

requirements for participation, in accordance with paragraphs (c) (2) and (4) of this section.

(c) Reinstatement. (1) The chief driver licensing official of a State that wishes to be reinstated as a participating State in the NDR under the PDPS, shall send a letter to NHTSA certifying that the State wishes to be reinstated as a participating State and that it intends to be bound by the requirements of section 205 of the NDR Act of 1982 and § 1327.5 of this part. It shall also describe the changes necessary to meet the statutory and regulatory requirements of PDPS.

(2) Within 20 days after receipt of the State's notification, NHTSA will acknowledge receipt of the State's certification to be reinstated.

(3) The chief driver licensing official of a State that has notified NHTSA of its intention to be reinstated as a participating State will, at such time as it has completed all changes necessary to meet the statutory and regulatory requirements of PDPS, certify this fact to the agency.

(4) Upon receipt, review and approval of certification from the State, NHTSA will recertify the State as a participating State under PDPS.

Issued on: April 10, 1996.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 935

[OH-236-FOR]

#### Ohio Abandoned Mine Land Reclamation Plan

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Ohio abandoned mine land reclamation plan (hereinafter the "Ohio plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The proposed amendment consists of changes to provisions of the Ohio plan pertaining to the acid mine drainage set-aside program, water quality

improvement, project eligibility, and remining incentives. The amendment is intended to revise the Ohio plan to be consistent with SMCRA, as amended.

**DATES:** Written comments must be received by 4:00 p.m., [E.S.T.], May 17, 1996. If requested, a public hearing on the proposed amendment will be held on May 13, 1996. Requests to speak at the hearing must be received by 4:00 p.m., [E.S.T.], on May 2, 1996.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to George Rieger, Field Branch Chief, at the address listed below.

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**.

Copies of the Ohio plan, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Appalachian Regional Coordinating Center.

George Rieger, Field Branch Chief,  
Appalachian Regional Coordinating  
Center  
Office of Surface Mining Reclamation  
and Enforcement, 3 Parkway Center,  
Pittsburgh, PA 15220, Telephone:  
(412) 937-2153

Ohio Division of Mines and  
Reclamation, 1855 Fountain Square  
Court, Columbus, Ohio, 43224,  
Telephone: (614) 265-1076

**FOR FURTHER INFORMATION CONTACT:**  
George Rieger, Field Branch Chief,  
Appalachian Regional Coordinating  
Center, Telephone: (412) 937-2153.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Ohio Plan

On August 10, 1982, the Secretary of the Interior approved the Ohio plan. Background information on the Ohio plan, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the April 15, 1994, Federal Register (59 FR 17930). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.25.

##### II. Description of the Proposed Amendment

By letter dated March 19, 1996, (Administrative Record No. OH-2163) Ohio submitted a proposed amendment

to its program pursuant to SMCRA at its own initiative. The provisions of the Ohio plan that it proposes to amend are: acid mine drainage set-aside program, water quality improvement, project eligibility, and remining incentives.

Specifically, Ohio proposes the following changes. At section 4.1, subsection G is added to (1) provide for the reclamation of areas causing acid mine drainage (AMD) such that: AMD problems are eliminated as a component of a high priority reclamation project; AMD areas causing a "general welfare" impact to the public will be eligible for abatement; and AMD areas impacting watersheds will be abated in accordance with AMD set-aside criteria; and (2) encourage the remining of areas causing AMD within certain areas through the funding of AMD remediation projects and studies necessary to authorize mining activities on certain previously mined areas.

At section 4.5, the requirement that research and demonstration projects be submitted to OSM independent of work plan submissions is deleted. At section 4.5.3, the project selection process is revised to include AMD projects under certain conditions, such as the AMD set-aside, AMD associated with other high priority projects, AMD associated with general welfare, and AMD associated with remining operations.

#### III. Public Comment Procedures

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 Ohio plan.

#### Written Comments

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 Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

#### 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.S.T.] on May 2, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak 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**.

#### *Public Meeting*

If only one person requests 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 the proposed amendment 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.

#### 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 and Tribal abandoned mine land reclamation plans and revisions since each plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans submitted by a State or Tribe must be based solely on a determination of

whether the submittal is consistent with Title IV of SMCRA (30 U.S.C. 1231-1243) and whether the other requirements of 30 CFR Parts 884 and 888 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 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 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 4, 1996.

Allen D. Klein,

*Regional Director, Appalachian Regional Coordinating Center.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD 95-054]

RIN 2115-AF17

#### Regattas and Marine Parades

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In keeping with the National Performance Review and the President's Regulatory Reinvention Initiative, the Coast Guard examined its program for permitting regattas and other marine events. This proposal would more precisely identify which events require a permit, which events require only notice to the Coast Guard, and which events require neither. These changes are proposed to maintain safety of life during events, while dramatically reducing the burden imposed on the public.

**DATES:** Comments must be received on or before May 17, 1996.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 95-054), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carlton Perry, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-0979. A copy of this notice may be obtained by calling the Coast Guard Customer Infoline at 1-800-368-5647 or, in Washington, DC, 267-0780.

#### **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