

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 States. In making the determination as to whether this rule would have a significant economic impact, the Department relied on 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 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 17, 1996.

Charles E. Sandberg,

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

[FR Doc. 96-18783 Filed 7-23-96; 8:45 am]

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### **30 CFR Part 946**

#### **[VA-106-FOR]**

#### **Virginia Regulatory Program**

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

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

**SUMMARY:** OSM is reopening the comment period on a portion of a proposed amendment to the Virginia regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment for which the comment period is being reopened concerns the proposed use of a 28-degree angle of draw with the rebuttable presumption of causation by subsidence provision. The amendment is intended to revise the State program to be consistent with the federal regulations as amended on March 31, 1995.

**DATES:** Written comments must be received by 4:00 p.m., August 8, 1996.

**ADDRESSES:** When comments should be mailed or hand delivered to Mr. Robert

A. Penn, Director, Big Stone Gap Field Office at the first address listed below.

Copies of the Virginia 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 requestor may receive one free copy of the proposed amendment by contacting OSM's Big Stone Gap Field Office.

Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303

Virginia Division of Mined Land Reclamation, P. O. Drawer 900, Big Stone Gap, Virginia 24219, Telephone: (703) 523-8100.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Telephone: (703) 523-4303.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background on the Virginia Program**

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background information on the Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981, Federal Register (46 FR 61085-61115). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 946.12, 946.13, 946.15, and 946.16.

##### **II. Discussion of the Proposed Amendment**

By letter dated May 21, 1996 (Administrative Record No. VA-882), Virginia submitted amendments to the Virginia program concerning subsidence damage. The amendments are intended to make the Virginia program consistent with the Federal regulations as amended on March 31, 1995 (60 FR 16722). Virginia stated that the proposed amendments implement the standards of the Federal Energy Policy Act of 1992, and sections 45.1-243 and 45.1-258 of the Code of Virginia.

The proposed amendments were announced in the June 11, 1996, Federal Register (61 FR 29506). In that notice, however, OSM did not specifically point out that, at § 480-03-19.817.121(c)(4), Virginia proposed to normally use a 28-degree angle of draw presumption for the rebuttable

presumption of causation by subsidence provision. The counterpart Federal provision at 30 CFR 817.121(c)(4) provides that a 30-degree angle of draw will normally apply.

30 CFR 817.121(c)(4) also authorizes the use of a different angle of draw (other than 30 degrees) if the regulatory authority shows in writing that the proposed angle has a more reasonable basis than the 30-degree angle of draw, based on geotechnical analysis of the factors affecting potential surface impacts of underground coal mining operations in the State.

#### **III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment identified above satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the 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 Big Stone Gap 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 12988*

The Department of the Interior has conducted the reviews required by section 3 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 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 946

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 17, 1996.

Tim L. Dieringer,

Acting Regional Director, Appalachian Regional Coordinating Center.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TN-173-9637b; FRL-5538-1]

#### Approval and Promulgation of Implementation Plans—Tennessee: Approval of Source Specific Nitrogen Oxide Permits Into the Tennessee State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** The EPA proposes to approve two source specific permits into the Tennessee State Implementation Plan (SIP) submitted to EPA by Tennessee, through the Tennessee Department of Air Pollution Control (TDAPC) which limit nitrogen oxide (NO<sub>x</sub>) emissions for certain engines at the Tenneco Energy Portland facility located in Sumner County, Tennessee. These permits are necessary because NO<sub>x</sub> reductions from the Tenneco Energy Portland facility were used in calculating the NO<sub>x</sub> emissions projections in the maintenance plan for the Middle Tennessee ozone nonattainment area. EPA is proposing approval of the ozone redesignation request in a separate action. In the final rules section of this Federal Register, the EPA is approving these permits as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment 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 this proposed 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. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by August 23, 1996.

**ADDRESSES:** Written comments on this action should be addressed to William Denman at the Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents

should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN173-01-9637. The Region 4 office may have additional background documents not available at the other 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 Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365; William Denman, 404/347-3555 extension 4208  
Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L&C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531; 615/532-0554.

**FOR FURTHER INFORMATION CONTACT:** William Denman, 404/347-3555 extension 4208.

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

Dated: July 2, 1996.

A. Stanley Meiburg,

Acting Regional Administrator.

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### 40 CFR Part 180

[PP 4E4417/P671; FRL-5382-8]

RIN 2070-AC18

#### N-Acyl Sarcosines and Sodium N-Acyl Sarcosinates; Proposed Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** This document proposes that residues of *N*-acyl sarcosines [*N*-oleoyl sarcosine, *N*-stearoyl sarcosine, *N*-lauroyl sarcosine, *N*-myristoyl sarcosine, *N*-cocoyl sarcosine mixture] and sodium *N*-acyl sarcosinates [*N*-methyl-*N*-(1-oxo-9-octadecenyl) glycine, *N*-methyl-*N*-(1-oxooctadecyl) glycine, *N*-methyl-*N*-(1-oxododecyl) glycine, *N*-methyl-*N*-(1-oxotetradecyl) glycine, and *N*-cocoyl sarcosine sodium salt mixture] be exempted from the requirement of a tolerance when used at levels not to exceed 10% as inert ingredients (surfactants) in pesticide formulations applied to growing crops, crops after harvest, and on animals. This proposed regulation was requested by Hampshire