

engineer or registered land surveyor with assistance from experts in related fields such as land surveying.

Other nonsubstantive word changes and paragraph notations also appear in the final adopted version of amendment #92-7.

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 Indiana program.

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 Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under FOR FURTHER INFORMATION CONTACT by 4 p.m., e.s.t. on May 9, 1994. 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 speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak 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 in advance at the locations listed under ADDRESSES. A written summary of each meeting will be made a part of the Administrative Record.

IV. 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 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, 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 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 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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 14, 1994.

Robert J. Biggi,

Acting Assistant Director, Eastern Support Center.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[I.D. 041994C]

Northeast Multispecies Fishery; Winter Flounder Resubmission

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a resubmitted portion of a fishery management plan amendment; request for comments.

SUMMARY: NMFS issues this notice that the New England Fishery Management Council (Council) has revised a management measure concerning winter flounder that was originally contained in Amendment 5 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). The original measure was disapproved. A revised version of that measure has been submitted for Secretarial review.

DATES: Comments on the revised portion of Amendment 5 should be submitted by May 19, 1994.

ADDRESSES: Comments should be sent to Allen E. Peterson, Jr., Acting Director, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799. Copies of revised

Amendment 5 and the environmental assessment/regulatory impact review may be obtained from Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT
Susan A. Murphy, 508-281-9252.

SUPPLEMENTARY INFORMATION:

Amendment 5 was prepared by the Council and submitted to the Secretary for review under section 304(b) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The Magnuson Act requires the Secretary to approve, disapprove, or partially disapprove FMPs or amendments, based upon a determination of consistency with national standards and other applicable laws. On September 30, 1993, the Secretary announced disapproval of two measures contained in Amendment 5, a 5,000-pound (2,268 kg) haddock possession limit and an exemption for vessels fishing for winter flounder in state waters. The remainder of the amendment was approved on January 3, 1994.

To replace the disapproved measure for the winter flounder exemption, the Council has adopted and submitted a revision to Amendment 5 for Secretarial review. The disapproved measure concerning the haddock possession

limit has been resubmitted by the Council for Secretarial review under a separate action.

The revised measure for a winter flounder exemption would allow a vessel operator who holds a Federal multispecies fishery permit to fish for winter flounder with mesh smaller than that specified in the regulations governing the multispecies fishery under § 651.20, and retain winter flounder smaller than the minimum fish size under § 651.23(a), provided that: (1) The fishing is conducted exclusively in the waters of the state from which an exemption certificate was obtained; (2) the vessel has on board an exemption certificate issued by the state agency, authorizing the vessel's participation in the state's winter flounder fishing program, and is in compliance with the applicable state laws pertaining to minimum mesh size and minimum fish size for winter flounder; (3) the state's winter flounder regulations have been approved by the Atlantic States Marine Fisheries Commission (ASMFC) as being in compliance with the ASMFC Winter Flounder Fishery Management Plan; (4) the state applies in writing to the Director, Northeast Region, NMFS (Regional Director), to participate in the exemption program; (5) the amount of nine groundfish species (cod, haddock, pollock, redfish, white hake, witch

flounder, American plaice, windowpane flounder, and yellowtail flounder) on board vessels issued a limited access permit and fishing under the days-at-sea (DAS) program or on board category 3 vessels exempt from the DAS program, exclusive of winter flounder, does not exceed 500 pounds (226.8 kg); (6) the vessel does not enter or transit the Exclusive Economic Zone unless the vessel is in a designated transit zone established by the Regional Director at the request of the coastal state; and (7) the vessel does not enter or transit the waters of another state unless such other state is participating in the exemption program and the vessel is enrolled in that state's program.

Regulations proposed by the Council to implement the resubmitted measure for winter flounder are scheduled to be published within 15 days.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 19, 1994.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94-9811 Filed 4-19-94; 3:52 pm]

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