

**FOR FURTHER INFORMATION CONTACT:**

Brenda Parker, (202) 385-4713.

**SUPPLEMENTARY INFORMATION:** On July 30, 2002, the FAA published a supplemental notice of proposed rulemaking (SNPRM) to amend an earlier proposal to amend the commercial space transportation regulations governing licensing and safety requirements for launch (67 FR 49456). In that SNPRM, we described procedures for a public meeting we will hold at the FAA headquarters building. See the **DATES** and **ADDRESSES** sections of this notice for the time and location of the meeting. We are not changing the date and location of the public meeting.

In this document, we are adding a telephone number that interested parties may call to participate in the meeting via telephone. It is not necessary for a person who wishes to participate in the meeting to be physically present at the FAA headquarters in Washington, DC. A person may call (202) 493-2248 to listen to the proceedings or to participate by asking a question or making a statement. No pass code or other number is required. Interested parties should note that this is not a toll-free number.

Issued in Washington, DC, on August 21, 2002.

**Anthony F. Fazio,**

*Director, Office of Rulemaking.*

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**BILLING CODE 4910-13-P**

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 936

[SPATS No. OK-028-FOR]

#### Oklahoma Regulatory Program

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

**ACTION:** Proposed rule; reopening and extension of public comment period on proposed amendment.

**SUMMARY:** OSM is announcing receipt of revisions to a previously proposed amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions concern employment and financial interests of state employees and members of advisory boards and commissions. It also concerns corrections of cross-references and typographical errors. Oklahoma intends to revise its program to be consistent

with the corresponding Federal regulations.

**DATES:** We will accept written comments until 4 p.m., c.d.t., September 11, 2002.

**ADDRESSES:** You should mail or hand deliver written comments to Michael C. Wolfrom, Director, Tulsa Field Office at the address listed below.

You may review copies of the Oklahoma program, the amendment and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office. Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430. Oklahoma Department of Mines, 4040 N. Lincoln Blvd., Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (405) 521-3859.

**FOR FURTHER INFORMATION CONTACT:**

Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. Internet: [mwolfrom@osmre.gov](mailto:mwolfrom@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background on the Oklahoma Program

Section 503(a) of the Act permits a state to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, "a state law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Oklahoma program on January 19, 1981. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 19, 1981, **Federal Register** (46 FR 4902). You can find later actions concerning the Oklahoma program at 30 CFR 936.15 and 936.16.

#### II. Discussion of the Proposed Amendment

By letter dated November 1, 2001 (Administrative Record No. OK-993), Oklahoma sent us an amendment to its

program under SMCRA and the Federal regulations at 30 CFR 732.17(b). Oklahoma sent the amendment at its own initiative. We announced receipt of the proposed amendment in the December 11, 2001, **Federal Register** (66 FR 63968) and invited public comment on its adequacy. The public comment period ended January 10, 2002.

During our review of the amendment, we identified concerns relating to employment and financial interests of state employees and members of advisory boards and commissions, incorrect cross-references, and typographical errors. We notified Oklahoma of the concerns by letter dated March 25, 2002 (Administrative Record No. OK-993.04). On July 3, 2002, Oklahoma sent us a revised amendment (Administrative Record No. OK-993.05).

Oklahoma submitted revisions for the following provisions of the amendment.

#### A. Section 460.20-5-4. Responsibility

1. In paragraph (a)(8), Oklahoma proposes to add a provision to require the Financial Officer of the State Department of Mines to inform members of advisory boards, the Oklahoma Mining Commission, and commissions representing multiple interests about who they can contact for advice and counseling related to filing the statement of employment and financial interests.

2. Oklahoma proposes to revise paragraph (b)(2) to read as follows:

(2) Promptly review the statements to determine if employment and financial interests which constitute a direct or indirect financial interest in underground or surface coal mining operations have been identified correctly;

3. Oklahoma proposes to retain existing paragraph (c) that requires members of advisory boards and commissions who perform functions or duties under the Act to recuse themselves from proceedings that may affect their direct or indirect financial interest. Previously, Oklahoma proposed to delete this paragraph.

#### B. Section 460.20-5-6. Penalties

Oklahoma proposes to revise paragraph (a) pertaining to criminal penalties and paragraph (b) pertaining to regulatory penalties so that these penalties also apply to advisory board members and commissioners.

#### C. Section 460.20-5-7. Who Shall File

Oklahoma proposes to revise the fourth sentence in paragraph (b) to read as follows:

In those cases, the Director shall list the title of boards, offices, bureaus, or divisions

within the Department of Mines which do not perform any functions or duties under the Act and list the positions not performing functions or duties under the Act for only those boards, offices, bureaus, or divisions that do have some employees performing functions or duties under the Act.

#### *D. Section 460.20–5–10. What To Report*

1. Oklahoma proposes to revise paragraph (c)(3) to read as follows:

(3) The exceptions shown in the certification portion of the form must provide enough information for the Director of the Department, for employees, or the Governor's Office, Director of Appointments, for advisory board or Commission members, to determine the existence of a direct or indirect financial interest. Accordingly, the exceptions should:

2. Oklahoma proposes to revise paragraph (c)(4) to read as follows:

(4) Employees, advisory board members, and commissioners are cautioned to give serious consideration to their direct and indirect financial interests before signing the statement of certification. \* \* \*

#### *E. Section 460.20–15–6. Review of Permit Applications*

Oklahoma proposes to revise paragraph (b)(5)(C) to read as follows:

(C) Was not identified in the permit application.

#### *F. Correction of Cross-References and Typographical Errors*

Oklahoma proposes to correct incorrect cross-references and typographical errors in Section 460:20–3–5. Definitions, Section 462:20–5–10. What to report, and Section 460:20–45–46. Revegetation: standards for success.

### **III. Public Comment Procedures**

We are reopening the comment period on the proposed Oklahoma program amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), we are seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Oklahoma program.

*Written Comments:* If you submit written or electronic comments on the proposed rule during the 15-day comment period, they should be specific, should be confined to issues pertinent to the notice, and should explain the reason for your recommendation(s). We may not be able to consider or include in the Administrative Record comments

delivered to an address other than the one listed above (*see ADDRESSES*).

*Electronic Comments:* Please submit Internet comments as an ASCII, WordPerfect, or Word file avoiding the use of special characters and any form of encryption. Please also include "Attn: SPATS NO. OK–028–FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Tulsa Field Office at (918) 581–6430.

*Availability of Comments:* Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours at OSM's Tulsa Field Office (*see ADDRESSES*). Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

#### *IV. Procedural Determinations*

##### *Executive Order 12866—Regulatory Planning and Review*

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

##### *Executive Order 12630—Takings*

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulations.

##### *Executive Order 13132—Federalism*

This rule does not have federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires

that State programs contain rules and regulations "consistent with" regulations issued by the Secretary under SMCRA.

##### *Executive Order 12988—Civil Justice Reform*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of this 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 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.

##### *Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy*

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

##### *National Environmental Policy Act*

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed State regulatory program provision does not constitute a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

##### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by the Office of Management and Budget 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. Therefore, 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.

#### *Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- a. Does not have an annual effect on the economy of \$100 million.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

#### *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 936**

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 26, 2002.

**Ervin J. Barchenger,**

*Acting Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 02-21743 Filed 8-26-02; 8:45 am]

**BILLING CODE 4310-05-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

#### **33 CFR Part 167**

[USCG-2002-12702]

RIN 2115-AG45

#### **Traffic Separation Schemes: In the Strait of Juan de Fuca and Its Approaches; in Puget Sound and Its Approaches; and in Haro Strait, Boundary Pass, and the Strait of Georgia**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to amend the existing traffic separation schemes (TSSs) in the Strait of Juan de Fuca and its approaches, in Puget Sound and its approaches, and in Haro Strait, Boundary Pass, and the Strait of Georgia. The proposed amendments have been approved by the International Maritime Organization and have been validated by a recent Port Access Route Study. Implementing these amendments would provide better routing order and predictability, increase maritime safety, and reduce the potential for collisions, groundings, and hazardous cargo spills. This rulemaking would incorporate these TSSs, as amended, into the Code of Federal Regulations.

**DATES:** Comments and related material must reach the Docket Management Facility on or before October 28, 2002.

**ADDRESSES:** To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG 2002-12702), U.S. Department of Transportation, room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

(2) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be

available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call Lieutenant Commander Jane C. Wong, Thirteenth Coast Guard District, Seattle, WA, telephone 206-220-7224, e-mail [Jwong@PACNORWEST.uscg.mil](mailto:Jwong@PACNORWEST.uscg.mil); or George Detweiler, Coast Guard, Office of Vessel Traffic Management (G-MWV), at 202-267-0574, e-mail [Gdetweiler@comdt.uscg.mil](mailto:Gdetweiler@comdt.uscg.mil). If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-5149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (USCG-2002-12702), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

##### **Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

##### **Background and Purpose**

Under the Ports and Waterways Safety Act (33 U.S.C. 1221-1232) (PWSA), the