Finding No. 5, Rule 3.02.4(2)(d)(i), letters of credit that are acceptable as performance bonds;

Finding No. 6, Rules 4.02.2(2), 4.30.1(3), and 4.30.2(3), concerning information required to be on mine identification signs which are posted at the entrance to mine sites, and;

Finding No. 7, Rule 5.02.4 (1) and (2), maintenance of records of surface coal mining operations.

The Federal regulations at 30 CFR Part 906, codifying decisions concerning the Colorado 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

1. 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).

2. 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 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 the Federal regulations at 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.

3. 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)).

4. 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.*).

5. 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 that 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.

6. 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 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 29, 1997.

Richard J. Seibel,

Regional Director, Western 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 906—COLORADO

1. The authority citation for part 906 continues to read as follows:

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

2. Section 906.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 906.15 Approval of Colorado regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
February 25, 1997	May 30, 1997	2 CCR 407–2, Rules 1.01(9); 1.04 (4), (12), (21), (41), (149); 1.13; 2.05.3(3)(b)(i)(D), (3)(c)(ii); 2.06.2(4); 2.06.6(2)(a)(i); 2.08.5(2)(b)(ii); 3.02.4(2)(d)(i); 3.05.5(1); 4.02.2(2); 4.03.1(1)(e); 4.05.6(6)(a), (11)(h); 4.07.3(3) (f), (g); 4.30.1(3), .2(3); 5.02.4 (1), (2); 5.03.3(5)

[FR Doc. 97–14156 Filed 5–29–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–117–FOR]

Pennsylvania Regulatory Program

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

ACTION: Final rule; approval of amendments.

SUMMARY: OSM is approving a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment (Administrative Record Number PA 843.00) revises the Pennsylvania program to incorporate

changes made to Chapter 86 (relating to areas unsuitable for mining) by the Pennsylvania Environmental Quality Board. The proposed amendment is intended to clarify ambiguous language contained in Subchapter D concerning the designation of areas as unsuitable for mining, and to correct typographical errors.

EFFECTIVE DATE: May 30, 1997.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, Suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program.
II. Submission of the Amendment.
III. Director's Findings
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Pennsylvania Program

On July 31, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. Background information on the Pennsylvania program including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982, **Federal Register** (47 FR 33050). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Submission of the Amendment

By letter dated December 19, 1996 (Administrative Record Number PA 843.00), Pennsylvania submitted amendments to the regulations in the Pennsylvania program concerning designating areas unsuitable for coal surface mining. The amendments are intended to clarify ambiguous language contained in Subchapter D concerning the designation of areas as unsuitable for mining, and to correct typographical errors.

The proposed amendment was published in the January 30, 1997, **Federal Register** (62 FR 4504), and in the same notice, OSM opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on March 3, 1997.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Pennsylvania program.

At § 86.101, in the definition of ''fragile lands'' two citations of the State Surface Mining Conservation and Reclamation Act are being amended. The Director finds that this change corrects the previous and erroneous citation, and does not render the Pennsylvania program less effective than the Federal regulations.

At § 86.101, in the definition of ''surface mining activities,'' the term that is being defined, ''surface mining activities'' is being changed to read ''surface mining operations. This change has been made to improve consistency and clarity of the subchapter by using a single term, ''operations,'' throughout. No change has been made to the definition. The Director finds that the change will improve the clarity and consistency of the subchapter, and does not render the Pennsylvania program less effective than the Federal regulations.

In various places, the terms ''surface mining activities'' and ''surface mining activity'' are being amended to read ''surface mining operation'' and ''surface mining operation.'' respectively. The Director finds that these changes are consistent with the change made to the definition of ''Surface Mining Operations'' at § 86.101 as discussed above, and to not render the Pennsylvania program less effective than the Federal regulations.

In various places the word ''surface'' is being added to clarify that the term ''surface mining operations'' is intended. And, at various places the work ''activities'' is being replaced by the phrase ''surface mining operations.'' The Director finds that these changes improve the clarity of the regulations, are consistent with the same change of the term ''Surface Mining Operations'' at § 86.101. These changes do not render the Pennsylvania Program less effective.

At § 86.121(a) the citation for the State Surface Mining Conservation and Reclamation Act is being amended. The Director finds that the change does not render the Pennsylvania program less effective than the Federal regulations.

At § 86.127(b) the list of sources of information concerning petition areas to more accurately reflect current agency titles and likely sources of information. This list is not intended to be an all inclusive list of possible sources of information, but a representative list of likely sources of information. The Director finds that the revisions to this list are reasonable, and do not render the Pennsylvania program less effective than the Federal regulations.

At § 86.130 (a) and (b), the words ''all or certain types of'' are being added to clarify that § 86.130 pertains to areas designated as unsuitable for all or certain types of surface mining operations. The Director finds that these changes are consistent with the Federal use of the phrase ''all or certain types of'' at 30 CFR 764 concerning the State processes for designating areas unsuitable for surface coal mining operations.

Various typographical, grammatical, style, and organizational name changes are being made throughout the amendment. The Director finds that these changes are nonsubstantive and do not render the Pennsylvania regulations less effective than the Federal regulations.

IV. Summary and Disposition of Comments

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(I), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Pennsylvania program. The U.S. Department of Labor, Mine Safety and Health Administration (MSHA), District 1 responded that the amendments will not conflict with existing MSHA regulations. MSHA, District 2 responded and had no comments.

Public and State Agency Comments

The following comments were received in response to the public comment period that closed on March 3, 1997. The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation responded and stated that the regulations, as they are now written, will protect in an appropriate manner the historic and archaeological resources of the Commonwealth of Pennsylvania.

No other comments were received.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that these amendments do not pertain to air and

water quality standards, and that EPA's concurrence is not required.

On January 8, 1997, OSM solicited EPA's comments on the proposed amendment (Administrative Record No. PA–843.01). The EPA did not provide any comments.

V. Director's Decision

Based on the above findings, the Director is approving the proposed amendment as submitted by Pennsylvania on December 19, 1996.

The Federal regulations at 30 CFR Part 938, codifying decisions concerning the Pennsylvania 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 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 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 Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 2, 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 938—PENNSYLVANIA

1. The authority citation for Part 938 continues to read as follows:

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

§ 938.15 [Amended]

2. Section 938.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 938.15 Approval of Pennsylvania Regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
December 19, 1996 ...	May 30, 1997	25 PA Code, Chapter 86, Subchapter D: 86.101; 86.102; 86.103; 86.121; 86.122; 86.123; 86.124; 86.125; 86.126; 86.127; 86.128; 86.129; 86.130.

[FR Doc. 97–14159 Filed 5–29–97; 8:45 am]
BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–73–1–7316a, FRL–5830–7]

Approval and Promulgation of Air Quality Plans, Texas; Alternate Reasonably Available Control Technology Demonstration for Bell Helicopter Textron, Incorporated; Bell Plant 1 Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a site specific revision to the Texas State Implementation Plan (SIP) for Bell Helicopter Textron, Incorporated (Bell) of Fort Worth. This revision was submitted by the Governor on April 18, 1996, to establish an alternate reasonably available control technology (ARACT) demonstration to control volatile organic compounds (VOC) for the surface coating processes at the Bell Plant 1 facility. The EPA has determined that the control strategy, solvent and coating emission limits, submitted by Bell and the Texas Natural Resource Conservation Commission (TNRCC), demonstrate Reasonably Available Control Technology (RACT) for the Bell Plant 1 facility. This ARACT demonstration is approvable because Bell has demonstrated that it is not cost effective to control their VOC emissions to the presumptive norm set forth in the EPA's Control Technique Guidelines (CTG) document (EPA 450/2–78–015), and the alternate emission rate at the facility is the lowest that is economically reasonable and technically feasible.

DATES: This action is effective on July 29, 1997, unless notice is received by June 30, 1997 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State's request and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

Anyone wishing to review this petition at the EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7219.

SUPPLEMENTARY INFORMATION:

I. Background

Part D of the Clean Air Act (the Act) requires ozone nonattainment plans to include regulations providing for VOC emission reductions from existing sources through the adoption of RACT. The EPA defined RACT in a September 17, 1979, **Federal Register** notice (44 FR 53762)as:

> The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Through the publication of CTG documents, EPA has identified pollution control levels that EPA presumes to constitute RACT for various categories of sources. Where the State finds the presumptive norm applicable to an individual source or group of sources, the State typically adopts requirements consistent with the presumptive norm. However, States may develop case-by-case RACT determinations. The EPA will approve these RACT determinations as long as the State demonstrates they will satisfy the Act's RACT requirements based on adequate documentation of the technical and economical circumstances of the particular source being regulated. Texas adopted the CTG, entitled *Miscellaneous Metal Parts and Products*, as the presumptive norm for VOC limits on aerospace surface coating processes.

These VOC limits were adopted as part of 30 TAC § 115.421, *Emission Specifications*. The presumptive norm for the exterior of aircraft in Dallas and Tarrant Counties is 6.7 pounds per gallon of solids delivered to the application system.

The EPA developed a guidance document entitled *Guidance for Developing an Alternate Reasonably Available Control Technology (RACT) Demonstration for the Tulsa Aerospace Industry*, dated October 2, 1989. This document applies to the aerospace industry and was applicable to Bell's ARACT analysis as well. This document was issued for States and industries to follow in developing documents to justify deviation from the recommended CTG approach. The EPA has reviewed the Bell ARACT proposal based on this guidance.

Bell manufactures helicopters and helicopter parts for private, commercial, and military use at its Fort Worth, Texas facility, also known as Bell Plant 1. As part of its manufacturing operations, Bell coats helicopters, rotors, and helicopter parts with extreme performance coatings.

Bell was issued a Notice of Violation (NOV) by the TNRCC Region 4 Office on September 25, 1992, for exceeding 6.7 pounds of VOC per gallon of solids limit on an individual line basis. Bell submitted an ARACT application on December 22, 1993, as allowed under 30 TAC Chapter 115, section 115.423(a)(4) to resolve the NOV. An Agreed Order was signed on November 18, 1994, which requires Bell to obtain this ARACT. On April 18, 1996, the State of Texas submitted to the EPA its request for an ARACT approval for surface coating operations at the Bell Plant 1 facility. This site-specific SIP revision was submitted to meet RACT for Bell's surface coating operations. The EPA believes that Bell and the State of Texas have provided adequate documentation that the emission limits developed under this site-specific SIP revision are RACT based on consideration of economical reasonableness and technical feasibility. Since case-by-case RACT determinations are allowable under EPA's definition of RACT, Bell and the State opted for this ARACT approach to fulfill compliance requirements.

II. Alternate RACT Analysis

Bell investigated the options available for reducing emissions from its surface coating operations. Among those were coating reformulation, enhanced application techniques that would improve transfer efficiency, facility redesign, and add-on control equipment to reduce VOC emissions.

Bell has evaluated control options for the ARACT sources. Bell has already put VOC emissions control devices on two booths which are the most reasonable sources to be controlled. Bell installed a carbon incineration system (KPR), which achieves an overall VOC destruction efficiency of 90 percent, to control the VOC emissions from the Blade Paint Shop (see Provision 17). The emissions from the Blade Paint Shop, if released uncontrolled to the