

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: October 10, 1996.

Allen D. Klein,

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 96-26776 Filed 10-17-96; 8:45 am]

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#### **30 CFR Part 935**

[OH-239-FOR, #73]

#### **Ohio Regulatory Program**

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

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** OSM is reopening the public comment period on a proposed amendment to the Ohio permanent 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 remaining 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.] November 4, 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 amendments at its own initiative. The proposed amendments were announced in the August 26, 1996, Federal Register (61 FR 43696). However, certain amendments concerning the permit application requirements and revegetation time frames were inadvertently omitted from that notice. Also, Ohio submitted corrections to its proposed amendments by letter dated October 4, 1996, (Administrative Record No. OH-2168-07). Therefore, OSM is reopening the public comment period only on the following proposed amendments:

### 1. OAC 1501:13-4-12 Requirements for Permits for Special Categories of Mining

New paragraph (L) is corrected by changing the date until which its requirements apply to September 30, 2004. The date was previously incorrectly identified as September 30, 1994.

### 2. OAC 1501:13-5-01 Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions

New paragraph (E)(19) and subparagraphs (A), (B), and (C), are added to require that, for operations which will include remining areas under Rule 1501:13-4-12(L) of the Administrative Code, the application includes (A) Lands eligible for remining; (B) an identification of the potential environmental and safety problems related to prior mining activity which could reasonably be anticipated to occur at the site; and (C) mitigation plans to sufficiently address these potential environmental and safety problems so that reclamation as required by the applicable requirements of Chapter 1513 of the Revised Code can be accomplished. Additionally, a semicolon and the word "and" are added at the end of paragraph (E)(18).

### 3. OAC 1501:13-9-15 Revegetation

(a) Paragraphs and subparagraphs (F)(3), (F)(3)(a), (G)(3)(a), (I)(6), (J)(1)(b), and (L)(2) are amended by deleting the words "five year" before the word "period" in each. These changes reflect the revised period of extended responsibility included in the proposed addition of new subparagraph (F)(2)(a).

(b) Subparagraph (F)(4)(d) is amended by deleting the words "five years after the initial planting" and substituting the words "at the end of the period of extended responsibility".

(c) Subparagraph (H)(2) is amended by deleting the words "five year" before the word "period" and adding the words "and hay crops also meet, at a minimum, the ground cover standards of paragraph (G)(3)(B) during the last year of the period of extended responsibility."

(d) Paragraph (L) is amended by deleting the words "undeveloped land"; subparagraph (L)(2) is amended by deleting the words "five year" before the word "period"; and subparagraphs (L)(2) (a), (b) and (c) continue to include references to three year requirements. Ohio is withdrawing its proposal to change these requirements to two years.

(e) Paragraph (M) is amended by separating the first sentence into two items with the second item being labeled as (1) and re-numbering the subsequent items accordingly. No word changes were made to these items. Subparagraph (M)(4) is amended by deleting the words "five year" before the word "period".

(f) New paragraph (O) is amended by adding the following exception to the Phase III bond release requirements of referenced paragraph (L)(2) on remined areas to subparagraph (4)(B) "except that of the minimum countable trees per acre, eighty (80) percent have been in place for at least two (2) years, on each acre on which trees or shrubs are to be planted."

## 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. Specifically, OSM is seeking comments on the revision to the State's regulations that was submitted on July 23, 1996 (Administrative Record No. OH-2168-00), with the corrections and additions as noted above. Comments should address 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.

## IV. Procedural Determinations

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Dated: October 10, 1996.

Allen D. Klein,

*Regional Director, Appalachian Regional Coordinating Center.*

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 60**

[FRL-5637-5]

**Standards of Performance for New Stationary Sources: Starch Production Plants, Cold Cleaning Machine Operations, and Organic Solvent Cleaners**

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

**ACTION:** Withdrawal of proposed standards of performance, final action.

**SUMMARY:** New source performance standards (NSPS) required by section 111 of the Clean Air Act (Act) were proposed on September 8, 1994 (59 FR 46381) for new, modified, and reconstructed starch production plants, and on September 9, 1994 (59 FR 46602) for new, modified, and reconstructed cold cleaning machines. After a thorough review and analysis of the

comments received during the public comment period, the Administrator has concluded that the proposed NSPS for these two source categories are not needed. The proposed NSPS are, therefore, being withdrawn.

In the September 9, 1994 notice proposing the NSPS for cold cleaning machines, the EPA proposed to withdraw the NSPS for organic solvent cleaners proposed on June 11, 1980 (45 FR 39765). The NSPS for organic solvent cleaners are also being withdrawn with this document.

**DATE:** These proposed rules are withdrawn as of October 18, 1996.

**ADDRESSES:** *Docket.* Docket No. A-94-18, containing supporting information used in developing the proposed NSPS for starch production plants and a detailed discussion of the comments received during the public comment period; and Docket No. A-94-08, containing the same information pertaining to the proposed cold cleaning machine operations NSPS, are available for public inspection and copying at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (6102), 401 M Street, S.W., Washington, D.C. 20460. The docket is located at the above address in room M-1500, Waterside Mall (ground floor), and may be inspected from 8 a.m. to 4 p.m., Monday through Friday. The materials are available for review in the docket center or copies may be mailed on request from the Air and Radiation Docket and Information Center by calling (202) 260-7548 or 7549. The FAX number for the Center is (202) 260-4000. A reasonable fee may be charged for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** For information concerning specific aspects of this action, contact Mr. William Maxwell [(919) 541-5430], Combustion Group [starch production facilities] or Mr. Daniel Brown [(919) 541-5305], Coatings and Consumer Products Group [cold cleaning machines]. Both contacts are at the Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:**

Starch

*The Proposed Standards*

The proposed NSPS for starch production plants would have limited emissions of particulate matter from new, modified, and reconstructed facilities that produce dry starch (including modified starches) derived from corn, wheat, potatoes, tapioca, or

other vegetable sources, and facilities drying starch extracted from the wastewater at snack food production facilities (e.g., potato chips, french fries). Typically, starch production plants are components of larger facilities that prepare a variety of products. For example, a corn wet milling facility will normally produce a range of products that can include animal feed, corn gluten, corn germ, germ meal, corn oil, starch, and starch derivatives. Starch derivatives can include modified specialty starches, dextrins, dextrose, corn syrup, high fructose corn syrup, ethanol, and a variety of sweeteners. Similar ranges of products may be derived from wheat, potatoes, or tapioca.

The starch facilities that would have been affected by the proposed NSPS for starch production plants are new, modified, and reconstructed starch dryers; dextrin roasters; and starch transfer, storage, and loading facilities at which construction, reconstruction, or modification commenced after September 8, 1994. The proposed NSPS would not have applied to any existing starch production facility, unless such a facility was subsequently modified or reconstructed. At the time of proposal, 17 different companies owned and operated the 47 known existing starch production facilities: 20 produced starch from corn; 3 from wheat; 21 from potatoes; 1 from tapioca; and 2 from other vegetable sources. These existing facilities are concentrated in the midwestern United States, but are found in 19 States across the country.

The proposed NSPS would also not have applied to small dryers; small dextrin roasters; or certain starch transfer, storage, and loading facilities located at snack food processing facilities. Specifically, drum dryers and dryers located at snack food processing facilities having a manufacturer's listed dry starch capacity of 907 kilograms per hour (kg/hr) (2,000 pounds per hour [lb/hr]) or less would have been exempt, because of the low level of emissions from these dryers. Similarly, dextrin roasters and starch transfer, storage, and loading facilities at snack food processing facilities would have been exempt if the dry starch capacity of any of the individual facilities was 454 kg/hr (1,000 lb/hr) or less, because of the low level of emissions from these facilities.

A starch dryer is the equipment used to remove uncombined (free) water from starch slurry through direct or indirect heating. There are several types of dryers used at starch production plants, including single-pass (also known as one-pass) flash dryers, ring (also known