Dated: September 6, 1995.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

## PART 944—UTAH

1. The authority citation for Part 944 continues to read as follows:

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

2. Section 944.15 is amended by adding paragraph (gg) to read as follows:

**§ 944.15 Approval of amendments to the Utah regulatory program.**

* * * * *

(gg) The following revisions to or additions of the following sections of the Utah Administrative Rules (Utah Admin. R.) for Coal Mining, and the addition of Appendix C, to Utah's ''Vegetation Information Guidelines,'' as submitted to OSM on February 6, 1995, and revised on June 5, 1995, are approved effective September 14, 1995.

[FR Doc. 95–22865 Filed 9–13–95; 8:45 am]

BILLING CODE 4310–05–M

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## 30 CFR Part 950

## 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 referred to as the ''Wyoming program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Wyoming proposed revisions to its mining statute pertaining to procedures for notifying surface land owners, oil and gas well owners, and oil and gas lease holders, of proposed coal mining operations where the land, well, or lease is situated within or near the permit area in question. The amendment is intended to reduce the costs of the Wyoming program while retaining consistency with the corresponding Federal regulations and SMCRA.

**EFFECTIVE DATE:** September 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** Guy V. Padgett, Telephone: (307) 261–5824.

**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 950.11, 950.12, 950.15, 950.16, and 950.20.

### II. Proposed Amendment

By letter dated June 2, 1995, Wyoming submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. WY–30–01). Wyoming submitted the proposed amendment at its own initiative. The provision of the Environmental, Quality Act that Wyoming proposed to revise is: Wyoming Statute (WS) 35–11–406(j), public notice procedures for permit applications.

OSM announced receipt of the proposed amendment in the June 14, 1995, **Federal Register** (60 FR 31265), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. WY–30–10). Because no one requested a public hearing or meeting, none was held. The public comment period ended on July 14, 1995.

### 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 June 2, 1995, is no less stringent than SMCRA. Accordingly, the Director approves the proposed amendment.

At WS 35–11–406(j), Wyoming provides (in part) requirements for mailing copies of the notice of a permit application to surface owners, operators of oil and gas wells, and lessees of record of oil and gas leases. The State proposes to revise these requirements by: (1) Clarifying that such mailings need to be done only for ''* * * initial applications or additions of new lands * * *''; (2) deleting the requirement that the notice be mailed to oil and gas operators or holders of oil and gas leases; (3) adding a requirement that the applicant shall mail a copy of the mining plan map to the Wyoming Oil and Gas Commission; and (4) adding a requirement that a ''sworn statement'' of the mailing of the mining plan map become part of the application.

SMCRA, at Section 507(b)(6)—Application Requirements, requires that at the time of submission of an application, a copy of an advertisement that describes location and boundaries of the proposed cooperation, to be published in a local paper, be included in the application. Section 513—Public Notice and Public Hearings, additionally requires such an advertisement for a permit revision as well and further requires that the regulatory authority notify various local government bodies, planning agencies, etc. in the locality of the proposed surface mining.

SMCRA does not require an applicant to mail a copy of the newspaper notice to surface owners, gas or oil operators, or oil and gas lease holders. The proposed modifications to Wyoming's statute would provide for public notice requirements that go beyond the Federal program requirements. Further, these requirements are not in conflict with or inconsistent with SMCRA. The Director is therefore approving them.

### 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*

OSM invited public comments on the proposed amendment. None were received.

*2. Federal Agency Comments*

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Wyoming program.

The Mine Safety and Health Administration (MSHA), (Denver, Colorado) responded that the amendment does not appear to conflict with any current MSHA regulations. (administrative record No. WY–30–09).

The Bureau of Land Management (BLM) expressed concern that the oil and gas operators or lessees would not be notified on new permits or where lands are added. The agency noted that occasionally conflicts between development of the two minerals (coal and oil/gas) have been encountered. BLM opposes the change to the present language unless there will be some mechanism in place for the Wyoming

Oil and Gas Commission to notify Operators of any potential conflict. (administrative record No. WY–30–11).

The State agency responsible for the issuance of oil and gas permits is the Wyoming Oil and Gas Commission. Notification by the State regulatory authority, to such agencies who have authority to issue licenses and permits, is required by the Federal program. Those agencies having knowledge of existing or potential conflicts within their areas of jurisdiction are responsible for submitting comments and/or taking other appropriate actions to avoid or resolve any conflicts. As discussed in the finding, the requirement to notify individual operators or lease holders of gas and oil interests goes beyond the requirements of the Federal program. OSM cannot require standards beyond those of the Federal program. However, if such standards are proposed by a State and are not in conflict or inconsistent with Federal Program requirements, they can be approved.

The U.S. Army Corps of Engineers responded that it found the changes to be satisfactory. (Administrative record No. WY–30–12).

The Mine Safety and Health Administration (Arlington, Virginia) responded that the amendment has no apparent impact upon miners' health and safety and that MSHA jurisdiction does not extend into State administrative requirements for reclamation permit applicants' public notices. (administrative record No. WY–30–13).

*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.*).

On June 7, 1995, OSM solicited EPA's comments on the proposed amendment (administrative record No. WY–30–06). even though none of the revisions that Wyoming proposed to make in its amendment pertain to air or water quality standards. EPA did not respond to OSM's request.

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

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP (administrative record Nos. WY–30–04 and WY–30–03). The Wyoming Department of Commerce, Division of Cultural Resources (SHPO) responded on June 13, 1995, that it had no objections provided that OSM follows the procedures established in accordance with Section 106 of the National Historic Preservation Act and Advisory Council regulations at 36 CFR 800. As a Federal agency, OSM is obligated to follow the above requirements. (administrative record No. WY–30–08). The ACHP did not respond to OSM's request.

## V. Director's Decision

Based on the above finding, the Director approves Wyoming's proposed amendment at WS 35–11–406(j), concerning public notice procedures for permit applications, as submitted on June 2, 1995.

The Federal regulations at 30 CFR part 950, codifying decisions concerning the Wyoming program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

## 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 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 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.

## List of Subjects in 30 CFR Part 950

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 5, 1995.

**Richard J. Seibel,**

*Regional Director, Western Regional Coordinating Center.*

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T 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 (w) to read as follows:

### § 950.15 Approval of amendments to the Wyoming regulatory program.

* * * * *

(w) revisions to WS 35–11–406(j) concerning public notice procedures for permit applications, as submitted to OSM on June 2, 1995, are approved effective September 14, 1995.

[FR Doc. 95–22864 Filed 9–13–95; 8:45 am]
BILLING CODE 4310–05–M

## National Park Service

## 36 CFR Part 7

**RIN 1024–AC28**

## Pictured Rocks National Lakeshore; Hunting Closure

**AGENCY:** National Park Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** This rule closes certain developed and high visitor use areas of the lakeshore to hunting in the interest of public safety. Hunting in these developed and high visitor use areas constitutes a hazard to the safety of the visiting public.

**EFFECTIVE DATE:** This final rule becomes effective October 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Larry Hach, Chief of Visitor Services and Land Management, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, MI 49862. Telephone (906) 387–2607.

**SUPPLEMENTARY INFORMATION:**

### Background

Pictured Rocks National Lakeshore's legislative authority, Public Law 89–668 (80 Stat. 922), states ''The Secretary, after consultation with the Michigan Department of Conservation, may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment.'' Pictured Rocks National Lakeshore has already consulted with the Michigan Department of Natural Resources on this issue, as well as with other interested groups including the Michigan United Conservation Clubs, area hunters, and other interested local individuals.

The National Park Service's Management Guidelines (specifically Chapter 8, ''Use of the Parks'') state that the protection of park visitors and providing for visitor safety is a primary goal of park management, and that the Service may establish regulations or closures that are more restrictive than applicable State regulations based on a finding that such restrictions are necessary for public safety, resource protection, or visitor enjoyment. With the increased amount of visitors to the lakeshore in recent years (CY 94 visitation was 583,131) and the increase of hunting activities within lakeshore boundaries, an increased possibility exists of hazards to the safety of the public due to hunting activity in the developed and high visitor use areas.

Hunting in the lakeshore is managed according to the State of Michigan Department of Natural Resources hunting regulations, Federal migratory waterfowl regulations, and those specific hunting regulations contained in the Superintendent's Compendium (Orders). Continuing under the existing guidelines is dangerous from a safety point of view. At the same time, a total ban on hunting is neither practical nor necessary. This limited hunting closure is in accordance with stated overall management objectives for the administration of lands of the National Park System.

Much of the high public use area at the western end of the lakeshore is situated within the corporate limits of the City of Munising where the discharge of a firearm is already prohibited. The lakeshore's developed areas, such as campgrounds, parking lots, and overlooks, are heavily used by the visiting public. Hunting in such heavily used areas constitutes a hazard to the safety of the visiting public. While State of Michigan regulations currently permit hunting within road rights-of-way (ROW's), the heavy volume of traffic on National Park Service (NPS)-owned paved roads within the lakeshore makes hunting within these ROW's not conducive to the promotion of visitor safety and enjoyment. The heaviest public use period for the lakeshore occurs between April 1 and Labor Day when the lakeshore receives approximately 73 percent of its annual visitation. During this period, the regulation would prohibit hunting within the lakeshore.

On January 23, 1995, the NPS published proposed regulations that would close developed and high visitor use areas of the lakeshore to hunting in the interest of public safety (60 FR 4394). Public comment was invited. The comment period closed March 24, 1995.

### Summary of Comments Received

During the public comment period, the NPS received eight written comments regarding the proposed rule. Four comments supported the closures, some asking for increased closures. Four were opposed to the closures, either in part or in whole. An analysis was made of the public comments. After considering all public comments, the NPS has decided to proceed with a final rule on the hunting closures.

A summary of specific comments by broad subject and the agency's response to these comments follows.

1. *Comment: Hunting closure areas are already restricted to hunting by local or state regulations.* A few respondents felt that the closure areas were already restricted to hunting activities by current local or state regulations. They felt that peak hunter density never exceeds a fraction of a hunter per square mile and there has never been an accident in the lakeshore involving hunters.

*Response*: A City of Munising ordinance prevents the discharge of a firearm within the city limits. However, the city does not enforce this ordinance in the forested areas of the lakeshore, within the city limits. Because the lakeshore does not have the authority to enforce the city's ordinance, it goes unenforced. Each year hunting activity takes place in the Becker Field, Munising ski trails and on Sand Point. All of these areas are within the city limits of Munising.

Michigan DNR hunting regulations define a Safety Zone within 450 feet of occupied dwellings (residences) or associated buildings. This regulation has no correlation to the developed public use areas of the lakeshore, such as drive-in campgrounds, overlooks, parking lots or other high use visitor buildings. Despite heavy public use, none of these lakeshore facilities serve as a ''dwelling or associated building.'' The DNR regulation, therefore, does not apply.

While State of Michigan regulations currently permit hunting within road rights-of-way, the heavy volume of traffic on NPS-owned paved roads within the lakeshore makes hunting within these ROW's not conducive to the promotion of visitor safety and enjoyment. Several conflicts between hunters and non-hunters occur each hunting season within these ROW's that could directly affect the safety of the visiting public.

Although there has not been a documented accident in the lakeshore involving hunting, there have been several documented incidents in each of the past few years, in the developed areas, involving hunter and non-hunter contacts signed by one or both parties as constituting a safety hazard. With the increased number of visitors to the lakeshore, and the increase of hunting activities within the lakeshore boundaries, contacts between hunters and non-hunters directly affect the safety of the visiting public in the developed and high visitor use areas.

Although hunter density per square mile throughout the entire lakeshore is