

actual and attributed production for all locations exceed 300,000 tons during the 12 month period immediately following permit issuance.

17. CSR 38-2C-4 Training of Blasters

WVDEP proposes to add a provision that would allow applicants for certification or recertification to complete a self-study course in lieu of the existing training program. Self-study materials would be provided by the WVDEP.

18 CSR 38-2C-10.1 Violations by a Certified Blaster

WVDEP proposes to remove language authorizing the Director to issue a cessation order and/or take other action as provided by the WVSCMRA § 22-3-16 and 17 when a certified blaster is in violation of WVSCMRA § 22-3-1. The Director retains his authority to issue a notice of violation.

19. CSR 38-2C-11 Penalties

WVDEP proposes to revise its rules to provide for a hearing before the Director to show cause why a blasters certification should not be suspended.

20. CSR 38-D-4.4(b) Reclamation Objectives and Priorities

WVDEP proposes to clarify its objectives and priorities for abandoned mine lands reclamation projects by indicating the provision applies to "past" coal mining practices which may or may not constitute an extreme danger.

21. CSR 38-2D-6.3(a) Acceptance of Gifts of Land

WVDEP proposes to remove the requirement that the director accept gifts of land in accordance with Department of Justice procedures for the acquisition of real property.

22. CSR 38-2D-8.7(a) Grant Application Procedures

WVDEP proposes to remove provisions which describe the procedures for submitting a grant application to OSM for the reclamation of abandoned mine lands.

23. WV § 22B-3-4(c) Environmental Quality Board Rulemaking Authority

WVDEP proposes to authorize the Environmental Quality Board to grant variances to in-stream water quality standards for coal remining operations. The standards established in the variance would exist for the term of the NPDES permit. Under the proposal, the Board will promulgate procedural rules on granting site-specific coal remining variances. At a minimum, the

procedures would include a description of the data and information required from an applicant for a variance, criteria employed by the board in its decision, and provisions for public comment and hearing. The proposed rule gives direction as to when a variance may be granted.

WVDEP gave notice to OSM that WVSCMRA § 22-3-8-6(B) was being revised to require that an operator provide the Director with proof of payment of workers compensation premiums on an annual basis, and that § 22-1-6(D)(7) was being revised to authorize the Director to employ in-house council to perform all legal services. The director finds that these revisions do not require an amendment to the West Virginia State Program pursuant to 30 CFR 732.17(c).

III. Public Comment Procedures

OSM is extending the comment period to provide the public an opportunity to comment on the proposed revisions in the State program. In accordance with 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the West Virginia 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 OSM Charleston Field Office will not necessarily be considered in the final rulemaking or included in 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 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (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.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 28, 1995.

Ronald C. Recker,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 95-16378 Filed 7-3-95; 8:45 am]

BILLING CODE 4310-05-M

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 52

[IN41-1-6343b; FRL-5221-7]

**Approval and Promulgation of
Implementation Plans; Indiana**
AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) proposes to approve Indiana's August 3, 1994, and February 6, 1995, submittal of requested revisions to the Indiana State Implementation (SIP) for ozone which applies Reasonably Available Control Technology to all major sources of volatile organic compounds in moderate and above ozone nonattainment areas, including those sources for which USEPA has not issued a control techniques guideline (CTG) (i.e., non-CTG sources). In the final rules section of this **Federal Register**, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval 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 USEPA 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. USEPA will not institute a second comment period on this action, unless warranted by significant revisions to this rulemaking based on any comments received in response to this action. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments on this proposed rule must be received on or before August 4, 1995.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA'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:

Rosanne Lindsay, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6036.

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

Dated: May 25, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95-16360 Filed 7-3-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Parts 63 and 430

[FRL-5253-8]

RIN 2060-AD03 and 2040-AB53
**Effluent Limitations Guidelines,
Pretreatment Standards, and New
Source Performance Standards: Pulp,
Paper, and Paperboard Category;
National Emission Standards for
Hazardous Air Pollutants for Source
Category: Pulp and Paper Production**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability.

SUMMARY: On December 17, 1993, EPA proposed standards to reduce the discharge of water pollutants and emissions of hazardous air pollutants from the pulp, paper, and paperboard industry (58 FR 66078). This action announces the availability of additional data and information that EPA will consider for the promulgation of effluent limitations guidelines and standards and air emission standards for this industry.

DATES: Comments are not solicited at this time. They will be solicited at a later date.

ADDRESSES: The data being announced today have been placed in the EPA Water Docket at EPA Headquarters at Waterside Mall, room L102, 401 M Street SW., Washington, DC 20460, telephone (202) 260-3027. The Docket staff requests that interested parties call for an appointment before visiting the Docket. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Nicoll, Engineering and Analysis Division (4303), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, telephone number (202)260-5386.

SUPPLEMENTARY INFORMATION:
Overview

On December 17, 1993 (58 FR 66078), EPA proposed standards to reduce the discharge of toxic, conventional, and nonconventional pollutants and emissions of hazardous air pollutants from the pulp, paper, and paperboard industry. On March 17, 1994 (59 FR 12567), EPA published a correction notice to the proposed rules and extended the comment period, which closed on April 17, 1994. In the preamble to the proposed rules, EPA solicited data on various issues and questions related to the proposed effluent standards. The Agency has received new information on some of these topics and has added new information to the Docket. Today's notice announces the availability of new information in the Water Docket for the Pulp, Paper, and Paperboard Point Source Category. Subsequent sections of today's notice summarize the information that has been added to the Water Docket.

The Water Docket also houses the public comments that EPA received on the proposed rulemaking. To assist reviewers in finding the public comments and the materials announced today, a Users Guide for the record is available in the Water Docket. The materials announced today appear in the record starting at Section 18.

EPA is still reviewing the data announced today and therefore does not publish any analyses in this notice. Accordingly, the Agency is not soliciting comment on this notice or the new data at this time. EPA will publish its analyses, including any new regulatory options, if appropriate, in a subsequent notice. At that time, EPA will establish a 30-day comment period to solicit comment on the new information and new analyses. The Agency's intention in making the additional data available in the Docket at this time is to provide the public as much time as possible to review the new information. After making more progress in reviewing the data, the Agency will then request comment on the data and the Agency's findings. EPA received (and welcomed) considerable data after the close of the comment period on April 18, 1994. All comments submitted after that date will be considered as though timely filed and are part of the administrative record. There is no need for commenters to resubmit data or comments already sent to EPA.

The Agency issued a previous notice of data availability on February 22, 1995 (60 FR 9813). In that notice, EPA