

Wednesday, October 9, 1996, beginning at 10:00 a.m. in room 2615, Internal Revenue Building, 1111 Constitution Avenue NW, Washington, DC. The requests to speak and outlines of oral comments must have been received by Wednesday, September 18, 1996. Because of controlled access restrictions, attendees are not admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

The Service will prepare an agenda showing the scheduling of the speakers after the outlines are received from the persons testifying and make copies available free of charge at the hearing.

Michael L. Slaughter,

*Acting Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 96-21600 Filed 8-23-96; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 935

[OH-239-FOR, #73]

#### Ohio Regulatory Program

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

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Ohio regulatory program (hereinafter referred to as the "Ohio program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to sections of the Ohio Administrative Code (OAC) dealing with surface mining operations on remining areas. The amendment is intended to revise the Ohio program to be consistent with the Federal regulations as amended on November 27, 1995 (60 FR 58480).

**DATES:** Written comments must be received by 4:00 p.m., [E.D.T.] September 25, 1996. If requested, a public hearing on the proposed amendment will be held on September 20, 1996. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on September 10, 1996.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to George Rieger, Field Branch Chief, at the address listed below.

Copies of the Ohio program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Appalachian Regional Coordinating Center.

George Rieger, Field Branch Chief,  
Appalachian Regional Coordinating  
Center, Office of Surface Mining  
Reclamation and Enforcement, 3  
Parkway Center, Pittsburgh, PA  
15220, Telephone: (412) 937-2153  
Ohio Division of Mines and  
Reclamation, 1855 Fountain Square  
Court, Columbus, Ohio 43244,  
Telephone: (614) 265-1076.

#### FOR FURTHER INFORMATION CONTACT:

George Rieger, Field Branch Chief,  
Appalachian Regional Coordinating  
Center, Telephone: (412) 937-2153.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the August 10, 1982, Federal Register (47 FR 34688). Subsequent actions concerning conditions of approval and program amendments can be found at 30 CFR 935.11, 935.15, and 935.16.

##### II. Description of the Proposed Amendment

By letter dated July 23, 1996, (Administrative Record No. OH-2168-00) Ohio submitted proposed amendments to the Ohio program concerning remining. Ohio submitted the proposed amendment at its own initiative. The provisions of the Ohio Administrative Code that Ohio proposes to amend are:

###### 1. OAC 1501:13-1-02 Definitions.

(a) New paragraph (OOO) "Lands eligible for remining" has been added to mean those lands that would otherwise be eligible for expenditures under section 1513.37 of the Revised Code.

(b) New paragraph (JJJJJ) "Unanticipated event or conditions" has been added to mean (as used in Rule 13-5-01 of the Administrative Code) an event or condition related to prior mining activity which arises from a surface coal mining and reclamation operation on lands eligible for remining

and was not contemplated in the applicable permit.

(c) Definitions of "abatement plan", "base line pollution load", "best available technology economically achievable", "pollution abatement area", "pre-existing discharge", and "remining NPDES permit" are relocated here from OAC 1501:13-4-15, and all paragraphs are relettered accordingly.

###### 2. OAC 1501:13-4-08 Hydrologic map and cross-sections.

New paragraph (A)(15) has been added to include any land determined to be eligible for remining.

3. OAC 1501:13-4-10 Uniform color code and map symbols. New paragraph (A)(6) has been added to include any area determined to be eligible for remining shall have its perimeter designated with a dashed black line and the areas therein clearly labeled "Remine".

###### 4. OAC 1501:13-4-12 Requirements for permits for special categories of mining.

(a) New paragraph (L) has been added to include the requirement that any person who submits a permit application to conduct a surface coal mining operation on lands eligible for remining must comply with Revised Code Section 1513.37. The requirements of paragraph (L) shall apply until September 30, 1994, or any later date authorized by federal law. The permit application must include: (1) A description of the proposed lands eligible for remining and a demonstration, to the satisfaction of the Chief, how such lands meet the eligibility requirements specified by Revised Code Section 1513.37; (2) Identification, to the extent not otherwise addressed in the permit application, of any potential environmental and safety problems related to the prior mining activity at the site which could be reasonably expected to occur. This identification shall be based on a due diligence investigation which shall include visual observations at the site, a record of past mining at the site, and environmental sampling tailored to current site conditions; and (3) A description, with regard to potential environmental and safety problems identified in paragraph (2), of the mitigative measures that will be taken to ensure that the applicable reclamation requirements of Revised Code Chapter 1513 and these rules can be met.

###### 5. OAC 1501:13-4-15.

(a) The title of this section is changed from "Authorization to conduct coal mining on previously mined areas" to "Authorization to conduct coal mining on pollution abatement areas".

(b) Definitions of "abatement plan", "base line pollution load", "best available technology economically achievable", "pollution abatement area", "pre-existing discharge", and "remining NPDES permit" are relocated to OAC 15011.3:-1-02, and remaining paragraphs are relettered accordingly.

6. OAC 1501:13-5-01 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.

(a) New paragraph (D)(7) has been added to provide that subsequent to the effective date of this rule, the prohibitions of paragraph (D)(3) of this section regarding the issuance of a new permit, shall not apply to any violation that occurs after that date; is unabated; and results from an unanticipated event or condition that arises from a surface coal mining and reclamation operation on lands that are eligible for remining under a permit issued pursuant to OAC 1501:13-4-12(L) and held by the person making application for the new permit.

(b) New paragraph (D)(7)(D) provides that for permits issued under OAC 1501:13-4-12(L), an event or condition shall be presumed to be unanticipated for the purposes of this paragraph if it: arose after permit issuance; was related to prior mining; and was not identified in the permit.

7. OAC 1501:13-9-15 Revegetation.

(a) Paragraph (F)(2) is revised, and subparagraph (F)(2)(A) is added, to provide that the required period of extended responsibility on lands eligible for remining shall be not less than two full years for permits issued pursuant to the requirements of OAC 1501:13-4-12 and renewals thereof.

(b) New paragraph (O) with subparagraphs (1) through (6) are added to include revegetation standards for areas eligible for remining in each land use category and to establish cover standards for hay crops on cropland areas.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Ohio program.

#### Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at

locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

#### Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., [E.D.T.] on September 10, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

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 speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

#### Public Meeting

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

### 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 2 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 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: August 14, 1996.

Tim L. Dieringer,

Acting Regional Director, Appalachian Regional Coordinating Center.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AD-FRL-5558-3]

RIN 2060-AC19

**National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks; Proposed Rule Clarifications**

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

**ACTION:** Proposed rule: Amendments.

**SUMMARY:** On April 22, 1994 and June 6, 1994, the EPA issued the National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks. This rule is commonly known as the Hazardous Organic NESHAP or the HON. In June 1994, petitions for review of the April 1994 rule were filed in the U.S. Court of Appeals for the District of Columbia Circuit. The petitioners raised over 75 technical issues and concerns with drafting clarity of the rule. Today's action proposes correcting amendments to the rule to address the petitioners' issues.

Today's action proposes new definitions that apply to wastewater and wastewater treatment and revised control and compliance provisions for wastewater. A new compliance date of April 22, 1999, is being proposed for process wastewater, heat exchange systems, in-process equipment subject to the provisions of § 63.149, and maintenance wastewater. The proposed changes to these provisions are sufficiently far reaching and complex to render those provisions effectively a new rule. The EPA is also proposing a separate compliance date for wastewater streams affected by the omission of nitrobenzene from the list of compounds subject to the wastewater provisions. The proposed revisions to the other provisions to the rule are corrections and clarifications to ensure the rule is implemented as intended. Today's amendments would also provide some additional compliance options that would reduce the burden associated with the recordkeeping and reporting requirements of the rule.

The proposed amendments to the rule will not change the basic control requirements of the rule or the level of health protection it provides. The rule requires new and existing major sources to control emissions of hazardous air pollutants to the level reflecting application of the maximum achievable control technology.

**DATES:** *Comments.* Comments must be received on or before September 25, 1996 unless a hearing is requested by September 5, 1996. If a hearing is requested, written comments must be received by October 10, 1996.

**Public Hearing.** Anyone requesting a public hearing must contact the EPA no later than September 5, 1996. If a hearing is held, it will take place on September 10, 1996, beginning at 10:00 a.m.

**ADDRESSES:** *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-90-19 (see docket section below), Room M-1500, U.S. Environmental Protection Agency,

401 M Street, SW, Washington, D.C. 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

**Public Hearing.** If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. JoLynn Collins, Waste and Chemical Processes Group, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5671.

**Docket.** Dockets No. A-90-19 through A-90-23, containing the supporting information for the original NESHAP and this action, are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M-1500, first floor, 401 M Street SW, Washington, DC 20460, or by calling (202) 260-7548 or 260-7549. A reasonable fee may be charged for copying. Comments on the proposed changes to the NESHAP may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov.

**FOR FURTHER INFORMATION CONTACT:** For general questions, contact Dr. Janet S. Meyer, Coatings and Consumer Products Group, at (919) 541-5254 or Mary Tom Kissell, Waste and Chemical Processes Group, at (919) 541-4516. For technical questions on wastewater provisions, contact Elaine Manning, Waste and Chemical Processes Group, telephone number (919) 541-5499. The mailing address for the contacts is Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:**

I. Regulated Entities and Background Information

A. *Regulated Entities*

The regulated category and entities affected by this action include:

Category	Examples of regulated entities
Industry .....	Synthetic organic chemical manufacturing industry (SOCMI) units, e.g., producers of benzene, toluene, or any other chemical listed in Table 1 of 40 CFR part 63, subpart F. Styrene-butadiene rubber producers. Polybutadiene rubber producers. Producers of Captafol®; Captan®; Chlorothalonil; Dacthal; and Tordon™ acid. Producers of Hypalon®; Oxybisphenoxarsine/1,3-diisocyanate (OBPA®); Polycarbonates; Polysulfide rubber; Chlorinated paraffins; and Symmetrical tetrachloropyridine. Pharmaceutical producers.