PART 2204—[AMENDED]

1. The authority for Part 2204 continues to read as follows:

Authority: Section 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)); Pub. L. 99–80, 99 Stat. 183.

2. Section 2204.107 is amended by revising the first sentence of paragraph (b) to read:

§ 2204.107 Allowable fees and expenses.

* * * * *

(b) An award for the fee of an attorney or agent under these rules shall not exceed $125 per hour, unless the Commission determines by regulation that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents for Commission proceedings, justifies a higher fee. * * *

* * * * *

3. Section 2204.301 is revised to read as follows:

§ 2204.301 Filing and service of documents.

An EAJA application is deemed to be filed only when received by the Commission. In all other respects, an application for an award and any other pleading or document related to an application shall be filed and served on all parties to the proceeding in accordance with §§ 2200.7 and 2200.8, except as provided in § 2204.202(b) for confidential financial information.

Dated: June 26, 1997.

Stuart E. Weisberg,

Chairman.

Dated: June 26, 1997.

Daniel Guttman,

Commissioner.

[FR Doc. 97–17381 Filed 7–2–97; 8:45 am]

BILLING CODE 7600–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

[VA–104–FOR]

Virginia Abandoned Mine Land Reclamation Plan

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 Virginia abandoned mine land reclamation plan (hereinafter referred to as the ''Virginia plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment is intended to streamline Virginia's total AMLR plan to be consistent with the Federal regulations.

EFFECTIVE DATE: July 3, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Telephone: (540) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Plan
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Virginia Plan

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background on the Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981 **Federal Register** (46 FR 61085–61115). Subsequent actions concerning the conditions of approval and AMLR program amendments are identified at 30 CFR 946.20 and 946.25.

II. Submission of the Proposed Amendment

By letter received February 29, 1996 (Administrative Record No. VA–871), the Virginia Division of Mined Land Reclamation (DMLR) submitted a proposed Program Amendment to the Virginia Program. This amendment is intended to streamline Virginia's total AMLR plan to more closely parallel the Federal state reclamation plan information requirements of 30 CFR 884.13.

The proposed revisions to the Virginia Program concern: the purpose of the State reclamation program; ranking and selection; coordination with other programs; land acquisition, management and disposal; reclamation on private land; rights of entry; public participation policies; organization; staffing policies; purchasing and procurement; accounting system; location of known or suspected eligible land and water; description of problems occurring on lands and waters (map); reclamation proposals; economic base; aesthetic, historic or cultural, and recreation values; and endangered and threatened plant, fish, wildlife and habitat. The primary purpose of the amendment is to incorporate the 1990 amendments to SMCRA, and the AMLR provisions of the Energy Policy Act of 1992, Pub. L. 102–486, 106 Stat. 2776 (1992).

OSM announced receipt of the proposed amendment in the March 18, 1996, **Federal Register** (61 FR 10919), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on April 17, 1996. No public hearing was requested, so none was held.

During its review of the amendment, OSM identified concerns relating to various sections of the proposed plan and provided draft comments to the State (Administrative Record Number VA–898). OSM representatives met with DMLR representatives on October 31, 1996, and November 4, 1996, to resolve comments included in the draft list prepared by OSM (Administrative Record Number VA–899).

On November 19, 1996, OSM conducted a telephone conference with DMLR representatives, and on November 20, 1996, OSM representatives met with DMLR representatives to continue to resolve issues in the draft issues list. The results of the November 19, 1996, teleconference and the November 20, 1996, meeting, including the changes proposed by the DMLR to be made to the Virginia plan submittal, are documented in the Virginia Administrative Record Number VA–900. In addition, VA–900 contains copies of the forms (Lien Waiver, Right of Entry, Claim of Lien, and AML Complaint Investigation) that the DMLR uses to implement the Virginia program. These forms are considered by OSM to be part of the Virginia plan submittal.

On December 5, 1996, OSM conducted a telephone conference with DMLR representatives to resolve the remaining issues. The results of that telephone conference are documented at Administrative Record Number VA–901.

On December 10, 1996, Virginia submitted draft language to the U.S. Fish and Wildlife Service (USFWS) to address USFWS comments made on April 4, 1996 (Administrative Record Number VA–904).

On January 7, 1997, the USFWS recommended further modifications to the endangered and threatened species section of the proposed AMLR plan amendment wording (Administrative Record Number VA–905).

On February 6, 1997, OSM provided USFWS with Virginia's AMLR plan language that was revised in response to USFWS comments on endangered and threatened species (Administrative Record Number VA–906).

On February 10, 1997 (Administrative Record Number VA–907), OSM met with DMLR to discuss changes made to the AMLR plan amendment by Virginia to address OSM's comments on the amendment that were identified in OSM's draft issues list (Administrative Record Number VA–898).

On February 7, 1997, USFWS confirmed that DMLR's draft wording changes to the endangered and threatened species section of the proposed AMLR plan amendment now includes the modifications proposed by USFWS (Administrative Record Number VA–908).

On February 10, 1997, the U.S. Environmental Protection Agency (EPA) confirmed that draft wording modifications to the proposed Virginia AMLR plan amendment received from DMLR on November 20, 1996, resolve EPA's identified concerns (Administrative Record Number VA–909).

On February 14, 1997, OSM proposed wording changes to DMLR to resolve OSM concerns regarding sentences added to the proposed AMLR plan amendment by DMLR related to remining (Administrative Records Number VA–910).

On February 27, 1997, DMLR agreed to modify that AMLR plan wording to resolve OSM concerns regarding sentences added to the proposed AMLR plan amendment by DMLR related to remining (Administrative Records Number VA–911).

By electronic mail correspondence dated March 5, 1997 (Administrative Records Number VA–912), Virginia submitted a revised copy of the proposed AMLR plan that contains the changes made to resolve the issues identified by OSM, the USFWS, and the EPA.

OSM reopened the public comment period on March 18, 1997 (52 FR 12776). The written comment period closed on April 2, 1997.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 884.14 and 884.15, finds that the proposed plan amendments submitted by Virginia on February 29, 1996, and revised on March 5, 1997 and May 8, 1997, and supplemented with additional materials documented in Virginia Administrative Record Number VA–900 and VA–906, meet the requirements of the corresponding Federal regulations and is consistent with SMCRA.

A. Section 884.13(a) Governor's Letter of Designation

This section contains a designation by the Governor of Virginia to the Virginia Department of Conservation and Economic Development as the State agency authorized to implement and administer the Abandoned Mine Reclamation Program. The Commissioner of the Division of Mined Land Reclamation will be Virginia's primary point of contact.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(a).

B. Section 884.13(b) Legal Opinion

This section contains legal opinions that the State of Virginia has the legal authority to implement, administer, enforce, and amend the Virginia program.

The Director finds that this section meets the requirements of the Federal regulations at 30 CFR 884.13(b).

C. Section 884.13(c)(1) Purpose of the State Reclamation Program

This section explains that the Virginia program will provide for the lands and waters affected by past mining, in order to restore these lands and waters to a safe, productive and environmentally sound use, in accordance with Virginia's conservation and land reclamation policies.

The Director finds that this section meets the requirements of the Federal regulations at 30 CFR 884.13(C)(1).

D. Section 884.13(c)(2) Ranking and Selection

This section provides that the Virginia program uses a priority system which recognizes the five abandoned mine land problem priorities as described in Title IV, Section 403 of SMCRA. This section also describes the criteria which coal lands and water must meet to be eligible for reclamation activities under the Virginia program. The specific details of this section were developed in cooperation with the U.S. Environmental Protection Agency.

As subsection entitled ''Acid Mine Drainage Abatement—Treatment'' provides that Virginia may establish under State law an interest bearing acid mine drainage abatement and treatment fund. The fund will be utilized by Virginia, in consultation with the Natural Resources Conservation Service, to implement acid mine drainage abatement and treatment plans approved by the Secretary of the Interior. This subsection also contains the minimum criteria that those plans must meet.

A subsection entitled ''Utilities and Other Facilities'' provides that the Virginia program may expend up to 30 percent of the funds granted annually in accordance with SMCRA for the purpose of protecting, repairing, replacing, constructing, or enhancing eligible facilities relating to water supplies adversely affected by coal mining practices. A subsection entitled ''General Selection and Ranking'' provides the specific criteria to be used to determine whether or not proposed reclamation will be undertaken and to assign priorities to projects intended to meet the same objective. This subsection also contains site parameter guidelines that define the terms found in this section, and an AML water project evaluation guide. The parameters and relative weighting values assigned for use in the site evaluation matrix and water project evaluation guide have been developed by DMLR to reflect the priorities set forth in Section 403(a) of SMCRA.

A subsection entitled ''AML Emergency Program'' states that provisions for a State emergency program are provided through Chapter 19, Title 45.1 of the Code of Virginia (VASMCRA). This subsection also provides the criteria with which the Division of Mines, Minerals and Energy (DMME) will comply while abating emergency situations.

The Director finds that the provisions of this section meet the requirements of the Federal regulations at 30 CFR 884.13(c)(2).

E. Section 884.13(c)(3) Coordination With Other Programs

This section provides for the consultation of the Virginia program with a number of Federal and State agencies having either a direct or indirect interest in proposed AML reclamation projects. Coordination with Indian tribes is not applicable in Virginia because there are no Indian tribes located within Virginia.

The Director finds the provisions of this section meet the requirements of the Federal regulations at 30 CFR 884.13(c)(3).

F. Section 884.13(c)(4) Land Acquisition, Management and Disposal

This section provides for the acquisition, management, and disposal of lands by Virginia if the DMME Director, with advance approval by OSM, determines in writing that acquisition of such land is necessary to successful reclamation.

The Director finds that these provisions meet the requirements of the

Federal regulations at 30 CFR 884.13(c)(4) and 879.

G. Section 884.13(c)(5) Reclamation on Private Land

This section provides the criteria to be followed when reclamation is to be carried out on private land. When reclamation is to be carried out on private land, the DMME shall adhere to the regulation governing appraisal and liens as set forth in Part 480–03–19.882 of the VSMCRA regulations and Section 45.1–264 through 45.1–269 of the Code of Virginia. Notarized appraisals shall be obtained in both emergency and non-emergency situations. Liens may be placed or waived by the Director of DMME, against land reclaimed as directed by Part 480–03–19.882.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(c)(5) and is consistent with Part 882.

H. Section 884.13(c)(6) Rights of Entry

This section provides the criteria to be followed to obtain the rights of entry onto private lands to conduct reclamation activities. Prior to entry onto private lands, written consent from the owner of record and lessee, or their authorized agents, will be obtained by the DMME for its authorized agents or contractors to enter upon such lands in order to carry out reclamation activities. This section also sets forth the procedures to be followed when written consent cannot reasonably be obtained. This section also provides for rights of entry onto Federal lands.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(c)(6).

I. Section 884.13(c)(7) Public Participation Policies

This section provides that the DMLR will follow the procedures set forth by the Virginia Administrative Process Act for publication of all meetings required to be public under the Freedom of Information Act. This section also sets forth the procedures to be followed by the DMLR regarding public notice of its participation in the process of obtaining AMLR program financial grants from OSM. When there are State reclamation program amendments, Virginia will use OSM's public participation process rather than have a separate procedure.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(c)(7).

J. Section 884.13(d)(1) Organization

This section sets forth the organization of the Virginia program. The DMLR is divided into three groups: One administers the AML program, and the other two groups administer the Environmental Impacts of Surface Coal Mining (Title V). The plan describes the major functions of the AML program and the Title V program, and includes a general organizational AML program flowchart.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(d)(1).

K. Section 884.13(d)(2) Staffing Policies

This section sets forth the policies to be followed by the DMME in its operation of the Virginia program.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(d)(2).

L. Section 884.13(d)(3) Purchasing and Procurement

This section sets forth the procedures to be followed by the DMLR in its operation of the Virginia program. The purchasing and procurement system will conform to the requirements of the Grants Management Common Rule codified by the U.S. Department of the Interior at 43 CFR Part 12, Subpart C (which superseded the Office of Management and Budget Circular A–102, Attachment O), and the Code of Virginia Public Procurement Act.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(d)(3).

M. Section 884.13(d)(4) Accounting System

This section sets forth the accounting system to be used by the DMLR in implementing the Virginia program. The DMLR uses a financial management system that provides for compliance with the Grants Management Common Rule codified by the U.S. Department of the Interior at 43 CFR Part 12, Subpart C, Office of Management and Budget (OMB) Circular No. A–102 (Grants and Cooperative Agreements to State and Local Governments), No. A–87 (Cost Principle for State and Local Governments), No. A–128 (Single Audit Act), and all other applicable State and Federal laws and regulations.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(d)(4).

N. Section 884.13(e)(1) Location of Known or Suspected Eligible Lands and Water (Map)

This section depicts on a map, the locations of known and suspected pre-1977 abandoned mine land problems and eligible post-1977 sites in Virginia.

The Director finds this meets the requirements of the Federal regulations at 30 CFR 884.13(1).

O. Section 884.13(e)(2) Description of Problems Occurring on Lands and Waters

This section identifies the typical AML problems in Virginia.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(e)(2).

P. Section 884.13(e)(3) Reclamation Proposals

This section sets forth examples of how the DMLR may address each of the problems identified in § 884.13(e)(2) as occurring on lands and waters of Virginia.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(e)(3).

Q. Section 884.13(f)(1) Economic Base

This section sets forth a general description of the economic base prevailing in the different geographic areas of Virginia where reclamation is planned.

The Director finds this meets the requirements of the Federal regulations at 30 CFR 884.13(f)(1).

R. Section 884.13(f)(2) Aesthetic, Historical or Cultural and Recreation Values

This section sets forth a general description of the significant aesthetic, historical or cultural and recreational values prevailing in the different geographic areas of Virginia where reclamation is planned.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(f)(2).

S. Section 884.13(f)(4) Endangered and Threatened Plant, Fish, Wildlife and Habitat

This section sets forth a general description of the endangered and threatened plant, fish, and wildlife and their habitat prevailing in the different geographic areas of Virginia where reclamation is planned. The specific details of this section were developed in cooperation with the U.S. Fish and Wildlife Service.

The Director finds this section meets the requirements of the Federal regulations at 30 CFR 884.13(f)(3).

IV. Summary and Disposition of Comments

Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed

amendment. No public comments were received in response to the public comment periods that ended on April 17, 1996, and April 2, 1997. Because no one requested an opportunity to speak at a public hearing, no hearing was held.

Federal Agency Comments

Pursuant to 884.14(a)(2) and 884.15(a), OSM solicited comments on the proposed amendment from various other Federal agencies with an actual or potential interest in the Virginia plan (Administrative Record number VA–872). The U.S. Natural Resources Conservation Service (NRCS) responded (Administrative Record Number VA–875) and stated that the NRCS position is that the amendments be accepted and incorporated in the Virginia plan. The U.S. Department of Labor, Mine Safety and Health Administration (MSHA) responded (Administrative Record Number VA–878) that the amendments are deemed appropriate since there appears to be no conflict with MSHA regulations.

The U.S. Fish and Wildlife Service (FWS) responded with several comments. Concerning Rights of Entry (884.13(c)(6)), the FWS recommended that, for clarity, on page 33 of the original submittal, the ''Secretary of the Interior'' be amended to read ''United States'' Secretary of the Interior. The FWS also recommended that the last paragraph of this section be amended to clarify that Virginia may enter into agreements with the U.S. Secretary of the Interior only of Federally owned lands under the Secretary's authority, including but not limited to national parks and refuges. The FWS also recommended that Virginia reference other Federal agencies not under the Department of the Interior, if their lands may also be impacted.

The FWS also commented on the section titled ''Description of Problems Occurring on Lands and Waters (Map) (884.13(e)(2)). The FWS commented that the prioritization of abandoned mine lands for reclamation under Ranking Selection Criteria 3 (addressing degraded land and water resources) should not be predicated on whether or not the site is remote. The prioritization process should, the FWS stated, consider type and extent of damage, analysis of further degradation that may potentially occur, species and habitat resources present or formerly present that may be recovered, and the potential for reclamation.

The FWS commented on the section titled ''Endangered and Threatened Plants, Fish, Wildlife and Habitat (884.13(f)(3)). The FWS recommended that this section be reorganized for clarity, and provided several suggestions.

Finally, the FWS requested that representatives of OSM and DMLR meet with the FWS to review the procedures for ensuring that Federally listed species and their habitat are protected during the reclamation of abandoned mine lands and considered during the site prioritization process.

In response, the Director notes that OSM discussed with the DMLR and with the FWS on various occasions (see ''Submission of the Proposed Amendment'' above) the comments submitted by FWS. In a meeting held on July 16, 1996 (see Administrative Record Number VA–898 and 899), the OSM, FWS, and DMLR agreed that to resolve FWS comments on Virginia's AMLR Plan amendment by the following : Clarify language in the last paragraph of the Rights of Entry section to reference the U.S. Secretary of the Interior; Delete the phrases ''and located in remote areas'' and ''in more densely populated areas'' from the Description of Problems Occurring on Lands and Waters section; and Rewrite and reorganize the Endangered and Threatened Plants, Fish, Wildlife, and Habitat section of the plan. The Director notes that these suggested changes were adopted in the final version of the Virginia plan. In addition, the FWS subsequently concurred that with the changes made by the DMLR concerning endangered and threatened species, the AMLR plan amendment now includes these modifications proposed by FWS in 1997 and discussed on February 5, 1997 (Administrative Record Number VA–908).

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of EPA with respect to those provisions of the proposed plan amendment that relate to air or water quality standards promulgated under the authority of the Clean Air Act (42 U.S.C. 7401 *et seq.*) or the Clean Water Act (33 U.S.C. 1252 *et seq.*). The Director has determined that the proposed amendments contain no provisions in these categories and that EPA's concurrence is not required.

Pursuant to 732.17(h)(11)(I), OSM solicited comments on the proposed amendments from the EPA. The EPA provided the following comments (Administrative Record Number VA–879). Concerning the section titled ''Ranking and Selection (884.13(c)(2)), the EPA commented that there may be situations where impacts on water quality outweigh minor safety related projects (such as reclaiming unstable highwalls in remote areas). Health and safety projects are normally rated ahead of environmental related projects. EPA recommended that the State consider raising some water quality related projects to higher priority status in those circumstances where it is warranted.

EPA noted that the site evaluation matrix shown in Figure 1 provides relative weighting for funding purposes for 15 parameters, including water quality. EPA stated that the relative weight for water quality appears far too small and ranks ninth behind even vegetative cover and surface instability. EPA recommended that the weighting factor for water quality be increased significantly to reflect the growing emphasis for cleaning up streams impacted by abandoned mine drainage.

In response, the Director notes that OSM discussed with the DMLR and with the EPA on various occasions (see ''Submission of the Proposed Amendment'' above) the comments submitted by EPA. The EPA subsequently acknowledged that with the changes made to the AMLR plan by the DMLR, the concerns identified by the EPA are resolved (Administrative Record Number VA–909).

State Historical 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. No comments were received.

V. Director's Decision

Based on the above findings, the Director is approving the proposed AMLR plan amendment as submitted by Virginia on February 29, 1996, and revised on March 5, 1997, and May 8, 1997, and supplemented with additional materials documented in Virginia Administrative Record Number VA–900 and VA–906.

The Federal regulations at 30 CFR Part 946.25, codifying decisions concerning the Virginia plan amendments, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State plan amendment process and to encourage States to bring their plans into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This proposed rule is exempted from review by the Office of Management and

Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, 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 and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Tribal, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV or SMCRA (30 U.S.C. 1231–1243) and 30 CFR Parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

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 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 corresponding 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 in the analyses for the corresponding Federal regulations.

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 946

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 16, 1997.

Tim L. Dieringer,

Acting Regional Director, Appalachian 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 946—VIRGINIA

1. The authority citation for part 946 continues to read as follows:

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

2. Section 946.25 is amended in the table for paragraph (a) by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 946.25 Approval of Virginia abandoned mine land reclamation plan amendments.

(a) * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
Feb. 29, 1996	July 3, 1997	Revisions to the Virginia State Reclamation Plan corresponding to 30 CFR 884.13(a), (b), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), (c)(6), (c)(7), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (f)(1), (f)(2), and (f)(3).

* * * * *

[FR Doc. 97–17403 Filed 7–2–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–97–048]

RIN 2115–AA97

Safety Zone: Yampol Family Fireworks Display, Cove Neck, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on July 4, 1997, for the Yampol Family Fireworks Display to be held in Oyster Bay and Cold Spring Harbor, Cove Neck, NY. This safety zone is needed to protect persons, facilities, vessels and others in the maritime community from the safety hazards associated with this fireworks display. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

DATES: This regulation is effective on July 4, 1997, from 9 p.m. until 10 p.m.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander J.A. McCarthy, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking (NPRM) and for making this rule effective in less than 30 days after **Federal Register** publication. The sponsor of the event did not provide the Coast Guard with the final details for the event in sufficient time to publish a NPRM or a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is for the benefit of the public.

Background and Purpose

The sponsor, Azurite Corp. LTD., of Cove Neck, NY, requested that a fireworks display, be permitted in Oyster Bay and Cold Spring Harbor, located directly opposite the Yampol Marina docks Cove Neck NY, Cove Neck, NY. This regulation establishes a temporary safety zone in all waters of Cove Neck, NY within a 1200 foot radius of the fireworks launching