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 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 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 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.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any government entity or the private sector.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 12, 1996.

Claude L. Downing,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96–16008 Filed 6–21–96; 8:45 am]

BILLING CODE 4310–05–M

National Park Service

36 CFR Part 3

RIN 1024–AC46

National Park Service; Boating and Water Use Activities, Prohibited Operations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to amend its boating regulations to include the authority to regulate the access to NPS waters of individuals and vessels that have recently operated in waters infested with injurious non-indigenous aquatic plant and animal species. The purpose of the proposed rule is to protect park aquatic natural resources and supporting built infrastructure. This proposed rule includes criteria for decontamination of vessels and equipment to allow access to park waters. In addition, these rules identify how vessels may be allowed to operate under a permit system outlined in the general regulations. These rules will allow the NPS to regulate individual and vessel access to park waters to prevent the accidental introduction of injurious exotic aquatic nuisance species into park waters.

The NPS will use lists developed by other Federal agencies like the U.S. Fish and Wildlife Service and various State departments of natural resources to identify targeted prohibited species. The NPS may, however, develop its own lists based upon sound scientific research. Any species identified by the NPS will be listed and identified through the public notice process. Various States have active aquatic exotic species prevention programs and regularly identify and mark infested bodies of water. The NPS will, through its Resource Education programs, ensure that all park users are informed and warned about targeted species and the proper way to control their spread by decontaminating their vessels and associated gear. This proposed rule will bring the NPS into conformity with programs currently in place in several states.

DATES: Written comments will be accepted through August 23, 1996.

ADDRESSES: All comments should be addressed to: Superintendent, Great Lakes Systems Support Office, Midwest Field Area, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102. Attention: John Townsend.

FOR FURTHER INFORMATION CONTACT: John Townsend at the above address or by calling 402–221–3475.

SUPPLEMENTARY INFORMATION:

Background

The NPS is granted broad statutory authority under 16 U.S.C. Section 1 *et seq.* (National Park Service Organic Act) and 16 U.S.C. Sections 1a–2(h) to ''* * * regulate the use of the Federal areas known as national parks, monuments, and reservations * * * by such means and measures as conform to the fundamental purpose of the said parks * * * which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein * * *''.

The *National Park Service Management Policies* (1988) provide overall direction in implementing the intent of this Congressional mandate and other applicable Federal legislation. The policy of the NPS regarding protection and management of natural resources is ''The National Park Service will manage the natural resources of the national park system to maintain, rehabilitate, and perpetuate their inherent integrity'' (Chapter 4:1). Where conflict arises between human use and resource protection, where the NPS has a ''reasonable basis to believe a resource is or would become impaired, the Park Service may, * * * otherwise place limitations on public use'' (Chapter 1:3).

The integrity and quality of many national park waters and aquatic ecosystems, and dependent economic values and infrastructure, are threatened by the introduction of a variety of injurious non-indigenous aquatic species, both flora and fauna. These exotic aquatic animals and plants cause irreparable harm to the core values and resources for which the National Park System was created and can impose costly economic impacts on businesses and government entities through loss of production time and detection, mitigation, remediation and control activities. It is estimated that six of the over 150 known exotic aquatic species found within United States waters have alone caused over $1.5 billion in damages since 1906 (U.S. Congress, Office of Technology Assessment).

One such example is the exotic zebra mussel (Dreissena polymorpha). The zebra mussel is a small, fresh water, filter feeding mollusk that attaches itself to any hard surface, human-made or natural. This species was accidently introduced into North American waters in 1986 and has since spread throughout the Great Lakes and into the major eastern and Midwestern river systems. The ecological and economic impacts of zebra mussels have been extensive. These include effects to other organism, water quality, water clarity, and disruption of native aquatic communities and impacts to navigational devices, municipal water systems, sewage treatment plants, utility power plants, marinas and recreational and commercial vessel owners.

The primary vector in the spread of the zebra mussel, like most aquatic exotic species, is by in-water or trailered vessel transport from infested to unifested waters. During the summer of 1995 zebra mussels were found on trailered vessels as far west as California. There is evidence that contaminated wet suits are also a vector for accidental introduction. There is no evidence that transport by naturals such as birds or aquatic wildlife has led to the establishment of viable zebra mussel populations.

Additionally, on November 29, 1990, Congress passed the ''Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990'' (16 U.S.C. 4701) to do just what this regulation proposes—to prevent introductions or control infestations of injurious non-indigenous aquatic nuisance species.

This proposed rule will allow the NPS to regulate individual and vessel access to park waters to prevent or minimize the risk of unintentional introduction of injurious non-indigenous aquatic species into park waters. Minimizing such risks is particularly important since once introduced and established, many exotic species are extremely costly and nearly impossible to eliminate. This proposed rule also prohibits the transportation, introduction or attempted introduction of injurious non-indigenous aquatic species into park waters.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS will review all comments and consider making changes to the rule based upon analysis of the comments.

Drafting Information: The primary authors of this proposed rule are James A. Loach, Superintendent, Great Lakes System Support Office, Midwest Field Area Office; Brian R. Adams, Chief Ranger, St. Croix National Scenic Riverway; and Dennis Burnett, Washington Office of Ranger Activities, National Park Service.

Paperwork Reduction Act

This proposed rule does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). To the contrary, this rulemaking will lessen the possible economic impacts to businesses and industry should exotics like the zebra mussel become established in NPS waterways.

In fact, the NPS and other entities will incur substantially increased costs over time as a result of monitoring, mitigation, remediation and control activities if these rules are not implemented. These rules seek to prevent a growing problem by moving away from a reliance on both short and longer term, costly, and often environmentally unsound, control methods. Prevention appears to be the only cost effective approach. There is also the prospect that these regulations may have a positive secondary effect on local businesses and small entities providing cleaning and decontamination services to the public.

The NPS has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce non-compatible uses that may compromise the nature and characteristic of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent land owners or occupants.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) has been prepared.

List of Subjects in 36 CFR Part 3

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

PART 3—BOATING AND WATER USE ACTIVITIES

1. The authority citation for Part 3 continues to read as follows:

Authority: 16 U.S.C. 1, 1a-2(h), 3.

2. Section 3.6 is amended by adding paragraphs (m) through (o) to read as follows:

§ 3.6 Prohibited operations.

* * * * *

(m) Entering by vessel, launching a vessel, operating a vessel, or knowingly allowing another person to enter, launch or operate a vessel, or attempting to do any of these activities, in NPS waters, when that vessel or the trailer or the

carrier of that vessel has been in water contaminated or infested with injurious non-indigenous aquatic nuisance species, except as provided in paragraghs (m)(1) and (m)(2).

(1) Vessels, trailers or other carriers of vessels entering NPS waters from contaminated waters will be cleaned using the technique specific to the aquatic nuisance species.

(2) The superintendent may allow for limited or restricted access to park waters under a permit system in accordance with the criteria and procedures of § 3.3 of this chapter.

(i) Violating a term or condition of a permit issued in accordance with § 3.3 is prohibited.

(ii) Violating a term or condition of a permit issued pursuant to § 3.3 of this chapter may also result in the suspension or revocation of the permit by the superintendent.

(3) For this section, an injurious non-indigenous aquatic nuisance species means a species that threatens the diversity or abundance of native species or the stability of an aquatic ecosystem, or that threatens the commercial, agricultural, aquacultural or recreational development dependent on such an ecosystem, and includes only those organisms that pose a substantial risk to native species and the development and infrastructure dependent upon such aquatic resources. Species include those listed by Federal, State or local agencies as injurious non-indigenous aquatic nuisance species.

(4) For this section, contaminated or infested waters means any waters supporting viable or reproducing populations of injurious non-indigenous aquatic nuance species as identified by any Federal, State, or local agency.

(5) For paragraph (m) of this section, vessel means every type or description of craft, including seaplanes on the water, used or capable of being used as a means of transportation on water, including a buoyant devise permitting or capable of free flotation.

(n) Transporting in any way, an injurious non-indigenous aquatic nuisance species on park waters or roads.

(o) Placing or dumping into park waters, or attempting to place or dump, bait containers, live wells or other water-holding devices that are or were filled with waters holding or contaminated by injurious non-indigenous aquatic nuisance species.

3. Section 3.23 is amended by adding paragraph (c) to read as follows:

§ 3.23 SCUBA and snorkeling.

* * * * *

(c) Using a wet suit or associated water use and diving equipment used in waters infested with injurious non-indigenous aquatic nuisance species prior to decontamination by a process appropriate to the nuisance species.

Dated: March 15, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–15973 Filed 6–21–96; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM–23–1–7101b; FRL–5500–8]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Supplement to the New Mexico State Implementation Plan To Control Air Pollution in Areas of Bernalillo County Designated Nonattainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve a revision to the New Mexico State Implementation Plan addressing nonattainment areas in Bernalillo County. The purpose of proposing to approve this revision is to update the narrative portion of the ''April 14, 1993, Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment'' (see the Federal Register published on December 21, 1993) to reflect EPA's approval for lifting the construction ban in Bernalillo County. In the final rules section of this Federal Register, EPA is approving the State's State Implementation Plan revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be postmarked by July 24, 1996.

ADDRESSES: Comments should be mailed to Jole C. Luehrs, Chief, Air Permits Section (6PD–R), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the following locations:

U.S. EPA, Region 6, Air Permits Section (6PD–R), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Air and Radiation Docket and Information Center, U.S. EPA, 401 M Street, SW, Washington, DC 20460.

City of Albuquerque, Environmental Health Department, One Civic Plaza, Albuquerque, New Mexico 87103.

Anyone wishing to review this petition at the Region 6 EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Mr. Samuel R. Mitz, Air Permits Section (6PD–R), EPA Region 6, telephone (214) 665–8370.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final Rule which is located in the Rules Section of this Federal Register.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon Monoxide, Nonattainment areas.

Dated: April 11, 1996.

Lynda F. Carroll,

Acting Regional Administrator.

[FR Doc. 96–16024 Filed 6–21–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA 19–2–725–b; FRL–5511–5]

Approval and Promulgation of Implementation Plans; California—Mammoth Lakes Nonattainment Area; PM_{10}

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: EPA is proposing to approve the State Implementation Plan (SIP) submitted by the State of California for the purpose of bringing about attainment in the Mammoth Lakes Planning Area (MLPA) of the national ambient air quality standards (NAAQS) for particulate matter with an