

**§ 902.10 State Regulatory Program Approval.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

3. Section 902.20 is amended by revising paragraph (b) to read as follows:

**§ 902.20 Approval of Alaska Abandoned Mine Land Reclamation Plan.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

**PART 906—COLORADO**

1. The authority citation for Part 906 continues to read as follows:

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

2. Section 906.10 is amended by revising paragraph (b) to read as follows:

**§ 906.10 State Regulatory Program Approval.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

3. Section 906.20 is revised to read as follows:

**§ 906.20 Approval of Colorado Abandoned Mine Land Reclamation Plan.**

The Colorado Abandoned Mine Land Reclamation Plan, as submitted on February 16, 1982, and as subsequently revised, is approved effective June 11, 1982. Copies of the approved plan are available at:

(a) Colorado Department of Natural Resources, Division of Minerals and Geology, 1313 Sherman Street, Room 215, Denver, CO 80203.

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

4. Section 906.25 is added to read as follows:

**§ 906.25 Approval of Amendments to the Colorado Abandoned Mine Land Reclamation Plan.**

(a) The amendment as submitted to OSM on April 29, 1985, to Chapter VI, Policies and Procedures, of Colorado's Abandoned Mine Land Reclamation Plan, which allows Colorado, subject to OSM grant approval, to reclaim noncoal sites that pose a direct threat to public

health or safety, is approved effective January 9, 1986.

(b) [Reserved]

**PART 944—UTAH**

1. The authority citation for Part 944 continues to read as follows:

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

2. Section 944.10 is amended by revising paragraph (b) to read as follows:

**§ 944.10 State Regulatory Program Approval.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

3. Section 944.20 is amended by revising paragraph (b) to read as follows:

**§ 944.20 Approval of Utah Abandoned Mine Plan.**

\* \* \* \* \*

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

[FR Doc. 95-26399 Filed 10-24-95; 8:45 am]

BILLING CODE 4310-05-M

**30 CFR Part 914****[SPATS No. IN-124-FOR; State Program Amendment No. 95-3]****Indiana 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 Indiana regulatory program (hereinafter referred to as the "Indiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Indiana proposed revisions to its regulations pertaining to the small operator assistance program (SOAP). The topics covered in the proposed amendment are definitions, eligibility for assistance, application approval and notice, program services and data requirements, qualified laboratories, and applicant liability. The amendment is intended to revise the Indiana program to be consistent with the corresponding Federal regulations and to incorporate an additional criterion under which a SOAP applicant is responsible for reimbursing Indiana for the cost of services rendered under its program.

**EFFECTIVE DATE:** October 25, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Roger W. Calhoun, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204, Telephone (317) 226-6166.

**SUPPLEMENTARY INFORMATION:**

I. Background on the Indiana Program  
II. Submission of the Proposed Amendment  
III. Director's Findings  
IV. Summary and Disposition of Comments  
V. Director's Decision  
VI. Procedural Determinations

**I. Background on the Indiana Program**

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, Federal Register (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

**II. Submission of the Proposed Amendment**

By letter dated May 3, 1995 (Administrative Record No. IND-1461), Indiana submitted a proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment at its own initiative. Indiana proposed to revise its SOAP regulations at 310 IAC 12-3-130, Definitions; 310 IAC 12-3-131, Eligibility for assistance; 310 IAC 12-3-132.5, Application approval and notice; 310 IAC 12-3-133, Program services and data requirements; 310 IAC 12-3-134, Qualified laboratory; and 310 IAC 12-3-135, Applicant liability.

OSM announced receipt of the proposed amendment in the May 30, 1995, Federal Register (60 FR 28069), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on June 29, 1995.

**III. Director's Findings**

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes or revised cross-references and paragraph notations to reflect

organizational changes resulting from this amendment.

*A. Revisions to Indiana's Regulations That Are Substantively Identical to the Corresponding Federal Regulations*

State regulation 310 Indiana administrative code (IAC)	Subject	Federal counterpart 30 Code of Federal Regulations (CFR)
12-3-130	Definitions for program administrator and qualified laboratory	795.3.
12-3-131, Intro paragraph	Attributed coal production	795.6(a).
12-3-131(1)		795.6(a)(1).
12-3-131(2)		795.6(a)(2).
12-3-131(2)(B)		795.6(a)(2)(i).
12-3-131(2)(C)		795.6(a)(2)(ii).
12-3-132.5	Application approval and notice	795.8.
12-3-133(a)	Program services and data requirements	795.9 (a) and (c).
12-3-133(b)		795.9(b).
12-3-134(a)	Qualified laboratories	795.10(a).
12-3-134(a)(1)-(a)(6)		795.10(a)(1)-(a)(6).
12-3-134(b)		795.10(b).
12-3-135(a)	Applicant liability	795.12(a).
12-3-135(a)(1)-(a)(3)		795.12(a)(1)-(a)(3).
12-3-135(b)		795.12(b).

Because the above proposed revisions are identical in meaning to the corresponding Federal regulations, the Director finds that Indiana's proposed rules are no less effective than the Federal rules.

*B. Revisions to Indiana's Regulations With No Corresponding Federal Regulations*

310 IAC 12-3-135, Applicant Liability

At 310 IAC 12-3-135(a)(4), Indiana proposed to add a regulation to include another criterion under which a SOAP applicant is responsible for reimbursing Indiana for the cost of services rendered under its program. This criterion requires the applicant to reimburse Indiana if mining does not begin within six months after obtaining the permit. The Federal regulations at 30 CFR 795.12(a), concerning applicant liability for reimbursement of the cost of services, do not contain this specific requirement. However, the Director finds the proposed regulation is not inconsistent with the intent of the requirements of SMCRA and the Federal regulations pertaining to reimbursement for SOAP services, and the addition of this new criterion does not render the Indiana regulations at 310 IAC 12-3-135 less effective than the Federal regulations at 30 CFR Part 795.12.

IV. Summary and Disposition of Comments

*Public Comments*

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested

an opportunity to speak at a public hearing, no hearing was held.

*Federal Agency Comments*

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Indiana program. On May 30, 1995 (Administrative Record No. IND-1488), the United States Department of Agriculture, Natural Resources Conservation Service, responded that nothing in the proposed amendment would have any impact on its program areas.

*Environmental Protection Agency (EPA)*

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the 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 Indiana proposed to make in this 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. IND-1480). On June 15, 1995 (Administrative Record No. IND-1489), EPA responded that it concurred with the proposed amendment without comment.

*State Historical 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 ACHP. No comments were received.

V. Director's Decision

Based on the above findings, the Director approves the proposed amendment as submitted by Indiana on May 3, 1995.

The Director approves the rules as proposed by Indiana 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 914, codifying decisions concerning the Indiana 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 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 State 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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 13, 1995.

Brent Wahlquist,

*Regional Director, Mid-Continent 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 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 (nnn) to read as follows:

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

\* \* \* \* \*

(nnn) Revisions to the following regulations (Program Amendment Number 95-3), as submitted to OSM on May 3, 1995, are approved effective October 25, 1995:

310 IAC 12-3-130—Small operator assistance; definitions for program administrator and qualified laboratory.

310 IAC 12-3-131—Introductory paragraph, (1), (2), (2)(B), and (2)(C)—Small operator assistance; eligibility for assistance.

310 IAC 12-3-132.5—Small operator assistance; application approval and notice.

310 IAC 12-3-133—Small operator assistance; program services and data requirements.

310 IAC 12-3-134—Small operator assistance; qualified laboratories.

310 IAC 12-3-135—Small operator assistance; applicant liability.

[FR Doc. 95-26401 Filed 10-24-95; 8:45 am]

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#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

[CA 14-12-7054a FRL-5286-6]

#### **Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revision to the California State Implementation Plan (SIP). The revision concerns the rule from Monterey Bay Unified Air Pollution Control District (MBUAPCD). This approval action will incorporate this rule into the federally

approved SIP. The intended effect of approving this rule is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rule controls VOC emissions from leather processing operations. Thus, EPA is finalizing the approval of this revision into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**DATES:** This action is effective on December 26, 1995, unless adverse or critical comments are received by November 24, 1995. If the effective date is delayed, a timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the rule and EPA's evaluation report is available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule is available for inspection at the following locations:

Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

**FOR FURTHER INFORMATION CONTACT:** Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1185.

#### **SUPPLEMENTARY INFORMATION:**

##### **Applicability**

The rule being approved into the California SIP includes Monterey Bay Unified Air Pollution Control District (MBUAPCD), Rule 430, Leather Processing Operations. This rule was submitted by the California Air Resources Board (CARB) to EPA on July 13, 1994.

##### **Background**

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included Monterey Bay. 43 FR 8964, 40 CFR 81.305. Because this area was unable to meet the statutory attainment date of December 31, 1982, California requested