standards? What are the benefits and costs of participation by non-FDA experts in the review and evaluation of Codex standards? Are there any drawbacks to such participation by non-FDA experts in agency review of Codex standards?

3. Assessing Impact on Small Business

The Regulatory Flexibility Act (Pub. L. 105–121 (5 U.S.C. 601–612)) requires agencies to analyze the impact of regulations on small entities. How can FDA take into account the special concerns of small businesses in FDA's consideration of Codex standards? What is the likely impact on small entities of a program of formal review and acceptance of Codex standards? What issues, if any, would have a disproportionately large impact on small entities or would place small entities at a disadvantage relative to large entities? Are there particular features to a system for review and acceptance of Codex standards that would minimize the impact on small entities?

C. Maintenance of Public File of FDA Determinations Regarding Codex Standards

The agency anticipates that if a process for reviewing Codex standards is adopted, FDA determinations in response to standards adopted by Codex will be published in the **Federal Register** either by notice or by rulemaking. The agency currently plans to maintain a public docket pertinent to each such **Federal Register** publication. In addition, FDA believes that it may be appropriate to provide copies of all final FDA determinations regarding Codex standards to the Office of the U.S Codex (FSIS/USDA) for maintenance in a public file. FDA believes that the Office of the U.S. Codex is positioned to maintain this information, along with Codex-related documents from other U.S. Federal agencies, as a comprehensive record readily accessible by the public. The agency specifically requests comments on this approach. In addition, FDA requests comments on alternative approaches.

V. References

The following references have been placed on public display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Procedural Manual, Codex Alimentarius Commission, Ninth Ed., Food and Agriculture Organization/World Health Organization, Rome 1995.

2. Agreement on the Application of Sanitary and Phytosanitary Measures, in *The Results of the Uruguay Round of Multilateral Trade Negotiations--The Legal Texts*, p. 69, World Trade Organization, Geneva 1995.

3. Agreement on Technical Barriers to Trade, in *The Results of the Uruguay Round of Multilateral Trade Negotiations--The Legal Texts*, p. 138, World Trade Organization, Geneva 1995.

4. FAO/WHO Conference on Food Standards, Chemicals in Food and Food Trade (in cooperation with GATT), vol. 1, Report of Conference, ALICOM 91–22, FAO/WHO/GATT, Rome 1991.

5. Proposed Medium Term Plan for the Codex Alimentarius Commission 1993–1998, ALINORM 93/38, Codex Alimentarius Commission Twentieth Session, Geneva 1993.

Dated: June 10, 1997.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 97–17515 Filed 7–3–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH–242–FOR]

Ohio Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Ohio regulatory program (hereinafter the ''Ohio program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of changes to provisions of the Ohio rules pertaining to attorney fees. The amendment is intended to revise the Ohio program to be consistent with the corresponding Federal regulations and was submitted in response to a required amendment at 30 CFR 935.16.

DATES: Written comments must be received by 4:00 p.m., [E.D.T.], August 6, 1997. If requested, a public hearing on the proposed amendment will be held on August 1, 1997. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on July 22, 1997.

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 43224, 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** (42 FR 34688). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Description of the Proposed Amendment

By letter dated June 24, 1997, (Administrative Record No. OH–2173–00) Ohio submitted a proposed amendment to its program pursuant to SMCRA and in response to a required amendment at 30 CFR 935.16. The provision of the Ohio Revised Code (ORC) that Ohio proposes to amend is: ORC 1531:13—Appeal of Violation. Specifically, Ohio is proposing that a permittee may file a request for an award to the permittee of the costs and expenses, including attorney's fees, reasonably incurred by the permittee in connection with an appeal. Ohio may assess those costs and expenses against a party who initiated, or participated in, the appeal if the permittee demonstrates that the party initiated or participated in the appeal in bad faith and for the purpose of harassing or embarrassing the permittee. The Division of Mines and Reclamation may file with the Commission a request for an award of the attorney's fees.

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 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.

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.D.T.] on July 22, 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.

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: June 27, 1997.

Tim L. Dieringer,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 97–17588 Filed 7–3–97; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 105–0041b; FRL–5844–1]

Approval and Promulgation of Implementation Plan for Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP). The revisions concern rules submitted by the State of California on behalf of the Yolo-Solano Air Quality Management District (the District) for the purpose of meeting requirements of the Clean Air Act, as amended in 1990 (CAA or the Act) with regard to new source review (NSR).

The intended effect of proposing approval of these rules is to control air pollution in accordance with the requirements of the Act. In the final rules section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are