensive PM-10 ambient monitoring data at the time, EPA evaluated existing particulate matter data and concluded that there were some areas where the PM-10 NAAQS were likely to be violated, other areas where it could be presumed that a state's existing total suspended particulate regulations were adequate to provide for attainment, and other areas in which the attainment status was uncertain. Recognizing that it would be unreasonable to require full attainment demonstrations in all areas, EPA classified areas of the country as groups based on the probability that each area would maintain the PM-10 standard. Group I areas had a greater than 95 percent probability of nonattainment, Group II areas had a 20–95 percent probability of nonattainment and Group III areas had a less than 20 percent probability of nonattainment. Through this process, EPA identified all