

or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains 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 amendment from EPA. EPA responded on February 1, 1996 (Administrative Record No. VA-869) and stated that the amendment is consistent with regulations under the Clean Water Act and offered no additional comments.

#### V. Director's Decision

Based on the findings above, the Director is approving Virginia's amendment concerning coal refuse disposal as submitted by Virginia on October 13, 1995.

The Federal regulations at 30 CFR Part 946 codifying decisions concerning the Virginia program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs 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 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 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.

#### *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: May 14, 1996.  
Michael K. Robinson,  
*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. In § 946.15, paragraph (jj) is added to read as follows:

#### **§ 946.15 Approval of regulatory program amendments.**

\* \* \* \* \*

(jj) The following amendment to the Virginia program at 480-03-19.816/817.102(e) concerning coal refuse disposal as submitted to OSM on October 13, 1995, is approved effective May 29, 1996:

#### **§ 946.16 [Amended]**

3. In § 946.16, paragraph (a) is removed and reserved.

[FR Doc. 96-13268 Filed 5-28-96; 8:45 am]

BILLING CODE 4310-05-M

## **DEPARTMENT OF THE TREASURY**

### **Fiscal Service**

#### **31 CFR Part 224**

**RIN 1510-AA49**

#### **Federal Process Agents of Surety Companies**

**AGENCY:** Financial Management Service, Fiscal Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This action amends the regulation governing surety companies doing business with the United States. Specifically, it eliminates the requirement that surety companies doing business with the United States report their Federal process agent appointments to the Department of the Treasury, Financial Management Service (FMS). FMS no longer needs or collects this information. This amendment makes the regulation consistent with current practice.

**EFFECTIVE DATE:** June 28, 1996.

**FOR FURTHER INFORMATION CONTACT:** Dorothy E. Martin, (202) 874-6850 (Manager, Surety Bond Branch).

**SUPPLEMENTARY INFORMATION:** This regulation eliminates the requirement that surety companies report their Federal Process Agent appointments to the Financial Management Service. This action does not eliminate the requirement for surety companies to designate a person to serve as a Federal Process Agent and register that person with the clerk of the district court for the district in which a surety bond is to be given.

The final rule includes several editorial changes and a realignment of the sections as a result of eliminating § 224.5, "Filing process agent appointment information with the Treasury."

The revision to 31 CFR Part 224 appeared on November 9, 1995, at 60 FR 56551 and was open for comment through December 11, 1995. During the comment period, only one comment was received from a trade association. They indicated support for the revision.

This regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, a regulatory assessment is not required. It is hereby certified that this revision will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. This change clarifies a regulation and reduces the reporting requirements for surety companies doing business with the United States. Therefore, there is no significant economic impact.

#### List of Subjects in 31 CFR Part 224

Insurance, Surety bonds.

Accordingly, part 224 of title 31 is amended as follows:

#### **PART 224—FEDERAL PROCESS AGENTS OF SURETY COMPANIES**

1. The authority citation continues to read as follows:

Authority: 31 U.S.C. 9306

2. Section 224.1 is revised to read as follows:

##### **§ 224.1 Statutory provision.**

The rules and regulations in this part are prescribed for carrying into effect 31 U.S.C. 9306.

##### **§ 224.5—[Removed]**

3. Section 224.5 is removed, and § 224.6 is redesignated as § 224.5.

##### **§ 224.7—[Redesignated as § 224.6]**

4. Section 224.7 is redesignated as § 224.6, and revised to read as follows:

##### **§ 224.6 United States district courts; location of divisional offices.**

A list of the divisional offices of the court in each judicial district where powers of attorney should be filed may be obtained from the Surety Bond Branch, Financial Management Service, Department of the Treasury, 3700 East-West Highway, Room 6F04, Hyattsville, MD 20782.

Dated: May 14, 1996.

Russell D. Morris,  
*Commissioner.*

[FR Doc. 96-13412 Filed 5-28-96; 8:45 am]

BILLING CODE 4810-35-P

## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

#### **33 CFR Part 165**

**RIN 2115-AA97**

**[CGD 05-96-030]**

#### **Safety Zone Regulations: Delaware Bay, Delaware River, Salem River, NJ**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Delaware Bay and Delaware River from Marcus Hook, Pennsylvania, to the Delaware Breakwater. This safety zone is needed to protect vessels, the port community and the environment from potential safety and environmental hazards associated with the loading and outbound transit of the T/V EMSGAS.

**EFFECTIVE DATES:** This rule is effective from 12:01 a.m. May 20, 1996, and terminates at 11:59 p.m. June 2, 1996. The Captain of the Port, Philadelphia, may, at an earlier date, advise mariners by Broadcast Notice to Mariners that the safety zone will not be enforced.

**FOR FURTHER INFORMATION CONTACT:** LTJG S.J. Kelly, Project officer at the Captain of the Port, Philadelphia, (215) 271-4909.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after the Federal Register publication. The Coast Guard was informed by the owner/operator of the T/V EMSGAS on May 16, 1996 of the intended transit of the T/V EMSGAS along the Delaware River. Publishing a NPRM and delaying its effective date would be contrary to the public interest, since immediate action is needed to respond to protect the environment and vessel traffic against potential hazards associated with the transit of the T/V EMSGAS while it is loaded with liquified petroleum gas.

#### **Discussion of the Regulation**

This safety zone includes a specified area around the vessel during cargo operations and while underway outbound. It will be in effect during the T/V EMSGAS's transit of the Delaware River and Delaware Bay and during cargo operations at the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania. The circumstances requiring this regulation are the potential hazards associated with the transportation of liquified petroleum gas by a large tankship in heavily trafficked

areas of the Delaware River and Delaware Bay as well as in the Ports of Philadelphia. The transit consists of T/V EMSGAS's outbound transit on the Delaware River and the Delaware Bay between the vessel's berth at the Sun Refining and Marketing Refinery terminal on the Delaware River, at Marcus Hook, Pennsylvania, and the Delaware Breakwater. Coast Guard Captain of the Port Philadelphia may impose transit restriction on vessels operating within the safety zone while the T/V EMSGAS is loaded with LPG that exceeds 2% of the vessel's cargo carrying capacity.

#### **Regulatory Evaluation**

This regulation 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)(30) 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.

#### **Environment**

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e (34). of Commandant Instruction M16475.1B (as revised by 59 FR 38654; Jul 29, 1994), this rule is categorically excluded from further environmental documentation.

#### **Collection of Information**

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

#### **Federalism Assessment**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### **List of Subjects in 33 CFR Part 165**

Harbors, Marine Safety, Navigation (water), Security measures, Vessels, Waterways.

#### **Regulation**

In consideration of the foregoing, Subpart C of Part 165 of Title 33, Code of Federal Regulations, is amended as follows: