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20. Levy, A. S., B. M. Derby, Consumer Studies Branch, Center for Food Safety and Applied Nutrition, FDA, "The Impact of the NLEA on Consumers: Recent Findings From FDA's Food Label and Nutrition Tracking System," 1996.

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24. DiNovi, M., FDA memorandum, "Basis for High-Intake Estimates," July 1, 1996.

25. FDA Backgrounder (BG95-16), "Monosodium Glutamate (MSG)," August 31, 1995.

26. FDA Warning Letter from Elaine C. Messa, District Director, Irvine, CA to Patricia Bragg, President, Live Food Products, May 29, 1996.

27. FDA correspondence from John E. Thomas to Sonja L. Valiulis, October 14, 1992.

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29. Facsimile from H. C. Wallin to C. Warner, May 6, 1996.

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V. Comments

Interested persons may, on or before November 12, 1996, submit to the Dockets Management Branch (address above) written comments regarding this ANPRM. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This advance notice of proposed rulemaking is issued under sections 5

and 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1454, 1455), sections 201, 301, 403, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 343, 371), and under the authority of the Commissioner of Food and Drugs.

Dated: August 29, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96-23159 Filed 9-5-96; 4:43 pm]

BILLING CODE 4160-01-F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

[VA-106-FOR]

Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; notice of opportunity for hearing or public meeting.

SUMMARY: OSM is announcing a hearing (or public meeting if only one person requests a hearing) on a portion of a proposed amendment to the Virginia regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment for which the hearing is being announced concerns the proposed use of a 28-degree angle of draw with the rebuttable presumption of causation by subsidence provision. The amendment is intended to revise the State program to be consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16772).

DATES: The hearing is scheduled for Wednesday, September 18, 1996, at 7:00 p.m. at the Big Stone Gap Field Office. Requests to speak at the hearing must be received by 4:00 p.m., on September 16, 1996. If a public meeting is held instead of a hearing, it will be held on Wednesday, September 18, 1996, at the Big Stone Gap Field Office at a time to be determined.

ADDRESSES: Request to offer testimony at the hearing should be mailed or hand delivered to Mr. Robert A. Penn, Director, Big Stone Gap Field Office at the first address listed below.

Copies of the Virginia program, the proposed amendment, a listing of the scheduled public hearing (or public meeting if only one person wishes to provide testimony), and all written comments received in response to the

amendment will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requestor may receive one free copy of the proposed amendment by contacting OSM's Big Stone Gap Field Office.

Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303

Virginia Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219, Telephone: (703) 523-8100

FOR FURTHER INFORMATION CONTACT:

Mr. Robert A Penn, Director, Big Stone Gap Field Office, Telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background information on the Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981, Federal Register (46 FR 61085-61115). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 946.12, 946.13, 946.15, and 946.16.

II. Discussion of the Proposed Amendment

By letter dated May 21, 1996 (Administrative Record No. VA-882), Virginia submitted amendments to the Virginia program concerning subsidence damage. The amendments are intended to make the Virginia program consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16722). Virginia stated that the proposed amendments implement the standards of the Federal Energy Policy Act of 1992, and sections 45.1-243 and 45.1-258 of the Code of Virginia.

The proposed amendments were announced in the June 11, 1996, Federal Register (61 FR 292506). In that notice, however, OSM did not specifically point out that, at § 480-03-19.817.121(c)(4), Virginia proposes to normally use a 28-degree angle of draw presumption for the rebuttable presumption of causation by subsidence provision. The counterpart Federal provisions at 30 CFR 817.121(c)(4) provides that a 30-degree angle of draw will normally apply.

30 CFR 817.121(c)(4) also authorizes the use of a different angle of draw (other than 30 degrees) if the regulatory authority shows in writing that the proposed angle has a more reasonable basis than the 30-degree angle of draw, based on geotechnical analysis of the factors affecting potential surface impacts of underground coal mining operations in the State.

OSM reopened the public comment period on July 24, 1996 (61 FR 38422) for fifteen days. One person requested a public hearing on the 28-degree angle of draw provision.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 731.17(h), OSM is seeking comment on whether the amendment identified above satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Virginia program.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by close of business on September 16, 1996.

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 comment have been heard. 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 scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at the hearing, a public meeting, rather than a public hearing, will be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Big Stone Gap 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 under **ADDRESSES**. A written summary of each public meeting will be made part of the Administrative Record.

Any disabled individual who has need for a special accommodation to

attend the public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

IV. 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 12988 (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: August 28, 1996.

Vann Weaver,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96-22968 Filed 9-11-96; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

33 CFR Part 334

Cooper River and Tributaries, Charleston, South Carolina, Danger Zones and Restricted Areas

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps is proposing to amend the regulations which establish several danger zones and restricted areas in the waters of the Cooper River and its tributaries in the vicinity of Charleston, South Carolina by establishing a new danger zone for a small arms range at the Naval Weapons Station. The small arms firing range is to be used for training by the U.S. Border Patrol Training Academy. The Corps is also correcting a coordinate that defines the boundaries of an existing danger zone and making minor editorial amendments to the regulations to clarify that persons, as well as vessels, are not allowed within the danger zones and restricted areas. This clarification would not affect the size, location or further restrict the public's use of the areas. The danger zones and restricted areas continue to be essential to the safety and security of Government facilities, vessels and personnel and protect the public from the hazards

associated with the operations at the Government facilities.

DATES: Comments must be submitted on or before October 15, 1996.

ADDRESS: HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783, or Ms. Tina Hadden of the Charleston District at (803) 727-4607.

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 amend the regulations in 33 CFR Part 334.460. The Commanding Officer, Naval Weapons Station Charleston, South Carolina, has requested an amendment to the regulations in 33 CFR 334.460(a)(2), to correct a coordinate which establishes a boundary of a danger zone in Foster Creek. The coordinate which presently reads "Latitude 31 59'17" N" is corrected to read "32 59'16" N". The Navy has also requested that a new danger zone be established in an unnamed tributary and associated marsh of Back River and Foster Creek to prohibit public entry into the new area ((a)(13)), and to also prohibit entry into the existing danger zone (a)(12). The purpose of the danger zone is to protect the public from the dangers associated with a small arms firing range nearby and the potential for an errant round to impact into the water. It is not the intent of the Navy to use the waters of the danger zone as an impact area for the range. The Navy proposes to erect post-mounted signs at intervals across the marsh to identify the area as a danger zone. It is believed that closure of the water area for the new danger zone will have minimal impact or no impact on the public's use of the area which is described as a marsh area not navigable by conventional watercraft nor frequented by fishermen. We also propose an editorial change to clarify that these restricted area and danger zone regulations apply to personnel as well as vessels. Other minor changes to the regulations are editorial in nature and since the revisions do not change the boundaries or increase the restrictions on the public's use or entry into the designated areas, the changes will have practically no effect on the public. In addition to the publication of this proposed rule, the Corps Charleston District Engineer is concurrently soliciting public comment on these proposed changes to the danger zone

rules by distribution of a public notice to all known interested parties.

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 changes to the danger zones 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 danger zone and other editorial changes that these amendments to danger zones and restricted areas will not have a significant impact to 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

Navigation (water), Transportation, Danger zones.

For the reasons set out in the preamble, we propose 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: