

program has no effect on Federally-recognized Indian tribes.

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

This rule does not require an environmental impact statement because 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 certifies 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. 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; and (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 an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more in any given year. 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 did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 16, 2003.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

■ For the reasons set out in the preamble, 30 CFR part 943 is amended as set forth below:

PART 943—TEXAS

■ 1. The authority citation for part 943 continues to read as follows:

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

■ 2. Section 943.15 is amended in the table by adding a new entry in chronological order by “Date of final publication” to read as follows:

§ 943.15 Approval of Texas regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* * * * *	* * * * *	* * * * *
July 10, 2003	November 5, 2003.	TAC 12.108(b)

[FR Doc. 03-27877 Filed 11-4-03; 8:45 am]
BILLING CODE 4310-05-P

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement
30 CFR Part 950
[WY-031-FOR Rule Package 1J]
Wyoming Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: We are approving a proposed amendment to the Wyoming regulatory program (the “Wyoming program”) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Wyoming proposed revisions to its coal rules about roads, mine facilities, and excess spoil. Wyoming intends to revise its program to be consistent with the corresponding Federal regulations and clarify ambiguities.

EFFECTIVE DATE: November 5, 2003.

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Telephone: 307/261-6550, Internet address: GPadgett@osmre.gov

SUPPLEMENTARY INFORMATION:

- I. Background on the Wyoming Program
- II. Submission of the Proposed Amendment
- III. Office of Surface Mining Reclamation and Enforcement’s (OSM’s) Findings
- IV. Summary and Disposition of Comments
- V. OSM’s Decision
- VI. Procedural Determinations

I. Background on the Wyoming 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 State 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 this Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to this 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 Wyoming program on November 26, 1980. You can find background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and conditions of approval in the November 26, 1980, **Federal Register** (45 FR 78637). You can also find later actions concerning Wyoming's program and program amendments at 30 CFR 950.12, 950.15, 950.16, and 950.20.

II. Submission of the Proposed Amendment

By letter dated November 28, 2002, Wyoming sent us an amendment to its program (Wyoming Rule Package 1J, Administrative Record No. WY-36-1) under SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming sent the amendment in response to 30 CFR part 732 letters of February 21, 1990, and October 3, 1990 (Administrative Record Nos. WY-36-6 and WY-36-7), that we sent to Wyoming, and to include changes it made at its own initiative.

We announced receipt of the proposed amendment in the March 4, 2003, **Federal Register** (volume 68 FR No. 42, page 10193). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (Administrative Record No. WY-36-8). We did not receive any comments.

III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations.

A. Minor Revisions to Wyoming's Rules

Wyoming proposed minor wording, editorial, punctuation, grammatical, and recodification changes to the following previously-approved rules.

Wyoming Coal Rules Chapter 1, Section 2(a), 2(b), Definitions.

These State-initiated revisions are necessary to maintain consistent use of the term "mine facilities."

Because these changes are minor, we find that they will not make Wyoming's rules less effective than the corresponding Federal regulations.

B. Revisions to Wyoming's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations

Wyoming proposed revisions to the following rules containing language that is the same as or similar to the corresponding sections of the Federal regulations:

1. Chapter 1, Section 2(ah), Definition of Existing Structure.

2. Chapter 1, Section 2(bu), Definition of Public Road.

3. Chapter 1, Section 2(bz), Definition of Road.

4. Chapter 2, Section 2(a)(v), 2(a)(v)(I)(1), 2(b)(iii) and 2(b)(xxi), Mine Safety and Health Administration Identification Number.

5. Chapter 2, Section 2(b)(xix), Road Systems.

6. Chapter 4, Section 2(c)(i)(A), Topsoil Removal Exemption.

7. Chapter 4, Section 2(j), Roads.

8. Chapter 4, Section 2(j)(ii), Roads: General Performance Standards.

9. Chapter 4, Section 2(j)(iii), Roads-Design and Construction.

10. Chapter 4, Section 2(j)(iii)(B), Primary Road-Fords.

11. Chapter 4, Section 2(j)(iii)(C)(I), Primary Road-Drainage Control.

12. Chapter 4, Section 2(j)(iii)(C)(I), Primary Road-Haul and Access Roads.

13. Chapter 4, Section 2(j)(iii)(C)(II), Primary Road-Drainage Pipes and Culverts.

14. Chapter 4, Section 2(j)(iii)(C)(III), Primary Road-Culverts.

15. Chapter 4, Section 2(j)(iii)(C)(V), Ditches.

16. Chapter 4, Section 2(j)(vii), Primary Road-Surface Water Runoff.

17. Chapter 4, Section 2(j)(viii); Exemptions Concerning Roads.

18. Chapter 4, Section 2(m); Removal and Reclamation of Mine Facilities.

19. Chapter 4, Section 2(n)(ii)(B)(2); minimizes additional contributions of suspended solids to streamflow outside of the permit area.

20. Chapter 4, Section 2(x); Utility Installation.

21. Chapter 12, Section 1(a)(v), Permitting Procedures.

22. Chapter 18, Section 3(c)(xvii), Section 3(d)(vi)(A), 3(d)(x), Permit Applications.

Because these proposed rules contain language that is the same as or similar to the corresponding Federal regulations, we find that they are no less effective than the corresponding Federal regulations.

C. Revisions to Rules That Are Not the Same as the Corresponding Provisions of the Federal Regulation

1. Chapter 2, Section 2(a) and (b), Contents of an application for a surface

coal mining permit (Chapter 2, Section 2(b)(iv)(G)). In its October 3, 1990, letter (follow up to its 30 CFR part 732 letter), OSM told Wyoming in E-2 that to be no less effective than the Federal rules, Wyoming's coal rules must require maps and cross sections for all roads, not just those deemed appropriate. Consequently, Wyoming proposes in this amendment to repeal Chapter 2, Section 2(b)(iv)(G)(item 5.a) and adopt Chapter 2, Section (b)(xix) to effectuate this change.

In addition, the Wyoming rule currently found at Chapter 2, Section 2(b)(iv)(G)(I) is proposed for recodification as Chapter 2, Section 2(a)(i)(E) because it is more appropriate for this requirement regarding legal ownership to be under subsection (a) rather than (b).

Finally, with the repeal of subsection 2(b)(iv)(G), the rule that follows it as (H) must be renumbered as (G) to coincide with the numbering within this subsection. Moreover, the term "buildings and structures" is proposed to be repealed and replaced with "mine facilities" to maintain consistent use of the term "mine facilities." These changes are no less effective than the Federal regulations.

2. Chapter 2, Section 2(b)(i)(D)(V), Operation Plan: Maps and Plans. The original Wyoming rule was not as detailed as its Federal counterpart regulations and was therefore disapproved by the OSM in a February 21, 1990, 30 CFR part 732 letter (Item E-4) to Wyoming. The proposed revised State rule is very similar to its Federal counterpart regulation at 30 CFR 780.14 and therefore is as effective as it.

3. Chapter 4, Section 2(j)(iv), Roads-Location. This rule change is simply to include the citations to the specific State hydrologic requirements as required by OSM's October 3, 1990, 30 CFR part 732 letter to Wyoming. Inclusion of the citations make the State rule no less effective than the Federal regulations.

4. Chapter 4, Section 2(j)(iii)(D), Primary Road. This rule change makes the State rule almost identical to its Federal counterpart which makes it no less effective than the Federal regulations.

5. Chapter 4, Section 2(j)(v), Road Maintenance and Repair. In order to be consistent with the Federal rules regarding road maintenance, Wyoming is proposing to revise its current Chapter 4 rules to read, "A road shall be maintained to meet the performance standards of this Chapter." This does not include the Federal counterpart phrase at 30 CFR 816.150(e)(1), "and any additional criteria specified by the

regulatory authority” because OSM did not require it. The rule is therefore no less effective than the Federal regulations.

6. *Chapter 4, Section 2(j)(vi), Road Reclamation.* In the February 21, 1990, 30 CFR part 732 letter (Item E-8) that OSM sent to Wyoming, OSM indicated that the State must adopt the Federal minimum standards for road reclamation. Consequently, Wyoming is proposing to adopt the counterpart Federal rules. However, the proposed adoption at Chapter 4, Section 2(j)(vi)(B) provides an alternative to operators regarding culverts in roadways that are being reclaimed. Rather than having to remove a culvert if it is not an approved part of the postmining land use, the operator can approach the Administrator about leaving the culvert buried in place for perpetuity. If an operator chooses this alternative, the operator will be required to provide a plan which will guarantee that there will not be any subsidence associated with the culvert in the future and that the culvert will be buried at a sufficient depth to prevent erosion (wash out) of the culvert. Offering operators a reasonable alternative to removing culverts in roadways, Wyoming’s rule is no less effective than its Federal counterpart.

The proposed adoption at Chapter 4, Section 2(j)(vi)(F) also mentions subsoil because Wyoming Coal Rules contain specific provisions regarding subsoil handling, which are not mentioned in the Federal counterpart rule. The proposed rule is therefore no less effective than the Federal regulations since it regulates more than the Federal provisions.

7. *Chapter 4, Section 2(c)(xi)(F), Temporary Overburden and Spoil Piles.* This rule is proposed for adoption to make it clear that temporary overburden or spoil piles also warrant the use of prudent location, design and construction practices in order to ensure the safety and stability of these temporary piles. OSM has determined that the proposed State rule does not conflict with the backfilling and grading requirements of 30 CFR 816.102. The proposed rule requires the use of prudent engineering practices to ensure safety and stability of any temporary stockpiles. Once mining is complete, material would be returned to the mined area and be subject to the general backfilling and grading or excess spoil disposal rules. The proposed rule is not inconsistent with the intent of SMCRA and is no less effective than the Federal regulations.

8. *Chapter 4, Section 2(c)(xi)(G), Excess Spoil.* This revision simply

makes some minor word changes as well as reorganizes the existing excess spoil rules which had been previously approved by OSM. Therefore, the revision is no less effective than the Federal rules.

9. *Appendix A, Appendix IV, List of Threatened and Endangered Plant Species.* On its own initiative, Wyoming had attempted to keep this list, prepared by the U.S. Fish and Wildlife Service (FWS), up to date in this appendix. However, because this involved rulemaking and was a lengthy process, Wyoming attempted to simply refer the reader to the FWS office. This turned out to be in conflict with Wyoming Statute 16-3-103(h) and is therefore now proposed for removal. Since having the list in an appendix was a State initiative, removing it does not affect the effectiveness of Wyoming’s rules.

10. *Chapter 5, Section 7(a)(ii), Remining.* OSM asked Wyoming’s Land Quality Division, in a March 31, 1986, **Federal Register** notice (51 FR 10827) to remove some language in Wyoming’s rules that was less effective than the Federal counterpart regulations. The language in question was submitted to OSM on March 31, 1989, and was approved by OSM for removal in the July 25, 1990, **Federal Register** notice (55 FR30221). It is therefore acceptable to remove it from Wyoming’s master list of outstanding disapprovals.

D. Revisions to Wyoming’s Coal Rules With No Corresponding Federal Regulations

1. *Chapter 4, Section 2(j)(i)(A), Roads.* Wyoming proposed this rule for repeal because it was cited by OSM in the November 26, 1986, **Federal Register** as being less effective than the Federal regulations. The Federal definition of “surface coal mining activities” includes all lands affected by the construction of new roads or use of existing roads to gain access to the site, not just those that are constructed or upgraded (which is what the current State rule says). In addition, Federal rules do not limit the inclusion of a road or railroad as being part of a permit area if they provide exclusive service to a particular operator (which is also what the current State rule says).

This current language is no longer necessary in the State rules with the adoption of the Federal definition of roads (which makes it clear that any “surface corridor of affected land associated with travel by a land vehicle used * * *” is considered a road. There is no distinction as to whether the road has been constructed or upgraded. If it is being used, it is considered to be part of a “surface coal mining operation.”

Eliminating this State rule will make Wyoming’s rule consistent with its Federal counterpart.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment (Administrative Record No. WY-36-5), but did not receive any.

Federal Agency Comments

Under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Wyoming program (Administrative Record No. WY-36-5). No comments were received.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(i) and (ii), we are required to get concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued 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.*).

Under 30 CFR 732.17(h)(11)(i), OSM requested comments on the amendment from EPA (Administrative Record No. WY-36-5). EPA did not respond to our request.

State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the ACHP and SHPO on amendments that may have an effect on historic properties. On December 10, 2002, we requested comments on Wyoming’s amendment (Administrative Record No. WY-36-3 and 4), but neither responded to our request.

V. OSM’s Decision

Based on the above findings, we approve Wyoming’s November 28, 2002, amendment, as follows: Finding A, minor revisions to Wyoming’s Coal Rules at Chapter 1, Section 2, 2(a), 2(b); Finding B, revisions to Wyoming’s rules that have the same meaning as the corresponding provisions of the Federal regulations: finding B.1, Section 2(ah), definition of existing structure; finding B.2, Chapter 1, Section 2(bu), definition of public road; finding B.3, Chapter 1, Section 2(bz), definition of road; finding B.4, Chapter 2, Section 2(a)(v), 2(a)(v)(I)(1), 2(b)(iii), and 2(b)(xxi), Mine Safety and Health Administration identification number; finding B.5, Chapter 2, Section 2(b)(xix), road systems; finding B.6, Chapter 4, Section

2(c)(i)(A), topsoil removal exemption; finding B.7, Chapter 4, Section 2(j), roads; finding B.8, Chapter 4, Section 2(j)(ii), roads: general performance standards; finding B.9, Chapter 4, Section 2(j)(iii), roads-design and construction; finding B.10, Chapter 4, Section 2(j)(iii)(B), primary road-Fords; finding B.11, Chapter 4, Section 2(j)(iii)(C)(I), primary road-drainage control; finding B.12, Chapter 4, Section 2(j)(iii)(C)(I), primary road-haul and access roads; finding B.13, Chapter 4, Section 2(j)(iii)(C)(II), primary road-drainage pipes and culverts; finding B.14, Chapter 4, Section 2(j)(iii)(C)(V), drainage ditches; finding B.15, Chapter 4, Section 2(j)(iii)(C)(III), primary road-culverts; finding B.16, Chapter 4, Section 2(j)(vii), primary road-surface water runoff; finding B.17, Chapter 4, Section 2(j)(viii), exemptions concerning roads; finding B.18, Chapter 4, Section 2(m), removal and reclamation of mine facilities; finding B.19, Chapter 4, Section 2(n)(ii)(B)(2), minimizes additional contributions of suspended solids to streamflow outside of the permit area; finding B.20, Chapter 4, Section 2(x), utility installation; finding B.21, Chapter 12, Section 1(a)(v), permitting procedures; finding B.22, Chapter 18, Section 3(c)(xvii), Section 3(d)(vi)(A), Section 3(d)(x), permit applications; Finding C, revisions to rules that are not the same as the corresponding provisions of the Federal Regulations: finding C.1, Section 2(a) and (b), contents of an application for a surface coal mining permit (Chapter 2, Section 2(b)(iv)(G)); finding C.2, Chapter 2, Section 2(b)(i)(D)(v), Operation Plan: Maps and Plans; finding C.3, Chapter 4, Section 2(j)(iv), Roads-location; finding C.4, 2(j)(iii)(D), Primary Road; finding C.5, Chapter 4, Section 2(j)(v), road maintenance and repair; finding C.6, Chapter 4, Section 2(j)(vi), road reclamation; finding C.7, Chapter 4, Section 2(xi)(F), temporary overburden and spoil piles; finding C.8, Chapter 4, Section 2(c)(xi)(G), excess spoil; finding C.9, Appendix A, Appendix IV, list of Threatened and Endangered Plant Species; finding C.10, Chapter 5, Section 7(a)(ii), remaining; finding D, revisions to Wyoming's Coal Rules with no corresponding Federal Regulations: finding D.1, Chapter 4, Section 2(j)(i)(A), roads.

We approve the rules as proposed by Wyoming with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 950, which codify decisions

concerning the Wyoming program. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 503(a) of SMCRA requires that the State's program demonstrates that the State has the capability of carrying out the provisions of the Act and meeting its purposes. Making this regulation effective immediately will expedite that process. SMCRA requires consistency of State and Federal standards.

Effect of OSM's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any change of an approved State program be submitted to OSM for review as a program amendment. The Federal regulations at 30 CFR 732.17(g) prohibit any changes to approved State programs that are not approved by OSM. In the oversight of the Wyoming program, we will recognize only the statutes, regulations and other materials we have approved, together with any consistent implementing policies, directives and other materials. We will require Wyoming to enforce only approved provisions.

VI. Procedural Determinations

Executive Order 12630—Takings

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

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

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 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 because each 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

submission 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 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 pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. The rule does not involve or affect Indian tribes in any way.

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

This rule does not require an environmental impact statement because 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 certifies 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. 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; and 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 an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more in any given year. 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 did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 950

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 30, 2003.

Allen D. Klein,

Regional Director, Western Regional Coordinating Center.

■ For the reasons set out in the preamble, 30 CFR part 950 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.*

§ 950.12 [Amended]

■ 2. Section 950.12 is amended by removing and reserving paragraph (a)(8).

■ 3. Section 950.15 is amended in the table by adding a new entry in chronological order by date of final publication to read as follows:

§ 950.15 Approval of Wyoming regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
November 28, 2002	November 5, 2003.	Chap. 1, Section 2, 2(a), 2(b) Chap. 1, Section 2(ah) Chap. 1, Section 2(bu) Chap. 1, Section 2(bz) Chap. 2, Section 2(a) and (b) Chap. 2, Section 2(a)(v), 2(a)(v)(l)(1), 2(b)(iii) and 2(b)(xxi) Chap. 2, Section 2(b)(i)(D)(V) Chap. 2, Section 2(b)(iv)(G) Chap. 2, Section 2(b)(xix) Chap. 4, Section 2(c)(i)(A) Chap. 4, Section 2(c)(xi)(F) Chap. 4, Section 2(c)(xi)(G) Chap. 4, Section 2(j) Chap. 4, Section 2(j)(i)(A) Chap. 4, Section 2(j)(ii) Chap. 4, Section 2(j)(iii) Chap. 4, Section 2(j)(iii)(B) Chap. 4, Section 2(j)(iii)(C)(I) Chap. 4, Section 2(j)(iii)(C)(II) Chap. 4, Section 2(j)(iii)(C)(III) Chap. 4, Section 2(j)(iii)(C)(v) Chap. 4, Section 2(j)(iii)(D) Chap. 4, Section 2(j)(iv) Chap. 4, Section 2(j)(v) Chap. 4, Section 2(j)(vi) Chap. 4, Section 2(j)(vii) Chap. 4, Section 2(j)(viii)

Original amendment submission date	Date of final publication	Citation/description
		Chap. 4, Section 2(m) Chap. 4, Section 2(n)(ii)(B)(2) Chap. 4, Section 2(x) Chap. 5, Section 7(a)(ii) Chap. 12, Section 1(a)(v) Chap. 18, Section 3(c)(xvii), Section 3(d)(vi)(A), Section 3(d)(x) Appendix A, Appendix IV

[FR Doc. 03-27878 Filed 11-4-03; 8:45 am]
 BILLING CODE 4310-05-U

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

**33 CFR Parts 100, 117 and 165
 [USCG-2003-16436]**

Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations and Drawbridge Operation Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules issued by the Coast Guard and temporarily effective between July 1, 2003 and September 30, 2003, that were not published in the **Federal Register**. This quarterly notice lists temporary local regulations, drawbridge operation regulations, security zones, and safety zones, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice is effective November 5, 2003.

ADDRESSES: The Docket Management Facility maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20593-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal

Holidays. You may electronically access the public docket for this notice on the Internet at <http://www.dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this notice contact Lt. Jeff Bray, Office of Regulations and Administrative Law, telephone (202) 267-2830. For questions on viewing, or on submitting material to the docket, contact Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to prevent injury or damage to vessels, ports, or waterfront facilities and may also describe a zone around a vessel in motion. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Drawbridge operation regulations authorize changes to drawbridge schedules to accommodate bridge repairs, seasonal vessel traffic, and local public events. Timely publication of these rules in the **Federal Register** is often precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, informed of these rules through Local Notices to

Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the beginning of the effective period, mariners were personally notified of the contents of these special local regulations, drawbridge operation regulations, security zones, or safety zones by Coast Guard officials' on-scene prior to any enforcement action. However, the Cost Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these special local regulations, security zones, safety zones and temporary drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, special local regulations, security zones and drawbridge operation regulations listed in this notice have been exempted from review under Executive Order 12866, Regulatory Planning and Review, because of their emergency nature, or limited scope and temporary effectiveness.

The following rules were placed in effect temporarily during the period from July 1, 2003, through September 30, 2003, unless otherwise indicated.

S. G. Venckus,
Chief, Office of Regulations and Administrative Law.

DISTRICT QUARTERLY REPORT—3RD QUARTER 2003

District docket	Location	Type	Effective date
01-03-014	Hingham, MA	Safety Zone	7/5/2003
01-03-018	Lynn Fourth of July Fireworks, Lynn MA	Safety Zone	7/3/2003
01-03-067	Middletown, CT	Safety Zone	7/4/2003
01-03-072	Police Athletics Fireworks, Westport, CT	Safety Zone	7/3/2003
01-03-073	Norwalk Fireworks Display, Norwalk, CT	Safety Zone	7/3/2003
01-03-074	Riverfest 2003, Hartford, CT	Safety Zone	7/5/2003
01-03-075	Stratford Fireworks Display, Stratford, CT	Safety Zone	7/3/2003