

rendered under the small operator assistance program.

### 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 Indiana 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 Indianapolis Field Office 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.s.t., on March 5, 1997. 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. 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**.

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.

#### 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 posed 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 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 720(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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 6, 1997.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 97-3898 Filed 2-14-97; 8:45 am]

BILLING CODE 4310-05-M

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IN 68-1-7308b; FRL-5678-4]

#### Approval and Promulgation of Implementation Plan; Indiana

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the State implementation plan (SIP) revision submitted by the State of Indiana for the purpose of incorporating minor changes to existing regulations and accommodating recent revisions to the SIP by adding and updating regulations. The EPA made a finding of completeness in a letter dated November 25, 1994. This revision affects definitions in the General Provisions of the Indiana SIP (326 IAC 1-1, 1-2, 1-6), and the Permit Review Rules (326 IAC 2-1). In the final rules section of this **Federal Register**, the EPA is approving these actions as a direct final rule without prior proposal because EPA views these as noncontroversial actions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives

adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

**DATES:** Comments must be received in writing on or before March 20, 1997.

**ADDRESSES:** Comments can be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch, United States Environmental Protection Agency, 77 West Jackson Boulevard (AR-18J), Chicago, Illinois 60604.

Copies of the State's submittal and EPA's analysis of it are available for inspection at: Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Alvin Choi, Environmental Engineer, Permits and Grants Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3507.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: December 12, 1996.

**Valdas V. Adamkus,**  
*Regional Administrator.*

[FR Doc. 97-3863 Filed 2-14-97; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[TN-178-1-9707b; FRL-5683-1]

#### Approval and Promulgation of Implementation Plans; Hamilton County, Tennessee

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Tennessee on behalf of the Chattanooga-Hamilton County Air Pollution Control Bureau (CHCAPCB) for the purpose of establishing a Federally enforceable state operating permit (FESOP) program. In order to extend the Federal enforceability of CHCAPCB's FESOP to hazardous air pollutants (HAP), EPA is also proposing approval of the

CHCAPCB's FESOP regulations pursuant to section 112 of the Clean Air Act as amended in 1990 (CAA).

In the Final Rules Section of this **Federal Register**, EPA is approving CHCAPCB's SIP revision as a direct final rule without prior proposal because the Agency views this as noncontroversial revision amendments and anticipates no adverse comments. A detailed rationale for the approvals is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this approval action. Any parties interested in commenting on this action should do so at this time.

**DATES:** To be considered, comments must be received by March 20, 1997.

**ADDRESSES:** Written comments should be addressed to: Kelly Fortin, Air & Radiation Technology Branch, Air, Pesticides & Toxics Management Division, Region 4, Environmental Protection Agency, Atlanta Federal Center, 100 Alabama Street SW., Atlanta, Georgia 30303.

Copies of the material submitted by the State of Tennessee on behalf of the CHCAPCB may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 4, Air & Radiation Technology Branch, Atlanta Federal Center, 100 Alabama Street SW., Atlanta, Georgia 30303.

Tennessee Department of the Environment and Conservation, L&C Annex, 401 Church Street, Nashville, Tennessee, 37243-1531.

Chattanooga-Hamilton County Air Pollution Control Bureau, 3511 Rossville Boulevard, Chattanooga, Tennessee 37407-2495.

**FOR FURTHER INFORMATION CONTACT:** Kelly Fortin, Air & Radiation Technology Branch, Air, Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, Atlanta Federal Center, 100 Alabama Street SW., Atlanta, Georgia 30303, 404-562-9117. Reference file TN178-1.

**SUPPLEMENTARY INFORMATION:** For additional information, refer to the direct final rule which is published in the rules section of this **Federal Register**.

Dated: January 23, 1997.

**A. Stanley Meiburg,**

*Acting Regional Administrator.*

[FR Doc. 97-3866 Filed 2-14-97; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Parts 52 and 81

[OH78-2; FRL-5689-N]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio

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

**ACTION:** Proposed rule.

**SUMMARY:** The Ohio Environmental Protection Agency (OEPA) has requested the redesignation of the Ohio portion of the Cincinnati-Hamilton area consisting of Hamilton, Clermont, Butler, and Warren Counties from moderate nonattainment to attainment for ozone. The request was received on November 15, 1994. USEPA proposed to approve the redesignation request on May 5, 1995. However, during July of 1995 an ozone monitor in the area recorded another exceedance of the ozone standard resulting in a violation of the standard. As a result of the violation the area is no longer attaining the ozone air quality standard and USEPA is proposing to disapprove the redesignation request for the area because it has not met all of the requirements for redesignation specified under section 107(d)(3)(E), of the Clean Air Act.

The Cincinnati-Hamilton moderate nonattainment area also includes the Kentucky counties of Boone, Campbell, and Kenton. On September 27, 1996, USEPA disapproved the redesignation request for the Kentucky portion of the Cincinnati-Hamilton moderate ozone nonattainment area.

**DATES:** Comments on this redesignation and on the proposed USEPA action must be received by March 20, 1997.

**ADDRESSES:** Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and other information are available for inspection during normal business