

processed as a separate amendment subject to public review at a later date.

The Federal regulations at 30 CFR Part 935, codifying decisions concerning the Ohio 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 12988

The Department of the Interior has conducted the reviews 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 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.

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 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 7, 1997.

Allen D. Klein,

Regional Director, Appalachian 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 935—OHIO

1. The authority citation for part 935 continues to read as follows:

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

2. Section 935.15 is amended by adding paragraph (eeee) to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(eeee) The following rules, as submitted to OSM on August 26, 1996, and revised on October 4, 1996, and January 23, 1997, are approved effective February 28, 1997:

OAC 1501:13-1-02 (000) and (JJJJJ)	Definitions.
OAC 1501:13-4-08 (A)(15)	Hydrologic map and cross sections.
OAC 1501:13-4-10 (A)(6)	Uniform color code and map symbols.
OAC 1501:13-4-12 (L)	Requirements for permits for special categories of mining.
OAC 1501:13-4-15 (deletion of (B))	Authorization to conduct coal mining on pollution abatement areas.
OAC 1501:13-5-01 (D)(7), (D)(7)(D), (E)(19) and (E)(19) (A), (B) and (C).	Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.
OAC 1501:13-9-15 (F)(2), (F)(2)(A), (F)(3), (F)(3)(a), (F)(4)(d), (G)(3)(a), (H)(2), (I)(6), (J)(1)(b), (L), (L)(2), (M)(4), (O), and (O) (1) through (6).	Revegetation.

[FR Doc. 97-5038 Filed 2-27-97; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-5693-8]

Clean Air Act (Act) Approval and Promulgation of State Implementation Plans; Prevention of Significant Deterioration (PSD); Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Correction.

SUMMARY: This document contains a correction to the direct final rule concerning the State of Louisiana PSD increments for PM-10 (particulate matter 10 micrometers or less in diameter) published Tuesday, October 15, 1996 (61 FR 53639). In the October 15, 1996, Federal Register document, Section I.8.a of Regulation Louisiana Administrative Code 33:III. Chapter 5, Section 509, effective February 20, 1995, was erroneously cited as Section E.8.a.

EFFECTIVE DATE: February 28, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Samuel R. Mitz at (214) 665-8370.

SUPPLEMENTARY INFORMATION: On page 53642, the third column, under § 52.970(c)(69)(i)(A), paragraph (A) is corrected to read:

(A) Revisions to Regulation Louisiana Administrative Code 33:III.Chapter 5, Section 509, effective February 20, 1995: Section B. Definitions: Baseline Date; Section B. Definitions: Net Emissions Increase; Section D. Ambient Air Increments; Section I.8.a.; Section K.2; and Section P.4.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (P.L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Authority: 42 U.S.C. 7401-7671q.

Dated: February 11, 1997.

Jerry Clifford,

Acting Regional Administrator.

[FR Doc. 97-4964 Filed 2-27-97; 8:45 am]

BILLING CODE 6560-50-P

ACTION: Direct final rule.

SUMMARY: EPA is approving two requests from the State of Maine: approval of the Maine 1990 base year inventory into the Maine State Implementation Plan (SIP), referred to as the SIP revision; and a redesignation request by the State of Maine for the Hancock and Waldo counties marginal nonattainment area, referred to as the redesignation request. These actions are being taken in accordance with the Clean Air Act (CAA or the Act). The first request will establish the 1990 base year ozone emission inventories of volatile organic compounds (VOC) and oxides of nitrogen (NOx) emissions for the classified ozone nonattainment areas in Maine. The second request will redesignate the Hancock and Waldo counties marginal ozone nonattainment area from nonattainment to attainment. The second request also contains a 1993 attainment emissions inventory that will satisfy Hancock and Waldo counties requirement for a 1993 periodic inventory. A detailed rationale for the two approvals is set forth in **SUPPLEMENTARY INFORMATION.**

DATES: This action is effective on April 29, 1997, unless adverse or critical comments are received by March 31, 1997. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: For the base year inventory, Robert McConnell, (617) 565-9266, and for the Hancock and Waldo counties redesignation request Richard P. Burkhardt, (617)-565-3578.

SUPPLEMENTARY INFORMATION:

I. Summary of SIP Revision

Summary

The EPA today is approving SIP revisions submitted by the State of Maine, under sections 110 and 182 of the Act. These revisions consist of the establishment of the 1990 base year ozone emission inventories for the ozone nonattainment areas in Maine. These SIP revisions have been found by EPA to meet the EPA's approval criteria for emission inventories.

Supplementary Information on SIP Revision

Maine submitted 1990 base year emission inventories for the ozone nonattainment areas in the State in final form on July 25, 1995. This portion of this document is divided into three parts:

- I. Background Information
- II. Summary of SIP Revision
- III. Final Action

I. Background

Emission Inventory

Under the CAA as amended in 1990, States have the responsibility to inventory emissions contributing to nonattainment of a National Ambient Air Quality Standard (NAAQS), to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas towards attainment. The CAA requires ozone nonattainment areas designated as moderate, serious, severe, and extreme to submit a plan within three years of 1990 to reduce VOC emissions by 15 percent within six years after 1990. The baseline level of emissions, from which the 15 percent reduction is calculated, is determined by adjusting the base year inventory to exclude biogenic emissions and to exclude certain emission reductions not creditable towards the 15 percent. The 1990 base year emissions inventory is the primary inventory from which the periodic inventory, the Reasonable Further Progress (RFP) projection inventory, and the modeling inventory are derived. Further information on these inventories and their purpose can be found in the "Emission Inventory Requirements for Ozone State Implementation Plans," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, March 1991. A copy of this guidance is available from EPA at the regional office listed in the address section of this document. The base year inventory may also serve as part of

40 CFR Parts 52 and 81

[ME47-1-6996a; A-1-FRL-5693-5]

Approval and Promulgation of Air Quality Implementation Plans; Maine, and Redesignation of Hancock and Waldo Counties; Maine

AGENCY: Environmental Protection Agency (USEPA or Agency).