C. Crediting Like Work Experience for Training Purposes

Currently shaft and slope and construction workers are not required to take part 48 training in most instances. Following current policy, if a worker performs shaft and slope work for 12 months or more within 36 months and is then contracted to perform extraction and production work, the worker would not receive credit toward establishing experienced miner status for time already worked. MSHA is reviewing the possibility of allowing these workers to receive credit toward establishing the 12 months of mining experience required to maintain experienced miner status.

Another issue MSHA is considering is experienced miner credit for like work experience for a person from a non-mining environment. This would allow such a person working on mine property to be considered experienced for training purposes. A related issue is how the operator would document the existence of like work experience.

D. Independent Contractor Training

Current policy allows independent contractors to have their own training plan or use the mine operator's plan. Contractors can also conduct their own training, be trained by the operator, or use approved cooperative or state programs. MSHA is considering different language to make it easier for independent contractors and operators to determine what type of training (new miner, newly-employed experienced miner, or hazard) is required for independent contractors.

E. Completing and Signing Training Certificates (Form 5000–23)

MSHA is considering clarifying the legal responsibility of the person certifying that training is completed and who may sign the form and when. MSHA is also interested in comments on how computerized versions of Form 5000–23 can best be utilized within the existing regulatory framework.

III. Request for Comments

This notice covers the main points raised at the various public meetings. During the comment period, anyone may submit comments or suggestions related to any aspect of part 48 policy.

Dated: January 16, 1996.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 96–1079 Filed 1–24–96; 8:45 am]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL–5402–9]

Open Meeting of the Negotiated Rulemaking Advisory Committee for Small Nonroad Engine Regulations

AGENCY: Environmental Protection Agency.

ACTION: FACA committee meeting—negotiated rulemaking on small nonroad engine regulations.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), EPA is giving notice of the next meeting of the Advisory Committee to negotiate the Phase II rule to reduce air emissions from small nonroad engines. Small nonroad engines are engines which are spark ignited gasoline engines less than 25 horsepower, including lawn mower, chain saw, and weed wacker engines. The meeting is open to the public without advance registration. Agenda items for the meeting include discussion of the emissions standard and standard structure. The Committee is hoping to finalize a series of recommendations to EPA regarding the control of emissions in Phase II of the rule.

DATES: The committee will meet on February 16, 1996 from 10 a.m. to 6 p.m.

ADDRESSES: The location of the meeting will be the Courtyard by Marriott, 3205 Boardwalk, Ann Arbor, MI 48108; phone: (313) 995–5900.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on the substantive matters of the rule should contact Gay McGregor, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor, Michigan 48105, (313) 668–4438. Persons needing further information on committee procedural matters should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401 M Street, S.W. Washington, DC 20460, (202) 260–5495, or the Committee's facilitators, Lucy Moore or John Folk-Williams, Western Network, 616 Don Gaspar, Santa Fe, New Mexico, 87501, (505) 982–9805.

Dated: January 19, 1996.

Deborah Dalton,

Designated Federal Official.

[FR Doc. 96–1209 Filed 1–24–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[VIOO1; FRL–5403–2]

Clean Air Act Proposed Full Approval of Operating Permits Program: The United States Virgin Islands

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed full approval.

SUMMARY: The EPA proposes full approval of the operating permits program submitted by the United States Virgin Islands for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources and to certain other sources.

DATES: Comments on this proposed action must be received in writing by February 26, 1996. Written comments should be addressed to Steven C. Riva, Chief, Permitting and Toxics Support Section, at the New York Region II Office listed below.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the proposed full approval are available for inspection during normal business hours at the following locations:

EPA Region II, 290 Broadway, 21st Floor, New York, New York 10007–1866, Attention: Steven C. Riva.

EPA Region II, Caribbean Field Office, Centro Europa Building, Suite 417, 1492 Ponce de Leon Avenue, Stop 22, San Juan, Puerto Rico 00907–4127, Attention: Jose Ivan Guzman.

The U.S. Virgin Islands Department of Planning and Natural Resources, Division of Environmental Protection, Building 111, Apartment 14A, Water Gut Homes, Christainsted, St. Croix, U.S. Virgin Islands 00820. Attention: Leonard Reed.

FOR FURTHER INFORMATION CONTACT: Umesh Dholakia, Permitting and Toxics Support Section, at the above EPA office in New York or at telephone number (212) 637–4023.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

As required under title V of the Clean Air Act (''the Act'') as amended in 1990, EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) Part 70. Title V requires States to develop,

and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that States develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to Section 502 of the Act and the Part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of Part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

II. Proposed Action and Implications

A. Analysis of State Submission

1. Support Materials

The Governor of the United States Virgin Islands submitted a Part 70 permitting program for the U.S. Virgin Islands with a letter requesting EPA's approval on November 18, 1993 and supplemental packages through June 9, 1995. The program contains a description of how the Virgin Islands intends to implement the program consistent with the requirements of the Clean Air Act Amendments of 1990 (42 U.S.C. §§ 7401–7671q) and 40 CFR Part 70. The program includes supporting documentation such as evidence of the procedurally correct adoption of the permitting rule, permit application forms, and a sample permit form. On May 15, 1995, the Attorney General of the U.S. Virgin Islands submitted a legal opinion stating that the Virgin Islands Department of Planning and Natural Resources (VIDPNR) has adequate legal authority to carry out the program. It should be noted that the Virgin Islands' program contains some wording errors and as such the Virgin Islands has agreed to correct those errors prior to final approval. These wording errors in the Virgin Islands' legislation (Act No. 6011 signed into law September 2, 1994) are:

(1) Section 212(a) states that ''No rule or regulation and no amendment * * * shall take effect AFTER public comment and/or hearing on due notice as provided herein''. The word ''after'' should be replaced by the word ''without''.

(2) Section 205 (a), (b) (1) and (2)—replace ''chapter'' with ''with respect to Part 70 permit program''.

(3) Section 215(a)—delete ''compliance order'' and replace with ''notice of violation'' after ''Commissioner is authorized to issue * * *''

(4) Section 215(b)(3)—There should be an additional sentence following ''$250,000''. ''The assessment of any administrative fine in excess of $250,000 may be enforced by the commencement of a civil action by the Attorney General pursuant to the Virgin Islands Law.

2. Regulations and Program Implementation

The Virgin Islands' Part 70 permitting regulation is contained in Subchapter 204 and Subchapter 206 (Divisions 1 and 2) of the Virgin Islands Rules and Regulations, Title 12, Chapter 9 (RAR). The Virgin Islands' regulation meets the main requirements of Part 70 as described below:

a. applicability (40 CFR 70.2 and 70.3): Sources required to obtain a permit under the Virgin Islands' regulation are defined as ''Part 70 sources'' and include all major Part 70 sources. The rule defers non-major sources until the Administrator completes a rulemaking to determine how the title V program should be structured for non-major sources and the appropriateness of any permanent exemptions. The regulation permanently exempts any source that would be required to obtain a permit solely because it is subject to Standards of Performance for New Residential Wood Heaters or the National Emission Standard for Hazardous Air Pollutants for Asbestos, Standards for Demolition and Renovation. The regulation provides for the R&D Facilities to be treated separately with the concurrence of the Commissioner. In as much as the Commissioner will be in a position to determine whether or not the facility meets the support facility test this does not constitute an approvability issue.

b. permit content (40 CFR 70.6): Subchapter 206–71 requires that each permit contain emission limitations and standards to ensure compliance with all applicable requirements. Permits may also contain certain operational flexibility requirements such as terms and conditions for reasonably anticipated operating scenarios and for the trading of emissions increases and decreases (to the extent the applicable requirements provided for such trading) in the permitted facility. Such operational flexibility provisions are explained more fully in Subchapter 206–65 of the RAR.

c. public participation (40 CFR 70.7): The public will be provided with notice of, and an opportunity to comment on, draft permits relating to initial permit issuance, permit renewals, and significant modifications (Subchapter 206–73 of the RAR).

d. permit modifications (40 CFR 70.7): Sources may apply for expedited permit changes for minor permit modifications. Significant modifications must undergo all Part 70 permit issuance procedures (Subchapter 206–82 of the RAR).

e. EPA oversight (40 CFR 70.8): Each permit, renewal, and minor or significant modification is subject to EPA oversight and veto (Subchapter 206–73 of the RAR).

f. enforcement authority (40 CFR 70.11): Chapter 9 of Title 12 of the Virgin Islands Code, pertaining to the air pollution control and related purposes (VI's Act # 6011) as amended on September 2, 1994 directly provides for enforcement and penalties for civil and criminal violations of permits and rules. Penalties will be assessed up to $50,000 per day per violation for civil violations, and up to $10,000 per day per violation for criminal violations.

g. insignificant activities (40 CFR 70.5): A list of insignificant activities can be found at Attachment 1 of the RAR. Insignificant activities which need not be described in the permit application only include activities on the list as long as no applicable requirements apply to the activity and the activity emits 0.05 pounds per year or less of a criteria pollutant or 400 pounds per year or less of the hazardous air pollutants. However, for insignificant activities exempted because of size or production rate, the RAR requires that a list of such insignificant activities must be included in the permit application.

h. complete application forms (40 CFR 70.5): DPNR submitted a permit application completeness criteria checklist which will be used to help DPNR determine if an application is complete. Subchapter 206–63 defines what elements must be in an application in order for it to be complete.

i. variance provisions: Section 211 of Title 12, Chapter 9 of the Virgin Islands Code (statute) contains provisions for DPNR to approve variances from otherwise applicable emissions limitations, provided such variances are permitted under conditions and in a manner which is not less stringent than the conditions under and the manner in which variances may be granted under the federal Clean Air Act. Any such variance shall not excuse compliance with any Title V permit term or condition. A variance from a federal condition must be processed as a Title V permit condition. The Commissioner

of the DPNR may not authorize a variance which concerns a Federal Clean Air Act requirement and SIP requirements. Under Subchapter 206–71 of the RAR, DPNR may provide for an emergency variance from compliance with technology-based emission limitations provided that: (1) The cause of the emergency can be identified, (2) the permitted facility was being operated at the time of the emergency, (3) the owner/operator took all reasonable steps to minimize levels of emissions that exceeded emission standards or requirements of the permit, and (4) submitted notice of the emergency to the Department within two (2) working days of the time when emission limitations were exceeded due to the emergency. The EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a federally enforceable Part 70 permit, except where such relief is granted through the procedures allowed by Part 70. A Part 70 permit may be issued or revised (consistent with Part 70 permitting procedures) to incorporate those terms of a variance that are consistent with applicable requirements. A Part 70 permit may also incorporate, via Part 70 permit issuance or modification procedures, the schedule of compliance set forth in a variance. However, EPA reserves the right to pursue enforcement of applicable requirements notwithstanding the existence of a compliance schedule in a permit to operate. This is consistent with 40 CFR 70.5(c)(8)(iii)(C), which states that a schedule of compliance ''shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.''

3. Permit Fee Demonstration

The Virgin Islands' workload analysis and fee demonstration shows that the state will collect sufficient revenue to implement the Title V program. The Virgin Islands will collect permit fees beginning at $18 per ton of actual emissions of regulated pollutants. The Virgin Islands' fee demonstration and regulation state that the Virgin Islands may raise fees if necessary in the future. Furthermore, the Virgin Islands' law requires that sufficient fees be collected to cover direct and indirect expenses necessary to develop, administer and enforce the Virgin Islands' Title V program, including the Small Business Technical and Environmental Compliance Assistance Program as required by Section 507 of the Act. The Virgin Islands' law establishes a special account which is independent and separate from any other account in the Virgin Islands and must be used only for the Air Quality Program.

4. Provisions Implementing Section 112 of the Act

a. authority for Section 112 Implementation: Virgin Islands has demonstrated in its Title V program submittal adequate legal authority to implement and enforce all Section 112 requirements through the title V permit. This legal authority is contained in Virgin Islands' enabling legislation (V.I. Code Title 12, Section 201) and in regulatory provisions defining ''applicable requirements'' and stating that the permit must incorporate all applicable requirements. EPA has determined that this is sufficient to allow Virgin Islands to issue permits that assure compliance with all Section 112 requirements. The Attorney General's legal opinion also certifies that VIDPNR has authority to implement the air toxics program and to accept automatic delegation of future national emission standards for hazardous air pollutants. Section 206–71 of the RAR provides that NESHAPs when promulgated by the EPA Administrator will become effective as part of Virgin Islands' rules and regulations. Section 206 of the RAR provides for the following Section 112 requirements:

i. case-by-case MACT determinations: In the event that no applicable emissions limitations for the hazardous air pollutants have been established by the Administrator, VIDPNR will make case-by-case Maximum Achievable Control Technology (MACT) determinations as required under Sections 112(j) and (g) of the Act. The EPA issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines EPA's revised interpretation of 112(g) applicability. The notice postpones the effective date of 112(g) until after EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The Section 112(g) interpretive notice explains that EPA is still considering whether the effective date of Section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final Section 112(g) rulemaking.

VIDPNR has provided broad language in its regulation that will allow the implementation of 112(g) immediately after EPA promulgates its rule.

ii. early reductions: The rule authorizes VIDPNR to issue permits with an alternate emission limit under the Act's Section 112(i)(5) early reductions program.

iii. The rule requires sources subject to Section 112(r) of the Act to prepare and submit risk management plans. A source must submit annual certification ensuring the proper implementation of the risk management plan.

b. Section 112(l): Requirements for approval specified in 40 CFR 70.4(b), encompass Section 112(l)(5) approval requirements for delegation of Section 112 standards as they apply to Part 70 sources. Section 112(l)(5) requires that the state's program contain adequate authorities, adequate resources for implementation, an expeditious compliance schedule, and adequate enforcement ability, which are also requirements under Part 70. In a letter dated May 30, 1995, VIDPNR requested delegation through 112(l) of all existing 112 standards and all future 112 standards for both Part 70 and non-Part 70 sources and infrastructure programs. In the letter, VIDPNR demonstrated that it has sufficient legal authorities, adequate resources, capability for automatic delegation of future standards, and adequate enforcement ability for implementation of Section 112 of the Act for both Part 70 sources and non-Part 70 sources. Therefore, the EPA is proposing to grant approval under Section 112(l)(5) and 40 CFR Part 63.91 to Virgin Islands for its program mechanism for receiving delegation of all existing and future 112(d) standards for both Part 70 and non-Part 70 sources.

Virgin Islands commits to appropriately implementing the existing and future requirements of Sections 111, 112 and 129 of the Act, and all maximum achievable control technology (MACT) standards promulgated in the future, in a timely manner.

B. Options for Approval/Disapproval and Implications

The EPA is proposing full approval of the operating permits program submitted to EPA by the United States Virgin Islands on November 18, 1993 and supplemented through June 9, 1995. Among other things, the Virgin Islands has demonstrated that the program will be adequate to meet the minimum elements of a State operating permits program as specified in 40 CFR Part 70.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 and standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities,

adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. The Virgin Islands has informed EPA that it intends to accept automatic delegation of Section 112 standards and programs. Therefore, the EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 to Virgin Island for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and infrastructure programs under section 112 that are unchanged from Federal rules as promulgated.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed full approval. Copies of the State's submittal and other information relied upon for the proposed full approval are contained in a docket maintained at the EPA Regional Offices located in New York and San Juan and at VIDPNR. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The principal purposes of the docket are:

(1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process; and

(2) to serve as the record in case of judicial review. The EPA will consider any comments received by February 26, 1996.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under Section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates Act

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, EPA must select the most cost effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed approval action promulgated today does not include a federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under State or local law, and imposes no new federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Environmental Protection, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Authority: 42 U.S.C. Sections 7401–7671q.

Dated: December 5, 1995.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 96–1207 Filed 1–24–96; 8:45 am]

BILLING CODE 6560–50–P

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

43 CFR Part 10010

Policy and Procedures for Implementing the National Environmental Policy Act

AGENCY: Utah Reclamation Mitigation and Conservation Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Central Utah Project Completion Act established the Utah Reclamation Mitigation and Conservation Commission (Commission) and directed that the Commission be considered a Federal agency for purposes of compliance with the National Environmental Policy Act of 1969, as amended (NEPA). In accordance with NEPA and Council on Environmental Quality (CEQ) regulations, Federal agencies must establish procedures to guide their actions in implementing NEPA. This rule establishes the Commission's policies and procedures regarding NEPA implementation. It defines the procedures that the Commission will follow in preparing environmental documents and in making decisions pursuant to NEPA. The rule also provides information to other agencies and the public regarding how they may participate in the Commission's NEPA activities. The intended effects of this rule are that the Commission will have at its disposal specific guidance on how to fulfill its NEPA responsibilities, and that the public will have a clear understanding of the Commission's NEPA procedures.

DATES: Comments on the proposed rule will be accepted on or before March 11, 1996.

ADDRESSES: Planning Manager, Utah Reclamation Mitigation and Conservation Commission, 111 East Broadway, suite 310, Salt Lake City, Utah, 84111. Telephone: 801–524–3146.

FOR FURTHER INFORMATION CONTACT: Joan Degiorgio, Telephone: 801–524–3146.

SUPPLEMENTARY INFORMATION:

Background

The Commission was established by the Central Utah Project Completion Act (Public Law 102–575, October 30, 1992). The Commission's mission is to implement mitigation and conservation measures to offset the effects of Federal reclamation projects in Utah and to take other actions for the conservation of important fish, wildlife, and recreation resources. The Commission was established to focus the authority for reclamation mitigation and to coordinate interagency efforts toward meeting mitigation needs. This rule provides the Commission, affected Federal agencies, the State of Utah, and the public with the necessary guidance to evaluate the environmental effects of Commission activities and to ensure that these will promote the protection and enhancement of environmental quality. It is adopted in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347) and with Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1508).

NEPA Rule Content

This rule provides direction on all aspects of the Commission's NEPA process. It establishes general policies, provides guidance on initiating the NEPA process, describes procedures relating to Environmental Assessments (EA) and Environmental Impact Statements (EIS), describes the relationship between NEPA and the Commission's decision making process,