

will allow OSM to study the remarks and ask questions of the speakers.

The meeting 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 meeting will end after all persons who wish to speak have spoken.

Any disabled individual who has need for a special accommodation to attend the public meeting should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

#### IV. Procedural Determinations

##### *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).

##### *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, 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 programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 502 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 other 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 that require approval by OMB 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 State 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. 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 corresponding Federal regulations.

##### **List of Subjects in 30 CFR Part 948**

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 12, 1995.

**Richard J. Seibel,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

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##### **National Park Service**

##### **36 CFR Part 7**

##### **Cape Cod National Seashore Off-Road Vehicle Use Negotiated Rulemaking Committee**

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice of Intent to Establish a Negotiated Rulemaking Committee.

**SUMMARY:** As required by section 3 of the Negotiated Rulemaking Act of 1990, 5 U.S.C. section 564, the National Park Service (NPS) is giving notice of its intent to establish a Negotiated Rulemaking Committee to negotiate and develop a proposed rule revising off-road vehicle use regulations at Cape Cod National Seashore. NPS has determined that the establishment of this Committee is in the public interest and supports the NPS in performing its duties and responsibilities under the National Park Service Organic Act, 16 U.S.C. 1 *et seq.*, and the Endangered Species Act, 16 U.S.C. 1531 *et seq.* Copies of the Committee's charter will be filed with the appropriate committees of Congress and with the Library of Congress in accordance with section 9(c) of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appx.

**DATES:** NPS invites any interested person to comment on the proposal to create this Committee. In addition, NPS invites persons who believe that they will be significantly affected by the proposed rule and who believe their interests will not be adequately represented by the persons identified in this Notice, to apply for, or nominate another person for membership on the Committee. Each application must contain the information described in the "Application for Membership" section below. Applications or nominations for membership on the Committee should be submitted on or before June 19, 1995.

**ADDRESSES:** Comments and applications should be submitted to: Andrew T. Ringgold, Superintendent, Cape Cod National Seashore, South Wellfleet, MA 02663. Comments and applications received will be available for inspection at the address listed above from 8:00 a.m. to 4:30 p.m. EST, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Andrew T. Ringgold, Superintendent, Cape Cod National Seashore, at the address listed above, or by telephone at (508) 349-3785, ext. 202.

**SUPPLEMENTARY INFORMATION:** The Committee's function will be to negotiate and develop a proposed rule to revise regulations that govern off-road vehicle use at Cape Cod National Seashore. It will attempt, via face-to-face negotiations, to reach consensus on concepts and language to use as the basis for a proposed rule to be published by the NPS in the **Federal Register** that would revise existing regulations codified at 36 CFR 7.67(a). The existing regulations have not been effective in resolving longstanding and controversial resource management and public use conflicts at the Seashore. With the participation of knowledgeable, affected parties, NPS expects to develop a practical approach to addressing these management and public use issues involving the protection of beach environments, their associated floral and faunal communities, and the public's desire for access to beach areas by motorized vehicle for fishing and other recreational activities.

*Scope of the Proposed Rule:* Within the constraints of NPS statutory responsibilities to preserve natural and cultural resources and to provide for their enjoyment, the Committee will evaluate and address key issues including, but not limited to, the designation of specific off-road vehicle routes and areas, the periods of the year and times of day during which off-road vehicles may be operated, and other

conditions that govern the operation of off-road vehicles at Cape Cod National Seashore. It is anticipated that the Committee will develop proposed regulations in all of the above-referenced areas.

*List of Interests Significantly Affected:* The NPS has identified a number of interests who are likely to be affected significantly by the rule. Those parties are conservation and environmental organizations, recreational fishing organizations, off-road vehicle organizations, local town governments, commercial interests, and Federal, State and regional land use management and wildlife management agencies. Other parties who believe they are likely to be affected significantly by the Rule may apply for membership on the Committee pursuant to the "Application for Membership" section below.

*Proposed Agenda and Schedule for Publication of Proposed Rule:* Members of the Committee, with the assistance of a neutral facilitator, will determine the agenda for the Committee's work. The NPS expects to publish a proposed rule in the **Federal Register** before September 30, 1995.

*Records of Meetings:* In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. Appx. 1988, the NPS will keep a record of all Committee meetings.

*Administrative Support:* To the extent authorized by law, the NPS will fund the costs of the Committee and provide administrative support and technical assistance for the activities of the Committee. The NPS will also provide staff expertise in resource management and operations to facilitate the Committee's work.

*Committee Membership:* The Negotiated Rulemaking Act limits negotiated rulemaking committee membership to 25 members. NPS proposes the following membership for the Cape Cod National Seashore Off-Road Vehicle Use Negotiated Rulemaking Committee:

1. The interests of the Department of the Interior will be represented by the following two members:
  - a. National Park Service—Andrew T. Ringgold
  - b. U.S. Fish & Wildlife Service—Sussi von Oettingen
2. The interests of Environmental and Conservation organizations will be represented by the following four members:
  - a. Association for the Preservation of Cape Cod—Susan Nickerson
  - b. Conservation Law Foundation—Emily Bateson
  - c. Massachusetts Audubon Society—

- John Clarke
- d. Sierra Club—David Dow
3. The interests of recreation/public use organizations will be represented by the following four members:
  - a. Cape Cod Salties—Louis MacKeil
  - b. Citizens Concerned for Seacoast Management—Ignatius Piazza
  - c. Highland Fish and Game Club—Arthur Parker
  - d. Massachusetts Beach Buggy Association—Ron Hebb—(508-881-6807)
4. The interests of the Commonwealth of Massachusetts will be represented by the following three members:
  - a. Massachusetts Coastal Zone Management Agency—Pamela Rubinoff
  - b. Massachusetts Department of Environmental Protection—Elizabeth Kouloharis
  - c. Massachusetts Division of Fisheries and Wildlife—Thomas French
5. Regional planning, land use, tourism and economic development interests will be represented by two members:
  - a. Cape Cod Chamber of Commerce—Michael Frucci
  - b. Cape Cod Commission—Armando Carbonell
6. The interests of local town governments and residents will be represented by 6 members:
  - a. Provincetown—Irene Rabinowitz
  - b. Truro—Robert Martin
  - c. Wellfleet—Robert Costa
  - d. Eastham—Henry Lind
  - e. Orleans—Paul Fulcher
  - f. Chatham—Wayne Love.

*Application for Membership:* Persons who believe they will be significantly affected by proposals to revise off-road vehicle use regulations at Cape Cod National Seashore and who believe that interests will not be adequately represented by any person identified in the "Committee Membership" section above, may apply for, or nominate another person for membership on the Cape Cod National Seashore Off-road Vehicle Use Negotiated Rulemaking Committee. In order to be considered complete, each application or nomination must include:

1. The name of the applicant or nominee and a description of the interest(s) such person will represent;
2. Evidence that the applicant or nominee is authorized to represent parties related to the interest(s) the person proposed to represent;
3. A written commitment that the applicant or nominee will actively participate in good faith in the development of the proposed rule; and
4. The reasons that the proposed members of the committee identified

above do not represent the interests of the person submitting the application or nomination.

To be considered, the application must be complete and received by the close of business on June 19, 1995 at the location indicated in the "Address" section above. NPS will give full consideration to all applications and nominations timely submitted. The decision whether or not to add a person to the Cape Cod National Seashore Off-Road Vehicle Use Negotiated Rulemaking Committee will be based on NPS's determination whether an interest of that person will be significantly affected by the proposed rule, whether that interest is already adequately represented on the Committee, and if not, whether the applicant or nominee would adequately represent it.

#### *Certification*

I hereby certify that the administrative establishment of the Cape Cod National Seashore Off-Road Vehicle Use Negotiated Rulemaking Advisory Committee is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by the Act of August 25, 1916, 16 U.S.C. 1 *et seq.* and other statutes relating to the administration of the National Park System.

Dated: March 9, 1995.

**Bruce Babbitt,**

*Secretary of the Interior.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL12-42-7001; FRL-5208-5]

### Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; extension of the public comment period.

**SUMMARY:** The United States Environmental Protection Agency (USEPA) promulgated the Chicago ozone Federal Implementation Plan (FIP) on June 29, 1990. Included in USEPA's FIP was a requirement that staple manufacturing facilities such as Duo-Fast Corporation's Franklin Park, Illinois facility be subject to specific emission limits. On November 27, 1990, Duo-Fast filed a petition for reconsideration with USEPA in which it contended that USEPA failed to respond to Duo-Fast's March 2, 1990, comments in response to USEPA's December 27, 1990, proposed promulgation of the