(e) Owners or operators of new facilities in State waters must submit the number of copies of the response plan requested by MMS to the appropriate MMS office 60 days before commencing operations.

## §254.15 Approval of plans.

(a) The Regional Supervisor shall approve a plan that meets the following criteria:

(1) The plan contains the information required in  $\S$  254.5 or  $\S$  254.14, as appropriate.

(2) The plan identifies a worst case scenario that accurately reflects:

(i) The risks associated with the oil or other hazardous material being produced, stored, or transported;

(ii) Any adverse environmental conditions that can be expected in the area where the oil or hazardous material is being produced, stored, or transported and any area where the oil or hazardous material could migrate following a spill; and

(iii) Any environmentally sensitive or economically important areas that could be damaged by the spill.

(3) The plan provides for equipment, personnel, procedures, training, and drills that will result in the ability to respond in a timely manner to the identified worst case spill and remove the spill to the maximum extent practicable as well as mitigate or prevent a substantial threat of such a discharge.

(4) The plan is consistent with the National Contingency Plan and all relevant Area Contingency Plans.

(5) The plan demonstrates that the responsible party has granted an identified person full authority to implement removal actions.

(b) If the Regional Supervisor determines at any time that a response plan submitted to MMS or a State is inadequate, the Regional Supervisor will specify deficiencies in the plan, and the responsible party must take action to modify the plan.

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#### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 935

## Ohio Permanent Regulatory Program; Evaluation of Revegetation Success

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

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

SUMMARY: OSM is reopening the public comment period for revised amendments to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio has submitted additional proposed changes to its guidelines for evaluating revegetation success. These guidelines describe the sampling methods and standards which Ohio proposes to use to evaluate revegetation success prior to bond release on areas with different postmining land uses. The amendments are intended to make the Ohio program as effective as the corresponding Federal regulations.

This document sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4:00 p.m. on February 13, 1995. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on February 7. 1995. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on January 30, 1995. ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Robert H. Mooney, Acting Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, 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, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Field Office.

- Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232, Telephone: (614) 866–0578
- Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H–3, Columbus, Ohio 43224, Telephone: (614) 265–6675

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. FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Mooney, Acting Director, Columbus Field Office, (614) 866–0578. SUPPLEMENTARY INFORMATION:

#### I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1992, **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

# II. Discussion of the Proposed Amendments

On October 21, 1993 (Administrative Record No. OH-1944), the Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted a final combined version of two previous program amendments, Program Amendments Number 25R and 56R (PA 25R and PA 56R). In this combined submission, Ohio proposed to revise parts of the Ohio Administrative Code (OAC) pertaining to land use and revegetation success standards. Ohio also submitted "Guidelines for Evaluating Revegetation Success" establishing the sampling procedures for measuring vegetative ground cover, forage yield, and tree shrub stocking.

On May 2, 1994 (59 FR 22517), the Acting Assistant Director of OSM announced his decision approving combined PA 25R and 56R with certain exceptions. In that decision, the Assistant Director required Ohio to submit a proposed amendment to modify its "Guidelines for Evaluating Revegetation Success" to require the species diversity, erosion control, and other applicable requirements of OAC 1501:13-9-15(B) and (C) be evaluated at the time of final bond release. The Assistant Director also required that Ohio revise the formula for determining the sample size for evaluating tree and shrub success.

By letter dated July 19, 1994 (Ohio Administrative Record OH–2032), Ohio resubmitted revised "Guidelines for Evaluating Revegetation Success" which were intended to address the Assistant Director's requirements in his May 2, 1994, decision on PA 25R and 56R. OSM announced its receipt of proposed PA 25R and 56R in the **Federal Register** (59 FR 38577) on July 29, 1994. The public comment period ended on August 29, 1994. The public hearing scheduled for August 23, 1994, was not