

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.*).

None of the revisions that New Mexico proposed to make in its amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. NM-717). It responded on November 29, 1994, that it had no objections to OSM's approval of the proposed regulations (administrative record No. NM-720).

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and the ACHP (administrative record No. NM-717). Neither the SHPO nor the ACHP responded to OSM's request.

V. Director's Decision

Based on the above finding, the Director approves New Mexico's proposed amendment as submitted on October 26, 1994, and as revised on December 20, 1994.

The Director approves, as discussed above, CSMC Rule 80-1-34-1, concerning scope; CSMC Rule 80-1-34-2, concerning definitions; CSMC Rule 80-1-34-3, concerning application requirements and procedures; CSMC Rule 80-1-34-4, concerning contents of application for exemption; CSMC Rule 80-1-34-5, concerning public availability of information; CSMC Rule 80-1-34-6, concerning requirements for exemption; CSMC Rule 80-1-34-7, concerning conditions of exemption and right of inspection and entry; CSMC Rule 80-1-34-8, concerning stockpiling of minerals; CSMC Rule 80-1-34-9, concerning revocation and enforcement; and CSMC Rule 80-1-34-10, concerning reporting requirements.

The Director approves the rules as proposed by New Mexico with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 931, codifying decisions concerning the New Mexico 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 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (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.

List of Subjects in 30 CFR 931

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 7, 1995.

Russell F. Price,

Acting Assistant Director, Western Support 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 931—NEW MEXICO

1. The authority citation for Part 931 continues to read as follows:

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

2. Section 931.15 is amended by adding paragraph(s) to read as follows:

§ 931.15 Approval of amendments to State regulatory program.

* * * * *

(s) The following New Mexico Coal Surface Mining Commission (CSMC) rules, as submitted to OSM on October 26, 1994, and as revised on December 20, 1994, are approved effective February 15, 1995.

CSMC Rule 80-1-34-1, scope.

CSMC Rule 80-1-34-2, definitions.

CSMC Rule 80-1-34-3, application requirements and procedures.

CSMC Rule 80-1-34-4, contents of application for exemption.

CSMC Rule 80-1-34-5, public availability of information.

CSMC Rule 80-1-34-6, requirements for exemption.

CSMC Rule 80-1-34-7, conditions of exemption and right of inspection and entry.

CSMC Rule 80-1-34-8, stockpiling of minerals.

CSMC Rule 80-1-34-9, revocation and enforcement.

CSMC Rule 80-1-34-10, reporting requirements.

[FR Doc. 95-3744 Filed 2-14-95; 8:45 am]

BILLING CODE 4310-05-M