

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 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 corresponding 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 corresponding Federal regulations.

### List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 3, 1995.

**Richard J. Seibel,**

*Acting Assistant Director, Eastern Support 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 914—INDIANA

1. The authority citation for part 914 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 914.15 is amended by adding paragraph (fff) to read as follows:

#### § 914.15 Approval of regulatory program amendments.

\* \* \* \* \*

(fff) The following amendment (Program Amendment Number 94-6) submitted to OSM on December 7, 1994, is approved effective March 10, 1995. 310 IAC 12-8-4.1 concerning application for blaster certification and 310 IAC 12-8-8.1 concerning renewal of blaster certification.

[FR Doc. 95-5920 Filed 3-9-95; 8:45 am]

BILLING CODE 4310-05-M

### 30 CFR Part 936

#### Oklahoma Regulatory Program

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

**ACTION:** Final rule, approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Oklahoma regulatory program (hereinafter referred to as the "Oklahoma program") under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*) (SMCRA). The proposed amendment consists of revisions to Oklahoma's coal mining rules concerning its Small Operator Assistance Program (SOAP). The amendment revises the Oklahoma

program to be consistent with SMCRA and the corresponding Federal regulation.

**EFFECTIVE DATE:** March 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** James H. Moncrief, Telephone: (918) 581-6430.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. General background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Oklahoma program can be found in the January 19, 1981, **Federal Register** (46 FR 4902). Subsequent actions concerning Oklahoma's program and program amendments can be found at 30 CFR 936.15, 936.16, and 936.30.

##### II. Submission of Amendment

By letter dated September 14, 1994, Oklahoma submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. OK-964). Oklahoma submitted the proposed amendment at its own initiative with the intent of revising the Oklahoma program to be consistent with the corresponding Federal regulations.

Oklahoma proposed to revise its SOAP rules at Oklahoma Administrative Code (OAC) sections 460:20-35-3, eligibility for assistance; 460:20-35-6, program services and data requirements; and 460:20-35-7, applicant liability. Here and herein after, OSM refers to these revised rules by their new codified numbers because Oklahoma proposed in a different amendment recodification of its coal mining rules in accordance with the standards set forth by the Oklahoma State Legislature and the Office of Administrative Code (See proposed rule **Federal Register** notice, 59 FR 49223, September 27, 1994).

OSM announced receipt of the proposed amendment in the September 27, 1994 **Federal Register** (59 FR 49225), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. OK-964.03). Because no one requested a public hearing or meeting, none was held. The public comment period ended on October 27, 1994.

During its review of the amendment, OSM identified concerns relating to the provisions of Oklahoma's rules at OAC 460:20-35-3(a)(2), percentage of ownership and control of the SOAP

applicant; OAC 460:20-35-6 (a) and (b), extension of SOAP funding to other program services and requirements for collection of specific kinds of data; and OAC 460:20-35-7, liability periods. OSM notified Oklahoma of the concerns by letter dated November 22, 1994 (administrative record No. OK-964.09).

Oklahoma responded in a letter dated December 20, 1994, by submitting additional explanatory information and revisions to these rules (administrative record No. OK-964.11). In addition, Oklahoma proposed revisions to OAC 460:20-35-1, definitions.

Based upon the revisions to and additional explanatory information for the proposed program amendment submitted by Oklahoma, OSM reopened the public comment period in the December 30, 1994, **Federal Register** (59 FR 67693, administrative record No. OK-964.12). The public comment period ended on January 17, 1995.

### III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds that the proposed program amendment submitted by Oklahoma on September 14, 1994, and as revised by it on December 20, 1994, is no less effective than the corresponding Federal regulations. Accordingly, the Director approves the proposed amendment.

#### 1. Nonsubstantive Revisions to Oklahoma's Rules

Oklahoma proposed revisions to the following previously-approved rules that are nonsubstantive in nature (the corresponding Federal regulation provisions are listed in parentheses):

- OAC 460:20-35-3 (a)(2)(D) and (b), (30 CFR 795.6 (a)(2)(iv) and (b)), eligibility for assistance;
- OAC 460:20-35-6(d), (30 CFR 795.9(d)), program services and data requirements; and
- OAC 460:20-35-7(a), (30 CFR 795.12(a)), applicant liability.

Because Oklahoma's proposed revisions of these previously-approved rules are nonsubstantive in nature, the Director finds that the proposed rules are no less effective than the Federal regulations and is approving them.

#### 2. Substantive Revisions to Oklahoma's Rules That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations

Oklahoma proposed revisions to the following rules that are substantive in nature and contain language that is substantively identical to the requirements of the corresponding

Federal regulation provisions (listed in parentheses).

- OAC 460:20-35-1, (30 CFR 795.3), definitions;
- OAC 460:20-35-3(a)(2), (a)(2) (A), and (B), (30 CFR 765.6(a)(2), (i) and (ii)), eligibility for assistance;
- OAC 460:20-35-6 (a) and (b) (1) through (6), (30 CFR 795.9 (a) and (b) (1) through (6)), program services and data requirements; and
- OAC 460:20-35-7(a) (2) and (3), (30 CFR 795.12(a) (2) and (3)), applicant liability.

Because the proposed revisions to these Oklahoma rules are substantively identical to the corresponding provisions of the Federal regulations, the Director finds that they are no less effective than the Federal regulations. The Director approves these proposed rules.

### IV. Summary and Disposition of Comments

Following are summaries of all written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

#### 1. Public Comments

OSM invited public comments on the proposed amendment, but none were received.

#### 2. Federal Agency Comments

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Oklahoma program (administrative record No. OK-964.02).

The Bureau of Mines responded in a letter dated September 27, 1994, that it had no comment on Oklahoma's proposed revisions (administrative record No. OK-964.04).

The U.S. Army Corps of Engineers stated in a letter dated September 30, 1994, that it found the changes to be satisfactory (administrative record No. OK-964.05).

The Bureau of Land Management responded in a letter dated October 12, 1994, that the modification to Oklahoma's SOAP provisions seemed appropriate (administrative record No. OK-964.06).

#### 3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water

Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Oklahoma proposed to make in its amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. OK-964.02). It responded on October 13, 1994, that it had no objections to the approval of Oklahoma's proposed regulations (administrative record No. OK-964.07).

#### 4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and the ACHP (administrative record No. OK-964.02). Neither the SHPO nor the ACHP responded to OSM's request.

### V. Director's Decision

Based on the above findings, the Director approves Oklahoma's proposed amendment as submitted on September 14, 1994, and as revised on December 20, 1994.

The Director approves, as discussed in: Finding No. 1, OAC 460:20-35-3 (a)(2)(D) and (b), eligibility for assistance, OAC 460:20-35-6(d), program services and data requirements, and OAC 460:20-35-7(a), applicant liability; and finding No. 2, OAC 460:20-35-1, definitions, OAC 460:20-35-3(a)(2) (A) and (B), eligibility for assistance, OAC 460:20-35-6 (a) and (b) (1) through (6), program services and data requirements, and OAC 460:20-35-7(a) (2) and (3), applicant liability.

The Director approves the rules as proposed by Oklahoma with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 936, codifying decisions concerning the Oklahoma 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

#### 1. Executive Order 12886

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12886 (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 1255) 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 the 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 (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 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.

## VII. List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 3, 1995.

**Charles E. Sandberg,**

*Acting Assistant Director, Western Support 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 936—OKLAHOMA

1. The authority citation for part 936 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 936.15 is amended by adding paragraph (o) to read as follows:

#### § 936.15 Approval of regulatory program amendments.

\* \* \* \* \*

(o) Revisions to the following provisions of the Oklahoma Coal Rules and Regulations concerning the small operator assistance program, as submitted to OSM on September 14, 1994, and as revised on December 20, 1994, are approved effective March 10, 1995:

Oklahoma Administrative Code (OAC) 460:20-35-1, definitions;

OAC 460:20-35-3 (a)(2), (a)(2) (A), (B), and (D), and (b), eligibility for assistance;

OAC 460:20-35-6 (a), (b) (1) through (6), and (d), program services and data requirements; and

OAC 460:20-35-7 (a), (a) (2) and (3), applicant liability.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IL 12-36-6669; FRL-5167-9]

### Approval and Promulgation of Implementation Plan; Illinois

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** On June 29, 1990, the United States Environmental Protection Agency (USEPA) promulgated a Federal Implementation Plan (FIP) which contains stationary source volatile organic compound (VOC) control measures representing reasonably available control technology (RACT) for

emission sources located in six northeastern Illinois (Chicago area) counties: Cook, DuPage, Kane, Lake, McHenry and Will. Included in USEPA's rules was a requirement that major non-Control Technique Guideline (CTG) sources be subject to 40 CFR 52.741 (s), (u), (v), (w), or (x). The major non-CTG limits in 40 CFR 52.741(x) (would, if not for this rule) apply to the hot and cold aluminum rolling operations at the Reynolds Metals Company's (Reynolds) McCook Sheet & Plate Plant in McCook, Illinois (in Cook County). On August 19, 1991, Reynolds requested that USEPA reconsider the application of 40 CFR 52.741(x) to its facility in McCook, Illinois, and on October 17, 1991, Reynolds requested that USEPA promulgate site-specific RACT limits for its hot and cold rolling mills. USEPA agreed to reconsider the RACT control requirements for Reynolds' aluminum rolling operations and, on September 22, 1993, proposed site-specific RACT control requirements for these operations. In this rule the USEPA is promulgating these site-specific RACT limits.

**EFFECTIVE DATE:** This rule is effective April 10, 1995.

**ADDRESSES:** The docket for this action (Docket No. A-92-67), which contains the public comments, is located for public inspection and copying at the following addresses. A reasonable fee may be charged for copying. We recommend that you contact Randolph O. Cano before visiting the Chicago location and Rachel Romine (202/245-3639) before visiting the Washington, D.C. location.

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 18th Floor, Southwest, 77 West Jackson Blvd., Chicago, Illinois 60604.

Office of Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, Docket No. A-92-67, Room M1500, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Regulation Development Branch, USEPA Region 5, (312) 886-6052, at the Chicago address indicated above.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Part D of the Clean Air Act (Act), 42 U.S.C. 7401 *et seq.*, requires that states adopt rules for major non-CTG<sup>1</sup> sources.

<sup>1</sup> Control techniques guideline documents have been prepared by USEPA to assist States in defining RACT for the control of VOC emissions from