proposed rulemaking. FDA provided a comment period of more than 90 days from the date—September 29, 1995—that additional documents were placed on display.) FDA provided a similar extension for the notice that set forth the jurisdictional analysis (60 FR 53620). On December 1, 1995, FDA published in the Federal Register (60 FR 61670) the results of several focus group studies that it conducted and invited public comments by January 2, 1996.

FDA is adding two documents to the administrative record that further explain the basis for certain provisions of the proposed rule. The agency is providing the public an opportunity to comment on them.

FDA believes that 30 days to comment is ample in this case, as the agency is specifically limiting its reopening of the comment period to comments on the documents being added. Comments are invited, and will be considered, only to the extent they are focused on the information being newly added to the record and only to the extent the comments regarding such information raise new issues not already raised by the person submitting the comment.

The documents being added to the record are as follows:

1. Food and Drug Administration, Memorandum to the Record: Section 897.32—definition of adult publications, March 11, 1996.

2. Food and Drug Administration, Memorandum to the Record: Section 897.30(b)—billboards, March 11, 1996.

Interested persons may, on or before April 19, 1996, submit to the Dockets Management Branch (address above) written comments regarding the documents described above. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96–6788 Filed 3–18–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 48

Training Policy Review

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: In response to requests from the mining community for additional time in which to prepare comments, the Mine Safety and Health Administration (MSHA) is extending the period for public comment on its training policy.

DATES: Submit comments on or before May 24, 1996.

ADDRESSES: Send written comments to Frank R. Schwamberger, Acting Director, Educational Policy and Development, MSHA, 4015 Wilson Boulevard, Room 531, Arlington, Virginia 22203–1984. Commenters are encouraged to submit comments on a computer disk along with a hard copy.

FOR FURTHER INFORMATION CONTACT: Thomas W. MacLeod or Joseph M. Hoffman, Division of Policy and Program Coordination, Directorate of Educational Policy and Development, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On January 25, 1996, MSHA published a request for comments in the Federal Register (61 FR 2215) announcing its intention to review its training policy for the mining industry. The comment period was scheduled to close on March 25, 1996.

In response to requests from the public, MSHA is extending the comment period 60 days. All parties are encouraged to submit their comments within this time.

Dated: March 14, 1996.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 96–6563 Filed 3–19–96; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

[SPATS No. UT–033]

Utah Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of a proposed amendment to the Utah regulatory program (hereinafter, the ''Utah program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to rules pertaining to petitions to initiate rulemaking, backfilling and grading, and highwall retention. The amendment is intended to revise the Utah program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., m.s.t., on April 19, 1996. If requested, a public hearing on the proposed amendment will be held on April 15, 1996. Requests to present oral testimony at the hearing must be received by 4:00 p.m., m.s.t., on April 4, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to James F. Fulton at the address listed below.

Copies of the Utah program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Denver Field Division.

James F. Fulton, Chief, Denver Field Division, Western Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 1999 Broadway, Suite 3320, Denver, Colorado 80202

James W. Carter, Director, Division of Oil, Gas & Mining, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, Utah 84180–1230

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: (303) 672–5524.

SUPPLEMENTARY INFORMATION:

I. Background on the Utah Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. General background information on the Utah program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program can be found in the January 21, 1981, Federal Register (46 FR 5899). Subsequent actions concerning Utah's program and program amendments can be found at 30 CFR 944.15, 944.16, and 944.30.

II. Proposed Amendment

By letter dated November 30, 1995, and March 11, 1996, Utah submitted to OSM rules that it had promulgated for its program (administrative record Nos. UT–1079 and UT–1081) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). With three exceptions, these rules are

substantively identical to rules that Utah had previously submitted to OSM and for which the Director made a decision in the May 30, 1995, Federal Register (60 FR 28040, administrative record No. UT–1057). The three exceptions are rules that Utah is revising response to required amendments and in response to a disapproval that OSM set forth in the May 30, 1995, notice.

In response to the required program amendments at 30 CFR 944.16(c) and (d) (May 30, 1995, 60 FR 28040, 28043–4, finding Nos. 4 and 5), Utah proposes to revise Utah Admin. R. 645–301–553.110 and Utah Admin. R. 534–301–553.120. Specifically, Utah proposes to revise Utah Admin. R. 645–301–553.110 to reference ''R645–301–*553*.500 through R645–301–*553*.540'' (emphasis added) instead of ''R645–301–500 through R645–301–540.'' It also proposes to revise Utah Admin. R. 645–301–553.120 to reference ''R645–301–553.500 through R645–301–*553*.540'' (emphasis added) instead of ''R645–301–553.500 through R645–301–540'' and to reference ''R645–301–553.650'' instead of ''R645–301–553.650 through R645–301–553.651.'' In both of the revised rules, Utah indicates that the referenced rules contain exceptions to the requirements for operators to backfill and grade disturbed areas to approximate original contour. The referenced rules pertain to previously mined areas, continuously mined areas, areas with remaining highwalls subject to the approximate original contour provisions, and highwall management under the approximate original contour provisions.

In response to the Director not approving proposed Utah Admin. R. 645–301–553.651 (May 30, 1995, 60 FR 28040, 28046–7, finding No. 15), Utah did not promulgate the rule. The rule concerned a proposed applicability date for the backfilling and grading of highwalls. Specifically, it would have provided that where an operator had completed final backfilling and grading and Utah had released the phase one bond prior to June 2, 1992, Utah would not require the operator to redisturb the reclaimed highwall to bring it into compliance with Utah Admin. R. 645–301–552.650.

In addition to the aforementioned revisions, Utah by letter dated December 4, 1995, submitted to OSM a proposed revision to one of its other rules (administrative record No. UT–1080). Utah submitted the proposed revision in response to a November 22, 1995, OSM letter (administrative record No. UT–1078) notifying Utah of a needed revision to Utah's rule pertaining to petitions to initiate rulemaking. Specifically, Utah proposes to revise Utah Admin. R. 645–100–500 to require that persons other than the Division or Board of Oil, Gas and Mining may petition to initiate rulemaking pursuant to Utah Admin. R. Part 641 and the Utah Administrative Rulemaking Act at Utah Code Annotated ''63–46a–1, *et seq.*'' instead of ''63–46a–8.''

Collectively, these revisions constitute a proposed amendment to Utah's program.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Utah program.

1. Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under ''DATES'' or at locations other than the Denver Field Division will not necessarily be considered in the final rulemaking or included in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under ''FOR FURTHER INFORMATION CONTACT'' by 4:00 p.m., m.s.t., on April 4, 1996. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under ''FOR FURTHER INFORMATION CONTACT.'' The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

3. Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under ''FOR FURTHER INFORMATION CONTACT.'' All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under ''ADDRESSES.'' A written summary of each meeting will be made a part of the administrative record.

IV. Procedural Determinations

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 of 1969 (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 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 13, 1996.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 96–6678 Filed 3–19–96; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01–95–169]

RIN 2115–AE 46

Special Local Regulation: Provincetown Harbor Swim for Life, Provincetown, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent special local regulation for a swimming event known as the Provincetown Harbor Swim for Life. The event will be held annually, on the first Saturday following the Labor Day holiday weekend, in Cape Cod Bay, Provincetown Harbor, Provincetown, MA. This regulation is needed to protect the participants from transiting vessel traffic during the swimming event.

DATES: Comments must be received on or before May 20, 1996.

ADDRESSES: Comments should be mailed to Commander (b), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110–3350, or may be hand delivered to Room 428 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant (jg) B.M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223–8311.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD01–95–169), the specific section of the proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½″ x 11″ unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander (b), First Coast Guard District at the address under ''**ADDRESSES**.'' The request should include reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Discussion of Proposed Amendments

The annual Provincetown Swim for Life benefit is a local, traditional event which has been held for several years in Provincetown Harbor, Provincetown, MA. In the past, the Coast Guard has promulgated individual regulations for each year's running of the race. Given the recurring nature of the event, the Coast Guard desires to establish a permanent regulation. The proposed regulation would establish a regulated area in Provincetown Harbor of Cape Cod Bay and would provide specific guidance to control vessel movement during the event. This proposal restricts vessels from approaching within 200 feet of participating benefit swimmers.

The event will consist of approximately 150 swimmers traveling 1.4 miles from Long Point Lighthouse to a point 200 yards east of the Coast Guard pier. There will be approximately 25–30 support boats on scene to augment a Coast Guard patrol to alert boating traffic of the presence of the swimmers. In emergency situations, provisions may be made to establish safe escort by a Coast Guard or designated Coast Guard vessel for vessels requiring transit within 200 feet of participating swimmers.

The proposed section will be effective annually on the first Saturday following the Labor Day holiday weekend, at a specific time published in a Coast Guard Notice to Mariners. A rain date may be established and published in a Coast Guard Notice to Mariners.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the event, the extensive advisories that will be made to the affected maritime community, and the minimal restrictions which the regulation places on vessel traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant