size when determining sample adequacy; (10) sampling techniques for measuring woody plant density; (11) the use of representative strips to measure soil productivity on prime farmlands; (12) inter-seeding as a normal husbandry practice; (13) random sampling of clipped forage samples; and (14) t-test statistical calculations.

OSM notified North Dakota of the concerns by letter dated September 9, 1994 (administrative record No. ND–U–10). North Dakota responded in a letter dated December 21, 1994, by submitting a revised amendment and additional explanatory information (administrative record No. ND–U–14) that addressed the concerns identified by OSM.

Specifically, North Dakota (1)

Proposes a requirement for vegetative ground cover sufficient to control erosion for recreation, residential, or industrial and commercial postmining land uses; (2) provides Natural Resources Conservation Service (formerly the Soil Conservation Service) concurrence with the sampling techniques used to demonstrate revegetation success on reclaimed prime farmlands; (3) proposes to indicate that the use of any alternative sampling techniques must be approved by OSM as well as by North Dakota; (4) provides additional explanatory information concerning the demonstration of productivity on tame pastureland; (5) provides additional explanatory information concerning consultation and approval from the State Game and Fish Department and State Forester for woodland and shelterbelt stocking and planting arrangements; (6) proposes to delete the revegetation success standards for non-replacement shelterbelts; (7) proposes to clarify the requirements for a premining land use assessment when an area is primarily used by wildlife; (8) proposes to require (a) that the fourth-stage bond release standard for annual grain crops must be met for the last two consecutive years of the liability period and (b) the approved standard for wetlands must be met at the time of final bond release; (9) provides additional explanatory information concerning the establishment of a maximum sample size; (10) proposes to require that woody plant density must be determined using methods that are statistically valid with a 90 percent confidence level; (11) provides additional explanatory information concerning the use of representative strips to measure soil productivity on prime farmlands; (12) provides additional explanatory information concerning the use of interseeding as a normal husbandry practice; (13) proposes to disallow the use of

random samples to determine moisture content of all samples; (14) proposes an additional statistical formula for use in t-tests; and (15) proposes correction of typographical errors.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed North Dakota program amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. 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 North Dakota program.

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 Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

IV. Procedural Determinations

I. 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 12550) 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 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.

V. List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 10, 1995.

Charles E. Sandberg,

Acting Assistant Director, Western Support Center.

[FR Doc. 95–1221 Filed 1–18–95; 8:45 am] BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-94-150]

RIN 2115-AE47

Drawbridge Operation Regulations; Saugus River, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.