

**List of Subjects in 30 CFR Part 902**

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 18, 2005.

**Allen D. Klein,**

*Director, Western Region.*

[FR Doc. 05-12439 Filed 6-22-05; 8:45 am]

BILLING CODE 4310-05-P

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Chapter I**

[USCG-2004-19615]

**Exclusion Zones for Marine LNG Spills**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Reopening of comment period.

**SUMMARY:** In response to a request from the public, the Coast Guard is once again reopening the public comment period on a petition from the City of Fall River, Massachusetts. Fall River's petition asks the Coast Guard to promulgate regulations establishing thermal and vapor dispersion exclusion zones for marine spills of liquefied natural gas, similar to Department of Transportation regulations for such spills on land.

**DATES:** Comments and related material must reach the Docket Management Facility on or before August 22, 2005.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number USCG-2004-19615 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) Web site: <http://dms.dot.gov>.

(2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

(3) Fax: 202-493-2251.

(4) Delivery: Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call Commander John Cushing at 202-267-1043 or e-mail [JCushing@comdt.uscg.mil](mailto:JCushing@comdt.uscg.mil). If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

**SUPPLEMENTARY INFORMATION:****Public Participation and Request for Comments**

We encourage you to submit comments and related material on the petition for rulemaking. All comments received will be posted, without change, to <http://dms.dot.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

**Submitting comments:** If you submit a comment, please include your name and address, identify the docket number for this notice (USCG-2004-19615), and give the reason for each comment. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

**Viewing the comments:** To view the comments, go to <http://dms.dot.gov> at any time and conduct a simple search using the docket number. You may also visit the Docket Management Facility in room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Privacy Act:** Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

**Background and Purpose**

As we stated in the original notice and request for public comments (69 FR 63979, Nov. 3, 2004), the City of Fall River, Massachusetts, has petitioned the Coast Guard to promulgate regulations establishing thermal and vapor dispersion exclusion zone requirements for liquefied natural gas (LNG) spills on water. The City asks that these

regulations be similar to Department of Transportation regulations for LNG spills on land, contained in 49 CFR 193.2057 (Thermal radiation protection) and 193.2059 (Flammable vapor-gas dispersion protection).

In our original notice, we provided a public comment period that ended February 1, 2005. Near the end of that comment period, we received a letter from the Attorney General of Rhode Island that read in part: "\* \* \* I wish to emphasize that my office is waiting for the completion of a Threat Analysis \* \* \*. I am formally requesting that the public comment period in this docket remain open for an additional sixty (60) days to allow for consideration of [that] report." In response to that request, on March 10, 2005, the Coast Guard published the notice reopening the comment period (70 FR 11912).

The Coast Guard has since been informed that the report, "LNG Facilities in Urban Areas" was not released until May 9, 2005—the day the docket was scheduled to close. On May 24, 2005, the report was filed in the docket: Clark Report, Item 76 in docket USCG-2005-19615.

The Coast Guard was requested to reopen the comment period again, so that the report may be reviewed and comments on it may be submitted to the docket. In response to this request, the Coast Guard is reopening the comment period.

The public is invited to review the referenced report and other material contained in the docket and to submit relevant comments by August 22, 2005. The Coast Guard will consider the City's petition, any comments received from the public, and other information to determine whether or not to initiate the requested rulemaking.

Dated: June 13, 2005.

**Howard L. Hime,**

*Acting Director of Standards, Marine Safety, Security & Environmental Protection.*

[FR Doc. 05-12399 Filed 6-22-05; 8:45 am]

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**DEPARTMENT OF DEFENSE****Department of the Army, Corps of Engineers****33 CFR Part 334****United States Marine Corps Restricted Area; Broad River and Beaufort River and tributaries, Marine Corps Recruit Depot, Parris Island, South Carolina**

**AGENCY:** United States Army Corps of Engineers, DoD.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The Corps of Engineers is proposing regulations to establish a restricted area around the Marine Corps Recruit Depot (MCRD), Parris Island, South Carolina including areas within the Broad River, the Beaufort River, Battery Creek, Archers Creek, Ballast Creek and Ribbon Creek in the vicinity of the Marine Corps Recruit Depot, Parris Island, South Carolina. The MCRD restricted area will surround Parris Island and Horse Island and the causeways in between. The purpose of these regulations is to provide effective security in the vicinity of the Marine Corps Recruit Depot.

**DATES:** Written comments must be submitted on or before July 25, 2005.

**ADDRESSES:** Written comments should be sent to the U.S. Army Corps of Engineers, Attn: CECW-MVD (David B. Olson), 441 G Street NW., Washington, DC 20314-1000, or by e-mail to [david.b.olson@usace.army.mil](mailto:david.b.olson@usace.army.mil).

Electronic comments should be submitted in ASCII format or portable document format to ensure that those comments can be read. Electronic files should avoid the use of special characters and any form of encryption, and be free of any defects or viruses. Consideration will be given to all comments received within 30 days of the date of publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, U.S. Army Corps of Engineers, Headquarters, Washington, DC at 202-761-4922, or Mr. Dean Herndon, U.S. Army Corps of Engineers, Charleston District, at (843) 329-8044.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3) the Corps proposes to establish a restricted area around the Marine Corps Recruit Depot, Parris Island by adding § 334.485 to 33 CFR part 334. The sections of the restricted area are described in detail in the regulation below. Except for the restricted area published at 33 CFR 334.480 (restricted areas for the rifle and pistol range), the public currently has unrestricted access to navigable waters adjacent to the Marine Corps Recruit Depot, Parris Island. The Commanding General, Marine Corps Recruit Depot, Parris Island is seeking authorization from the Corps of Engineers to establish restricted areas in waters of the United States adjacent to the Marine Corps Recruit Depot, Parris Island, South Carolina. The District Engineer's

preliminary review indicates that this request is not contrary to the public interest.

**Procedural Requirements**

*a. Review Under Executive Order 12866*

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

*b. Review Under the Regulatory Flexibility Act*

These proposed rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small governments). The Corps expects that the economic impact of the establishment of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal, if adopted, will have no significant economic impact on small entities.

*c. Review Under the National Environmental Policy Act*

An environmental assessment has been prepared for this action. We have concluded, based on the minor nature of the proposed additional restricted area regulations, that this action, if adopted, will not have a significant impact to the quality of the human environment, and preparation of an environmental impact statement is not required. The environmental assessment may be reviewed at the district office listed at the end of **FOR FURTHER INFORMATION CONTACT**, above.

*d. Unfunded Mandates Act*

This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

**List of Subjects in 33 CFR Part 334**

Danger zones, Navigation (water), Marine safety, Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 334 as follows:

**PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS**

1. The authority citation for part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Add § 334.485 to read as follows:

**§ 334.485 Broad River and Beaufort River and tributaries surrounding Marine Corps Recruit Depot, Parris Island, South Carolina.**

(a) *The areas.* (1) The area of waters within a 220 yard radius of the guarded check station entrance (latitude 32°22'29.5" and longitude 80°43'0.5") to the Marine Corps Recruit Depot, to include waters of Battery Creek.

(2) Beginning at the point where the radius of area (1) intersects with Malecon Drive, latitude 32°22'24" and longitude 80°42'59", for a waterward distance of 200 yards from each side of Malecon Drive causeway that connects Port Royal Island to Horse Island.

(3) All portions of Archers Creek, beginning at the Malecon Drive bridge crossing, latitude 32°21'42" and longitude 80°42'47", and traversing in a southwesterly direction to its western end confluence with the Broad River, latitude 32°21'00" and longitude 80°44'20", thence traversing in a southeasterly direction within the Broad River to include the following coordinates:

Latitude	Longitude
32°20'40" .....	80°43'55"
32°20'17" .....	80°43'27"
32°19'55" .....	80°43'17"
32°19'33" .....	80°42'53"
32°19'7" .....	80°42'34"
32°18'44" .....	80°42'16"
32°18'29" .....	80°42'01"
32°18'06" .....	80°41'35"
32°17'54" .....	80°41'10"
32°17'42" .....	80°40'33"

to the Broad River's confluence with the Beaufort River at latitude 32°17'28" and longitude 80°40'00". Thence traversing in a northerly direction within the Beaufort River to include the following coordinates:

Latitude	Longitude
32°18'00" .....	80°39'50"
32°18'27" .....	80°39'40"
32°18'57" .....	80°39'36"
32°19'26" .....	80°39'37"
32°19'58" .....	80°39'38"
32°20'21" .....	80°39'40"
32°20'52" .....	80°39'57"
32°21'04" .....	80°40'09"
32°21'17" .....	80°40'21"
32°21'35" .....	80°40'35"
32°21'48" .....	80°40'54"

to the Beaufort River's confluence with the eastern end of Archers Creek at latitude 32°22'03" and longitude 80°41'20". Then traversing in a westerly direction to encompass all of Archers Creek and ending at the Malecon Drive bridge crossing, latitude 32°21'42" and longitude 80°42'47".

(4) All other tidal tributaries and waters located within the interior of Parris Island and encompassed by Archers Creek to the north, the Broad River to the west and the Beaufort River to the east, to include, but not limited to, Ribbon Creek beginning at its confluence with the Broad River, latitude 32°20'22" and longitude 80°43'20", Ballast Creek beginning at its confluence with the Broad River, latitude 32°19'30" and longitude 80°42'29" and ending at its confluence with the Beaufort River, latitude 32°20'17" and longitude 80°39'50" and Whale Branch in its entirety, beginning at its confluence with the Broad River, latitude 32°18'48" and longitude 80°41'57".

(b) *The regulations.* (1) In the interest of national security, vessels and other watercraft may be restricted from using any or all of the areas described in paragraph (a) of this section at any time when deemed necessary and appropriately noticed by the Commanding General (CG), Marine Corps Recruit Depot, Parris Island, unless prior approval has otherwise been obtained from the CG.

(2) When not deemed necessary, the public shall have unrestricted access and use of the waters described in paragraph (a) of this section.

(3) All restricted areas will be marked with suitable warning signs.

(4) It is understood that none of the restrictions in this section will apply to properly marked Federal vessels performing official duties.

(5) It is further understood that unauthorized personnel will not take photographs from within the restricted areas described in paragraph (a) of this section.

(c) *Enforcement:* This section shall be enforced by the Commanding General, Marine Corps Recruit Depot, Parris Island, or persons or agencies as he/she may authorize including any Federal agency, State, local or county law enforcement agency, or private security firm in the employment of the Depot, so long as the entity undertaking to enforce this restricted area has the legal authority to do so under the appropriate Federal, State, or local laws.

Dated: June 18, 2005.

**Michael B. White,**

*Chief, Operations, Directorate of Civil Works.*

[FR Doc. 05-12461 Filed 6-22-05; 8:45 am]

**BILLING CODE 3710-92-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-7926-9]

#### Maine: Proposed Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Vermont has applied to EPA for Final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Vermont. In the "Rules and Regulations" section of this **Federal Register**, EPA is authorizing these changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect adverse comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written adverse comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you should do so at this time.

**DATES:** Send your written comments by July 25, 2005.

**ADDRESSES:** Send written comments to Sharon Leitch, Hazardous Waste Unit, EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114-2023; tel: (617) 918-1647. Comments also may be submitted electronically or through hand delivery/courier; please follow the detailed instructions in the **ADDRESSES** section of the immediate final rule which is located in the "Rules" section of this **Federal Register**. You can examine copies of the State of Vermont's revision application and the

materials which the EPA used in evaluating the revision at the following two locations: (i) EPA Region 1 Library, One Congress Street—11th Floor, Boston, MA 02114-2023; business hours Monday through Thursday 10 a.m.–3 p.m., tel: (617) 918-1990; and (ii) the Agency of Natural Resources, Vermont Department of Environmental Conservation, Waste Management Division, 103 South Main Street—West Office Building, Waterbury, Vermont, 05671-0404, tel: (802) 241-3888. Business Hours: 7:45 a.m. to 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Sharon Leitch at the above address and phone number.

**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

Dated: June 3, 2005.

**Ira Leighton,**

*Acting Regional Administrator, EPA New England.*

[FR Doc. 05-12453 Filed 6-22-05; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Parts 107, 171, 172, 173, 178, and 180

[Docket No. RSPA-2005-17463 (HM-220E)]

RIN 2137-AD91

#### Hazardous Materials: Requirements for Cylinders; Extension of Comment Period

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM); extension of comment period.

**SUMMARY:** PHMSA is extending until September 6, 2005, the period for interested persons to submit comments on the March 9, 2005 notice of proposed rulemaking. In the March 9, 2005 NPRM, we proposed to amend the Hazardous Materials Regulations to adopt standards for the design, construction, maintenance and use of cylinders and multiple-element gas containers (MEGCs) based on the standards contained in the United Nations (UN) Recommendations on the Transport of Dangerous Goods. Aligning the HMR with the UN