

Paperwork Reduction Act

This action does not create a collection of information requirement for the purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The FHWA has analyzed this rulemaking for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) and has determined that this action would not have any effect on the quality of the environment. Therefore an environmental impact statement is not required.

Regulatory Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 667

Highways and roads, Public lands highway funds.

Issued on: August 20, 1996.

Rodney E. Slater,
Federal Highway Administrator.

In consideration of the foregoing and under the authority of 23 U.S.C. 202, 204, and 315, the FHWA removes and reserves part 667 of title 23, Code of Federal Regulations, as set forth below.

PART 667—PUBLIC LANDS HIGHWAYS FUNDS [REMOVED AND RESERVED]

1. Part 667 is removed and reserved.

[FR Doc. 96-21852 Filed 8-26-96; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**24 CFR Part 291**

[Docket No. FR-3814-N-03]

RIN 2502-AG42

Office of the Assistant Secretary for Housing—Federal Housing Commissioner; Sale of HUD-Held Single Family Mortgages; Notice of Extension of Effective Period of Interim Rule

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule; Postponement of expiration date.

SUMMARY: On August 31, 1995, HUD published an interim rule to establish policies and procedures for the sale of HUD-held single family mortgages. The interim rule provided that its provisions would expire and not be in effect after September 30, 1996, unless prior to that date HUD publishes a document to extend the effective date. This document extends the effective period of the interim rule until HUD issues a final rule for the sale of HUD-held single family mortgages.

DATES: Effective August 27, 1996 the September 30, 1996 expiration date for the interim rule adding 24 CFR 291.300 through 291.307 (subpart D) is postponed until a final rule is published and made effective.

FOR FURTHER INFORMATION CONTACT: Joseph McCloskey, Director, Single Family Servicing Division, Office of Housing, Room 9178, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, D.C. 20410, telephone (202) 708-1672. (This telephone number is not toll-free.) Hearing- or speech-impaired individuals may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: HUD published an interim rule to establish policies and procedures for the sale of HUD-held single family mortgages on August 31, 1995 (60 FR 45331). (Note: HUD published a correction to this interim rule on October 6, 1995 (60 FR 52296).) The August 31, 1995 interim rule explained that HUD had adopted a policy of setting an expiration date for an interim rule so that the regulatory provisions would expire unless a final rule is published before that date (60 FR 45332). This “sunset” provision appears in § 291.300 of the interim rule, which provides that §§ 291.300 through 291.307 shall expire and shall not be in effect after September 30, 1996, unless prior to September 30, 1996 HUD publishes a final rule adopting the interim rule with or without changes, or publishes a notice in the Federal Register to extend the effective date of the interim rule.

The final rule for the sale of HUD-held single family mortgages is currently in its final stages of development, and HUD anticipates that it will publish the final rule in the fall of 1996. However, in order to prevent a period in which the single family mortgage sale program is without effective regulations, HUD is extending the effective period of the August 31,

1995 interim rule until the final rule is published and made effective.

Accordingly, the expiration date of the interim rule published in the Federal Register on August 31, 1995 (60 FR 45331) is postponed until a final rule is published and made effective.

Dated: August 20, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 96-21762 Filed 8-26-96; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Part 950**

[SPATS No. WY-026]

Wyoming Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Wyoming regulatory program (hereinafter, the “Wyoming program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the revision of statutory provisions pertaining to research and development testing licenses for coal in situ processing operations. The amendment was intended to revise the Wyoming program to be consistent with SMCRA and the corresponding Federal regulations.

EFFECTIVE DATE: August 27, 1996.

FOR FURTHER INFORMATION CONTACT: Guy V. Padgett, Director, Casper Field Office, Telephone: (307) 261-5824, Internet address: GPADGETT@CWYGW.OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program

On November 26, 1980, the Secretary of the Interior conditionally approved the Wyoming program. General background information on the Wyoming program, including the Secretary’s findings, the disposition of comments, and the conditions of approval of the Wyoming program can be found in the November 26, 1980, Federal Register (45 FR 78637). Subsequent actions concerning Wyoming’s program and program

amendments can be found at 30 CFR 950.12, 950.15, 950.16, and 950.20.

II. Proposed Amendment

By letter dated April 18, 1996, Wyoming submitted a proposed amendment to its program (administrative record No. WY-32-2) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming submitted the proposed amendment in response to a January 27, 1995, letter from OSM that was sent in accordance with the Federal regulations at 30 CFR 732.17(c) (administrative record No. WY-32-1). The provisions of the Wyoming Environmental Quality Act that Wyoming proposed to revise were: Wyoming Statute (W.S.) 35-11-426, concerning in situ mineral mining permits and testing licenses, and W.S. 35-11-431, concerning applications for research and development testing licenses.

OSM announced receipt of the proposed amendment in the May 10, 1996, Federal Register (61 FR 20773), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. WY-32-7). Because no one requested a public hearing or meeting, none was held.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds that the proposed program amendment submitted by Wyoming on April 18, 1996, is no less stringent than SMCRA and no less effective than the corresponding Federal regulations. Accordingly, the Director approves the proposed amendment.

Public Notice and Performance Standards Applicable to Research and Development Testing Licenses for Coal In Situ Processing Activities

In accordance with the Federal regulations at 30 CFR 732.17(c), by letter dated January 27, 1995 (administrative record No. WY-032-1), OSM required that Wyoming revise its approved program to (1) require public notice for research and development testing of coal in situ processing activities and (2) clarify that the underground mining performance standards apply to coal in situ research and development testing licenses.

In response to OSM's letter, Wyoming proposed to revise the Wyoming Environmental Quality Act at Wyoming Statute (W.S.) 35-11-426, concerning in situ mineral mining permits and testing licenses, and W.S. 35-11-431,

concerning applications for research and development testing licenses.

Specifically, Wyoming proposed to revise W.S. 35-11-426 (a) and (b) to clarify that all provisions of the act applicable to surface coal mining operations apply to coal in situ operations, including research and development testing licenses, regardless of whether such operations are connected with existing surface or underground coal mines. In addition, Wyoming proposed to revise W.S. 35-11-431(a)(vi) to specify that the public notice requirements applicable to surface coal mining operations at W.S. 35-11-406 (j) and (k) apply to an application for a research and development testing license.

The provisions at W.S. 35-11-406 (j) and (k) include, among other things, (1) the requirement that the applicant provide public notice in a newspaper of general circulation in the locality of the proposed mining site once a week for four consecutive weeks, (2) the right of any interested party to file written objections to the application within thirty days after the last publication of the notice and request an informal conference, and (3) Wyoming's obligation to publish notice of and hold either an informal conference or a public hearing within twenty days after the final date for filing objections. The provision at W.S. 35-11-406(k) also specifies that the hearing shall be conducted in accordance with the Wyoming Administrative Procedure Act with the right to judicial review.

Chapter XVIII of the Wyoming Coal Rules and Regulations, includes, among other things, permit application requirements pertaining to coal in situ mining. Section 5, concerning coal in situ research and development testing license applications, references the requirements of W.S. 35-11-431. The Wyoming Coal Rules and Regulations at Chapter III, Section 3, and Chapter V, Section 5, concerning respectively permits and performance standards for coal in situ processing activities, require by reference to Chapters IV and VII, compliance with applicable performance standards for surface and underground mining operations.

The Federal regulations at 30 CFR 785.22 require that any application for a permit for in situ operations shall be made according to all requirements applicable to underground mining activities and that the operations shall be conducted in compliance with the performance standards for in situ mining at 30 CFR Part 828. Applications for underground mining activities are subject to the public notice requirements for surface coal mining

and reclamation operations at 30 CFR 773.17 and the performance standards pertaining to underground mining operations at 30 CFR Part 817.

Because Wyoming's proposed revisions at W.S. 35-11-426 (a) and (b), concerning in situ mineral mining permits and testing licenses, and W.S. 35-11-431(a)(vi), concerning applications for research and development testing licenses, respectively, (1) clarify that the underground mining operation performance standards apply to coal in situ research and development testing licenses, and (2) require public notice for research and development testing of coal in situ processing activities, the Director finds that proposed W.S. 35-11-426 (a) and (b) and W.S. 35-11-431(a)(vi), in concert with the existing Wyoming regulations at Chapters III, V, and XVIII, are no less effective than the Federal regulations at 30 CFR 773.17, 785.22, 817, and 828, concerning, among other things, public notice requirements and applicable performance standards for coal in situ operations. The Director finds that Wyoming has satisfied the requirements of OSM's January 27, 1995, 30 CFR 732 letter, and approves Wyoming's proposed revisions at W.S. 35-11-426 (a) and (b) and W.S. 35-11-431(a)(vi).

IV. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public Comments

University of Wyoming.—By letter dated May 10, 1996, the Associate Dean and Director of the Agricultural Experiment Station, University of Wyoming, commented that the proposed revisions of W.S. 35-11-426 and 431(a) should not impact research being conducted and should not present any additional requirements in conducting future research projects (administrative record No. WY-32-9).

2. Federal Agency Comments

Pursuant to 732.17(h)(1)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Wyoming program.

U.S. Rural Development.—By letter dated April 26, 1996, the Rural Development, responded that the revisions appeared to be reasonable (administrative record No. WY-32-8).

U.S. Natural Resources Conservation Service.—By letter dated May 22, 1996,

the Natural Resources Conservation Service responded that it had no comments (administrative record No. WY-32-10).

U.S. Geological Survey.—By letter dated May 23, 1996, the Geological Survey responded that, because the term “in situ mineral mining” may refer to coal bed methane extraction or coal gasification, a clear definition of “in situ mineral mining” would be very helpful to avoid the possibility of confusion about its meaning (administrative record No. WY-32-11).

The Federal regulations, at 30 CFR 701.5, define “in situ processes” to mean

Activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining borehole mining, and fluid recovery mining.

Wyoming, at W.S. 35-11-103(f)(iv), defines “in situ mining” to mean

A method of in-place surface mining in which limited quantities of overburden are disturbed to install a conduit or well and the mineral is mined by injecting or recovering a liquid, solid, sludge or gas that causes the leaching, dissolution, gasification, liquefaction or extraction of the mineral. In situ mining does not include the primary or enhanced recovery of naturally occurring oil and gas or any related process regulated by the Wyoming oil and gas conservation commission.

Because in situ literally means in-place, it includes any process for in-place coal extraction. All coal in situ extraction processes would be required to meet the applicable performance standards.

U.S. Bureau of Land Management.—By letter dated May 28, 1996, the Bureau of Land Management, Wyoming State Office, responded that it had no comments (administrative record No. WY-32-13).

U.S. Bureau of Reclamation.—By letter dated June 17, 1996, the Bureau of Reclamation responded that it had no comments (administrative record No. WY-32-14).

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Wyoming proposed

to make in its amendment pertain to air or water quality standards. Nevertheless, OSM requested EPA's concurrence with the proposed amendment and pursuant to 30 CFR 732.17(h)(11)(i), solicited comments on the proposed amendment (administrative record No. WY-32-6).

By letter dated May 13, 1996, EPA responded that it had no comments on the amendment and that it concurred with the proposed revisions (administrative record No. WY-32-12).

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (AHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and AHP (administrative record No. WY-32-5). Neither the SHPO nor AHP responded to OSM's request.

V. Director's Decision

Based on the above finding, the Director approves Wyoming's proposed amendment as submitted on April 18, 1996.

The Director approves, as discussed in the above finding, revision of W.S. 35-11-426(a) and (b), concerning rules and regulations applicable to coal in situ mineral mining permits and testing licenses, and W.S. 35-11-431(a)(vi), concerning public notice of applications for coal in situ research and development testing licenses.

VI. Procedural Determinations

1. 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).

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that 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 the Federal regulations at 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.

3. 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)).

4. 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.*).

5. 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 that 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.

6. Unfunded Mandates

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

List of Subjects in 30 CFR Part 950

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 25, 1996.

Peter A. Rutledge,

Acting Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T, part 950 of the Code of Federal Regulations is amended as set forth below:

PART 950—WYOMING

1. The authority citation for part 950 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 950.15 is amended by adding paragraph (y) to read as follows:

§ 950.15 Approval of regulatory program amendments.

* * * * *

(y) The following statutory provisions, as submitted to OSM on April 18, 1996, are approved effective August 27, 1996: revision of W.S. 35-11-426 (a) and (b), concerning in situ mineral mining permits and testing licenses; and W.S. 35-11-431(a)(vi), concerning applications for research and development testing licenses.

[FR Doc. 96-21676 Filed 8-26-96; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE**Department of the Army****Corps of Engineers****33 CFR Part 334****Pamlico Sound and Adjacent Waters, North Carolina, Danger Zones; Alligator Bayou off St. Andrew Bay, Florida; and Suisun Bay, West of Carquinez Straits at the Naval Weapons Station, Concord, California, Restricted Areas**

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps is amending the regulations which establish several danger zones in Pamlico Sound and the Neuse River in North Carolina to delete one of the danger zones and make minor editorial changes to the regulations. The danger zone as it exists, protrudes into and interferes with navigation in Turnagain Bay and will not be used again by the Government for a use that precludes free use by the public. The Corps is also making minor editorial amendments to the regulations which establish a restricted area in the waters of Alligator Bayou, a tributary of St. Andrews Bay and the Gulf of Mexico, Florida and a restricted area in the waters of Suisun Bay, west of Carquinez Straits at the Naval Weapons Station, Concord, California, to clarify that persons, as well as vessels, are not allowed within the restricted areas. This amendment will not affect the size, location or further restrict the public's use of the restricted areas. The restricted

areas continue to be essential to the safety and security of Government facilities, vessels and personnel and protect the public from the hazards associated with the operations at Government facilities.

EFFECTIVE DATE: October 28, 1996.

ADDRESSES: HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783, or questions concerning the Pamlico Sound, NC danger zone revocation may be directed to Mr. David Franklin of the Wilmington District at (910) 251-44952. Questions concerning the Alligator Bayou restricted area may be directed to Mr. Larry Evans of the Jacksonville District at (904) 232-3943. Any questions concerning the Suisun Bay, California restricted area may be directed to Mr. Mark D'Avignon of the San Francisco District at (415) 977-8446.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending the regulations in 33 CFR Part 334.420, 334.760 and 334.1110.

The Commanding Officer, Marine Corps Air Bases, Eastern Area, Cherry Point, North Carolina, has requested an amendment to the regulations in 33 CFR 334.420(b)(1)(ii), to disestablish a danger zone in the waters off Mulberry Point in Pamlico Sound. The area will be opened to public use upon the effective date of these final rules. The remaining danger zones established in 33 CFR 334.420 remain in effect. We are also making an editorial change to clarify that these danger zone regulations apply to personnel as well as vessels. The Commanding Officer, Coastal Systems Station, Dahlgren Division, Naval Surface Warfare Center, Panama City, Florida, and the Commanding Officer, Naval Weapons Station Concord, Concord, California have also requested that the word "person" be inserted into the regulations in 33 CFR 334.760(b)(1) and 33 CFR 334.1110(2), respectively, to clarify that restrictions apply not only to vessels, but to personnel as well. Other minor editorial changes are being made to 33 CFR 334.1110 to correct paragraph designations in the regulations. These amendments to the danger zones in 33 CFR 334.420 and the restricted areas in 33 CFR 334.760 and 334.1110 are being promulgated without being published as proposed rules with opportunity for public comment because the changes

are editorial in nature and since the revisions do not change the boundaries or increase the restrictions on the public's use or entry into the designated areas, the changes will have practically no effect on the public. Accordingly, we have determined that public comment is unnecessary and impractical.

Procedural Requirements**a. Review under Executive Order 12866**

This final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review under the Regulatory Flexibility Act

These rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 86-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps expects that the economic impact of the changes to the restricted areas will have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal if adopted, will have no significant economic impact on small entities.

c. Review under the National Environmental Policy Act

An environmental assessment has been prepared for each of these actions. We have concluded, based on the minor nature of these proposed amendments that these amendments to danger zones and restricted areas will not have a significant impact to the human environment, and preparation of a environmental impact statement is not required. The environmental assessment for the appropriate area may be reviewed at the District Offices listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

d. Submission to Congress and the GAO

Pursuant to Section 801(a)(1)(A) of the Administrative Procedure Act as amended, by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this rule to the U.S. Senate, House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in the Federal Register. This rule is not a major rule within the meaning of section 804(2) of the Administrative Procedure Act, as amended.