

records show that approximately 325 underground coal mines have been classified as active in Virginia since October 24, 1992. Between October 24, 1992, and January 13, 1995, Virginia investigated 262 citizen complaints alleging subsidence-caused structural damage or water supply loss or contamination as a result of underground mining operations. As of January 13, 1995, Virginia had found that no violation of the Act existed on 202 of the complaints, violations existed on 35 of the complaints, and technical reports and a final decision were pending on 25 complaints.

By letter dated April 30, 1995, a person requested that the comment period be reopened because previous commitments prevented a timely reply to OSM's request for public comment. In response to this request, OSM is reopening the public comment period until May 26, 1995.

## II. Public Comment Procedures

OSM is requesting public comment to assist OSM in making its decision on which approach to use in Virginia to implement the underground coal mine performance standards of section 720(a) of SMCRA, the implementing Federal regulations, and any counterpart State provisions.

### A. Written Comments

Written comments should be specific, pertain only to the issues addressed in this notice, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Big Stone Gap Field Office will not necessarily be considered in OSM's final decision or included in the Administrative Record.

### B. Public Hearing

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 May 18, 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 that 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 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: May 4, 1995.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

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**BILLING CODE 4310-05-M**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 100

[CGD01-95-051]

### Special Local Regulation: Stonington Lobster Boat Races, Deer Island Thoroughfare, Stonington, ME

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent special local regulation for the Stonington Lobster Boat Race. The event will be held on Saturday, July 22, 1995, from 10 a.m. to 4 p.m., and thereafter annually on the third or fourth Saturday in July in the waters of Deer Island Thoroughfare, Stonington, ME. This regulation is needed to protect the boating public from the hazards associated with high speed powerboat racing in confined waters.

**DATES:** Comments must be received on or before June 12, 1995.

**ADDRESSES:** Comments should be mailed to Commander (b), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110-3350, or may be hand delivered to Room 428 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant(jg) B.M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223-8311.

### SUPPLEMENTARY INFORMATION:

#### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD01-95-051), 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 requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (b), First Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it is determined 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**.

The shortened comment period for this regulation was caused by a delay in receiving necessary information from the event sponsor. The Coast Guard considers this shortened comment period to be adequate because considerable promotional efforts undertaken by the sponsor have effectively publicized the event throughout the local area. The shortened comment period will allow sufficient time for the public to make substantive comments on the proposed rule.

*Drafting Information.* The drafters of this notice are Lieutenant(jg) B.M. Algeo, Project Manager, First Coast Guard District Boating Affairs Branch, and Lieutenant Commander S.R. Watkins, Project Counsel, First Coast Guard District Legal Office.

### Background and Purpose

On March 29, 1995, the sponsor, Deer Island-Stonington Chamber of Commerce, submitted a request to hold a powerboat race in Deer Island Thoroughfare, Stonington, ME. The Coast Guard is considering establishing a permanent regulation in Deer Island Thoroughfare for this event known as the "Stonington Lobster Boat Races." The proposed regulation would establish a regulated area in Deer Island Thoroughfare and would provide specific guidance to control vessel movement during the race.

This event will include up to 100 power-driven lobster boats competing on a rectangular course at speeds approaching 20 m.p.h. Due to the inherent dangers of racing in a confined area and the large wakes produced, vessel traffic will be temporarily restricted to provide for the safety of the spectators and participants.

The sponsor will provide five committee boats to augment the Coast Guard patrol assigned to the event. The race course will be well marked and patrolled, but due to the speed and proximity of the participating vessels, it is necessary to establish a special local regulation to control spectator and commercial vessel movement within this confined area.

### Discussion of Proposed Amendments

The Coast Guard proposes to establish a special local regulation on specified waters of Deer Island Thoroughfare, Stonington, Maine. The regulated area will be closed to all traffic from 10 a.m. to 4 p.m. on July 22, and thereafter annually on the third or fourth Saturday in July, at the same prescribed times. In emergency situations, provisions will be made to establish safe escort by a Coast Guard or designated Coast Guard vessel for mariners requiring transit through the regulated area. This regulation is needed to protect spectators and participants from the hazards that accompany a high speed power boat race in a confined area.

### 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 fully Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the race, the extensive advisories that have been and will be made to the affected maritime community, and the fact that the event is taking place in an area where there is little commercial interest.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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 fields and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This proposal 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 has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard is considering the environmental impacts of both the proposed special regulations and the World's Fastest Lobster Boat Race. It is anticipated that an Environmental Assessment (EA) will be written and included in the docket concerning the potential environmental impacts resulting from this powerboat race for which the Coast Guard has received an "Application for Marine Event Permit." Comments in this regard should be forwarded to the address listed under **ADDRESSES**.

### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.111, is added to read as follows:

#### § 100.111 Stonington Lobster Boat Races, Jonesport, ME.

(a) *Regulated area.* The regulated area includes all waters within the following points:

Latitude	Longitude
44°08.57" N	68° 40.12" W
44°09.05" N	68° 40.12" W
44°09.15" N	68° 39.05" W
44°09.05" N	68° 39.00" W

(b) *Special local regulations.* (1) Commander, U.S. Coast Guard Group Southwest Harbor reserves the right to delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area during the effective period of regulation unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels desiring to transit Deer Island Thoroughfare may do so without Coast Guard approval as long as the vessel remains outside the regulated area at specified times. No vessel will be allowed to transit through any portions of the regulated area during the actual race. Provisions will be made to allow vessels to transit the regulated area between race heats. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort. Vessels encountering emergencies which require transit through the regulated area should contact the Coast Guard patrol commander on VHF Channel 16.

(4) Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated area. Spectator craft are expected to remain outside the regulated area from 10 a.m. to 4 p.m. unless permission has been granted by the patrol commander.

(5) All persons and vessels shall comply with the instructions of the Commander, U.S. Coast Guard Group Southwest Harbor or the designated on-

scene patrol commander. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately, then proceed as directed. Members of the Coast Guard Auxiliary will also be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective period.* This section will be effective from 10 a.m. to 4 p.m. on Saturday, July 22, 1995, and thereafter annually on the third or fourth Saturday in July, at the same prescribed times, unless otherwise specified in the Coast Guard Local Notice to Mariners and a notice in the **Federal Register**.

Dated: May 1, 1995.

**J.L. Linnon,**

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

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### 33 CFR Part 165

[CGD01-95-031]

RIN 2115-AA97

#### **Safety Zone: Macy's 1995 Fourth of July Fireworks, East River, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a safety zone for the annual Macy's Fourth of July Fireworks program in New York Harbor. The event will take place on Tuesday, July 4, 1995, from 6 p.m. until 11 p.m., on the East River. With the exception of certain vessels, which may enter designated portions of the safety zone, the East River will be temporarily closed to vessel transits. This safety zone is needed to protect mariners from the hazards associated with fireworks exploding in the area, and from the dangers associated with vessels operating with limited maneuverability in confined waters.

**DATES:** Comments must be received on or before June 12, 1995.

**ADDRESSES:** Comments should be mailed to U.S. Coast Guard Group, New York, Bldg. 108, Governors Island, New York 10004-5096, or may be delivered to the Planning and Readiness Division, Bldg. 108, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Any person wishing to visit the office must contact the Planning and Readiness Division at (212) 668-7934 to obtain advance

clearance due to the fact that Governors Island is a military installation with limited access.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant R. Trabocchi, Chief, Planning and Readiness Division, Coast Guard Group/Captain of the Port New York (212) 668-7934.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. A 30 day comment period is deemed to be sufficiently reasonable notice to all interested persons. Since this proposed rulemaking is neither complex nor technical, a longer comment period is deemed to be unnecessary and contrary to the public interest. Any delay in publishing a final rule will effectively cancel this annual event. Cancellation of this annual event will be contrary to public interest.

Persons submitting comments should include their names and addresses, identify this notice (CGD01-95-031) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing; however, persons may request a public hearing by writing to the Planning and Readiness Division at the address under **ADDRESSES**. If it is determined 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 LT R. Trabocchi, Project Manager, Coast Guard Group/Captain of the Port New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

##### **Background and Purpose**

Macy's has notified the Coast Guard that it intends to sponsor a fireworks program on the East River, New York, on July 4, 1995. This proposed regulation would establish a safety zone that will temporarily close the East River to vessel transits from 6 p.m. until 11 p.m. on July 4, 1995. This safety zone includes all waters of the East River, shore to shore, east of a line drawn from the Fireboat Station, at Battery Park, Manhattan, New York (40°42'16"N

latitude 074°01'07"W longitude) to the Governors Island Light at the northwest point of Governors Island, New York (40°41'35"N latitude 074°01'11"W longitude); north of a line drawn from the Brooklyn Battery Tunnel ventilator shaft at Governors Island, New York, to the northwest corner of Pier 6, Brooklyn, New York; south of a line drawn from Lawrence Point to Stony Point, and south of the Harlem River Footbridge. This safety zone also includes all waters of Newtown Creek, Brooklyn, New York, west of 073°57'37"W longitude; and, within the boundaries of the safety zone, all waters inward of the pierheads and bulkheads south of Roosevelt Island. There will be seven (7) fireworks barges between the southern tip of Roosevelt Island and the southern boundaries of this safety zone. No vessel may enter the safety zone without permission of the Captain of the Port New York. Certain designated vessels may enter this safety zone. These designated vessels are defined as follows: (1) Vessels less than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks may enter the zone north of the southern tip of Roosevelt Island. (2) Vessels greater than 20 meters (65.6 feet) in length, carrying persons for the sole purpose of viewing the fireworks display, may enter the zone and take position at least 200 yards off the west bank of the East River between the Williamsburg Bridge and the charted position of Buoy 18 (LLNR 27335). These vessels may enter the zone and proceed to this area between 6:30 p.m. and 8 p.m., and must remain in position until released by the Captain of the Port New York. (3) The Staten Island and Coast Guard ferries may continue services to their ferry slips at the Battery, Manhattan, New York, but will not be permitted to transit east of the Coast Guard ferry slip, also known as Slip 6, at the Battery, Manhattan, New York. On scene patrol personnel will monitor the number of designated vessels entering into the viewing areas of the zone. If it becomes apparent that any additional spectator vessels in a specific viewing area will create a safety hazard, the Patrol Commander may prevent additional vessels from entering into that viewing area.

Vessels not meeting this criteria have a significant potential to create a hazardous condition in this area of the East River, due in great part, to the extremely strong currents. Restricting vessels in the safety zone as described above will minimize the threat posed by vessels with limited maneuverability. Continuing ferry services in the