

Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons who desire to comment have been heard.

#### Public Meeting

If only one person requests an opportunity to comment 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 at the Indianapolis Field Office 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 in advance at the locations listed above under **ADDRESSES**. A summary of the meeting will be included in the Administrative Record.

#### Executive Order 12866

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

#### Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 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 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 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.

#### 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).

#### Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

#### Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, 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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 12, 1995.

Allen D. Klein,

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 95-30948 Filed 12-19-95; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD05-95-065]

#### Drawbridge Operation Regulations; Nacote Creek, New Jersey

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the New Jersey Department of Transportation (NJDOT), the Coast Guard is proposing to change the regulations governing operation of the Route 9 Bridge across Nacote Creek, mile 1.5, in Smithville, Atlantic County, New Jersey. This proposal would require the Route 9 Bridge to open on signal except during the period from 11 p.m. to 7 a.m., when a two-hour advance notice for openings would be required. This change should

help relieve the bridge owner of the burden of having a bridgetender constantly available at times when there are few or no quests for openings, while still proving for the needs of navigation. **DATE:** Comments must be received on or before February 20, 1996.

**ADDRESSES:** Comments may be mailed to Commander, Fifth Coast Guard District, c/o Commander (obr), First Coast Guard District, Bldg. 135A, Governors Island, New York 10004-5073, or may be hand-delivered to the same address between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668-7170. Comments will become part of this docket and will be available for inspection and copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Gary Kassof, Bridge Administrator-NY, Fifth Coast Guard District, (212) 668-6969.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05-95-065), the specific section of this rule to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons wanting 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 rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander, Fifth Coast Guard District, c/o Commander (obr), First Coast Guard District at the address listed under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines 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.

#### Drafting Information

The principal persons involved in drafting this document are Mr. J. Arca, Fifth Coast Guard District, Bridge

Branch-NY, Project Officer, and CAPT R.A. Knee, Fifth Coast Guard District Legal Office, Project Counsel.

#### Background and Purpose

The Route 9 Bridge across Nacote Creek, mile 1.5, at Smithville, Atlantic County, NJ, has a vertical clearance of 5' above mean high water (MHW) and 8' above mean low water (MLW) in the closed position. The current regulations require the bridge to open on signal at all times.

Review of the bridge logs provided by NJDOT reveals that from 11 p.m. to 7 a.m., there were no requests for bridge openings in 1992 and 1993, and only 13 requests for openings in 1994 during these hours. NJDOT is seeking relief from the requirement that a bridgetender be present during the hours of 11 p.m. to 7 a.m. when there are minimal requests for openings.

The New Jersey Department of Transportation requested that the Coast Guard make a permanent change to the regulations governing operation of the Route 9 Bridge to require the draw to open on signal except from 11 p.m. to 7 a.m., which would require a two-hour advance notice. At all other times, the bridge would open on signal. The bridgetenders would be on call to open the draw when the advance notice is given. A 24-hour special telephone number would be posted on the bridge and maintained by the NJDOT.

Accordingly, a new provision allowing the draw of the Route 9 bridge, at mile 1.5, to remain closed during late night and early morning hours unless two hours advance notice is given will be designated as paragraph (a). The current provision allowing the draw of the Atlantic County (Rte. 575) bridge, at mile 3.5, to remain closed unless eight hours advance notice is given will be designated as paragraph (b). A general provision requiring the passage of Federal, State, and local government vessels used for public safety through all drawbridges in published at 33 CFR 117.31, and is no longer required to be published for each waterway. Therefore, this proposal would remove a provision requiring passage of public vessels from section 117.732.

#### Regulatory Evaluation

The proposed action 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 of this rule 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 fact that the rule will not prevent mariners from transiting the bridge. It will only require mariners to plan their transits.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and it has been determined that this proposal will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, July 29, 1994), this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

#### List of Subjects in 33 CFR Part 117

##### Bridges.

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations, as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.732 is revised to read as follows:

### § 117.732 Nacote Creek.

(a) The Route 9 bridge, mile 1.5, shall open on signal except that from 11 p.m. to 7 a.m., the draw shall open if at least two hours advance notice is given.

(b) The draw of the Atlantic County (Rte. 575) bridge, mile 3.5, at Port Republic, shall open on signal if at least eight hours advance notice is given.

Dated: November 22, 1995.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 95-30967 Filed 12-19-95; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 131

[FRL-5399-8]

### Proposed Removal of Federal Water Quality Standards for Surface Waters of the Sacramento River, San Joaquin River, and San Francisco Bay and Delta of the State of California

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** In December 1994, under the authority of the Clean Water Act (CWA), the Environmental Protection Agency (EPA) promulgated a rule establishing four sets of water quality criteria to protect the designated uses for the surface waters of the Sacramento River, San Joaquin River, and San Francisco Bay and Delta of the State of California (Bay/Delta). Subsequent to this promulgation, the State of California adopted water quality standards for the Bay/Delta and submitted them to EPA for approval. On September 26, 1995, the Regional Administrator for EPA Region IX approved the state water quality standards as protective of the designated uses for the relevant waterbodies. Currently, the State of California is in the process of implementing these state-adopted and EPA-approved water quality standards through a state water rights hearing