

the 3-year time period for processing the initial permit applications. Because the interim approval automatically expires 2 years after promulgation of a final interim approval, the State may submit its interim corrections at any time. However, the State may not submit its corrections any later than 18 months after promulgation of final interim approval. The USEPA will then have 6 months to promulgate a final action.

Following final interim approval, if the State failed to submit a complete corrective program for full approval by 6 months before expiration of the interim approval, USEPA would start an 18-month clock for the mandatory imposition of section 179(b) sanctions. Section 179(b) of the Act mandates the impositions of the following sanctions: (1) 2 to 1 emission offsets for new construction in nonattainment areas and (2) restriction on federal funding of highway projects.

If the State then failed to submit a corrective program that USEPA found complete before the expiration of that 18-month period, USEPA would be required to apply the emission offset sanction, which would remain in effect until USEPA determined that the State had submitted a complete corrective program. Moreover, if the Administrator found a lack of good faith on the part of the State, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that the State had come into compliance. In any case, if, 6 months after the application of the first sanction, the State still had not submitted a corrective program that USEPA found complete, the highway sanction would be required.

If, following final interim approval, USEPA were to disapprove the State's complete corrective program, USEPA would be required to apply the emission offset sanction on the date 18 months after the effective date of the disapproval, unless, prior to that date, the State had submitted a revised program and USEPA had determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator found a lack of good faith on the part of the State, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that the State had come into compliance. In all cases, if, 6 months after USEPA applied the first sanction, the State had not submitted a revised program that USEPA had determined corrected the deficiencies that prompted disapproval, the highway sanction would be required.

In addition, discretionary sanctions may be applied where warranted any time after the end of an interim approval period if a State has not timely submitted a complete corrective program or USEPA had disapproved a submitted corrective program. Moreover, if USEPA has not granted full approval to a State program by the expiration of an interim approval USEPA must promulgate, administer and enforce a Federal permits program for that State upon interim approval expiration.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final regulation on small entities. 5 U.S.C. sections 603 and 604. Alternatively, USEPA may certify that the regulation will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Operating permits program approvals under section 502 of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal operating permits program approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The Act forbids USEPA to base its actions concerning operating permits programs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct 1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, USEPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribunal governments in the aggregate, or to the

private sector, of \$100 million or more. In such cases, under Section 205, USEPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Also in such cases, Section 203 requires USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

USEPA has determined that the final approval action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: October 27, 1995.

Valdas V. Adamkus,

Regional Administrator.

40 CFR part 70 is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

2. Appendix A to part 70 is amended by adding the entry for Indiana in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

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Indiana

(a) The Indiana Department of Environmental Management: submitted on August 10, 1994; interim approval effective on November 14, 1995; interim approval expires November 14, 1997.

(b) (Reserved)

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[FR Doc. 95-28067 Filed 11-13-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Public Land Order 7170**

[OR-943-1430-01; GP5-126; OR-50874, OR-51194]

Withdrawal of Public Lands To Protect the Floras Lake and Lost Lake Addition to the New River Area of Critical Environmental Concern; Oregon**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order withdraws 182.38 acres of public lands from surface entry and mining until April 28, 2013, for the Bureau of Land Management to protect the Floras Lake and Lost Lake Addition to the New River Area of Critical Environmental Concern. The lands will be open to mineral leasing.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208-2965, 503-952-6155.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the Floras Lake and Lost Lake Addition to the existing New River Area of Critical Environment Concern:

Willamette Meridian

Floras Lake

T. 31 S., R. 15 W.,
Sec. 7, lot 1;
Sec. 8, lots 3, 4, 5, and 6.

To include any accretion of land, the area described contains approximately 111.48 acres in Curry County.

Lost Lake

T. 29 S., R. 15 W.,
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 36, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ beginning at the southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 36, T. 29 S., R. 15 W., and running thence north along the west line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said sec. 36, a distance of 300 feet; thence east parallel to the north line of said sec. 36, a distance of 250 feet; thence south parallel to the west line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said sec. 36, a distance of 300 feet; thence west along the south boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said

sec. 36, a distance of 250 feet to the point of beginning;

And Beginning at the southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 36, T. 29 S., R. 15 W., proceeding thence east 634 feet; thence north 420 feet to Berg Road; thence westerly along said road 52 feet, more or less to the southwest corner of property conveyed in Book 193, Page 489, Deed Records of Coos County, Oregon; thence north 242 feet, more or less, to the northwest corner of property conveyed in Book 193, Page 489, Deed Records of Coos County, Oregon; thence west 523 feet to the west line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said section; thence south 662 feet to the southwest corner of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the point of beginning, Saving and Excepting that part subject to the right of way of the said Berg Road.

The area described contains 70.90 acres in Coos County.

2. At 8:30 a.m. on November 14, 1995, the lands will be opened to application and offers under the mineral leasing laws and the Geothermal Steam Act.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal will expire April 28, 2013, unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: October 27, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-27988 Filed 11-13-95; 8:45 am]

BILLING CODE 4310-33-P**43 CFR Public Land Order 7171**

[CA-010-1430-01; CACA 36065]

Partial Revocation of Executive Order Dated February 25, 1919; California**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public Land Order.

SUMMARY: This order revokes an Executive order insofar as it affects 4.19 acres of public lands withdrawn for the Bureau of Land Management's Power Site Reserve No. 707. The lands are no longer needed for this purpose, and the revocation is necessary to facilitate completion of a land exchange under Section 206 of the Federal Land Policy and Management Act of 1976. The lands have been and will remain open to mineral leasing. The Federal Energy

Regulatory Commission has concurred with this action.

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office (CA-931.4), 2800 Cottage Way, Sacramento, CA 95825, 916-979-2858.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Executive Order dated February 25, 1919, which withdrew lands for Power Site Reserve No. 707, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 3 N., R. 13 E.,

Sec. 32, lots 23 to 26, inclusive (originally described in the Executive Order as lot 10 except for patented mineral entries).

The areas described aggregate 4.19 acres in Calaveras County.

2. The lands are temporarily segregated by a pending land exchange and will not be opened at this time.

3. The State of California has waived its right of selection in accordance with the provisions of Section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818 (1988), as amended.

Dated: October 27, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-27987 Filed 11-13-95; 8:45 am]

BILLING CODE 4310-40-P**43 CFR Public Land Order 7172**

[NM-932-1430-01; NMNM-42918]

Partial Revocation of Executive Order No. 5907; New Mexico**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order revokes Executive Order No. 5907 insofar as it affects 60.82 acres of public land withdrawn for Public Water Reserve No. 146. The land is no longer needed for this purpose. The land has been leased since 1976 to the New Mexico State Park and Recreation Commission for the Villanueva State Park. The revocation is needed to convert the lease to a patent to convey the land to the New Mexico State Park and Recreation Commission under the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 (1988).

EFFECTIVE DATE: November 14, 1995.

FOR FURTHER INFORMATION CONTACT: Jeanette Espinosa, BLM New Mexico