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\* \* \* \* \*

*Operating air carrier.* Under a code-share arrangement, the air carrier whose aircraft and flight crew are used to perform a flight segment.

\* \* \* \* \*

*Ticketed air carrier.* Under a code-share arrangement, the air carrier whose two-character air carrier code is used for a flight segment, whether or not it actually operates the flight segment.

\* \* \* \* \*

Issued in Washington, DC, on May 31, 1996.

Charles A. Hunnicutt,

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 96-16045 Filed 6-21-96; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 935

[OH-238-FOR, #72]

#### Ohio Regulatory Program

**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 regulatory program (hereinafter the "Ohio program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of changes to provisions of the Ohio rules pertaining to underground mining. The amendment is intended to revise the Ohio program to be consistent with the corresponding Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., [E.D.T.], July 24, 1996. If requested, a public hearing on the proposed amendment will be held on July 19, 1996. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on July 9, 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.

Copies of the Ohio program, 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,  
Telephone: (412) 937-2153.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the August 10, 1982, Federal Register (42 FR 34688). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.11, 935.12, 935.15, and 935.16.

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

By letter dated May 23, 1996, (Administrative Record No. OH-2166-00) Ohio submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. The provisions of the Ohio Administrative Code (OAC) that Ohio proposes to amend are: OAC 1501:13-4-12(G)(3)(d) and 4 (f) and (i)—Requirements for Special Categories of Mining, OAC 1501:13-9-08 (A) & (B)—Protection of Underground Mining, and OAC 1501:13-13-01—Concurrent Surface and Underground Mining.

Specifically, Ohio proposes to make the following revisions. At OAC 1501:13-4-12(G)(3)(d) and (4) (f) and (i), Ohio proposed to delete the reference to OAC 1501:13-13-01, which is being rescinded, and replace it with a reference to OAC 1501:13-9-08—Protection of Underground Mining. At

OAC 1501:13-9-08(A), Ohio proposes to require that Mine Safety and Health Administration concurrence is required only if surface mining operations are to be conducted within 500 feet of active underground coal mines. The reference to the Chief of the Ohio Division of Mines is changed to the Mine Safety Administrator. Subsection (B) which requires that surface mining operations be designed to protect disturbed surface areas so as not to endanger any present or future coal mining operations is deleted. Ohio proposes to delete OAC 1501:13-13-01 which addresses performance standards for concurrent surface and underground mining. This section duplicates language in OAC 1501:13-4-12(G) and 13-9-08.

#### 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 program.

##### *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.D.T.] on July 9, 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 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 \* \* \*”.