

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]

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**DEPARTMENT OF EDUCATION****34 CFR Part 99****Family Educational Rights and Privacy**

AGENCY: Department of Education.

ACTION: Final regulations; correction.

**SUMMARY:** On January 17, 1995 (60 FR 3464), the Secretary of Education published in the **Federal Register** final regulations implementing the Family Educational Rights and Privacy Act. This document corrects an error that was made in the effective date.

**FOR FURTHER INFORMATION CONTACT:**

Ellen Campbell, Family Policy Compliance Office, Office of Management, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202-4605. Telephone (202) 260-3887. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The final regulations published on January 17 stated that the effective date was 45 days from the date of publication in the **Federal Register** subject to certain conditions. This document corrects the effective date to read "These regulations take effect on February 16, 1995."

Dated: February 8, 1995.

**Rodney McCowan,**

*Assistant Secretary, Office of Management.*  
[FR Doc. 95-3699 Filed 2-14-95; 8:45 am]

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**ENVIRONMENTAL PROTECTION****AGENCY****40 CFR Part 52**

[OR11-2-6854; FRL-5145-3]

**Approval and Promulgation of State Implementation Plans: Oregon**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** Environmental Protection Agency (EPA) is taking final action to approve a revision to the state implementation plan (SIP) submitted by the State of Oregon for the purpose of bringing about the attainment of the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10). The implementation plan was submitted

by the State to satisfy certain Federal requirements for an approvable moderate nonattainment area PM-10 SIP for La Grande, Oregon.

**EFFECTIVE DATE:** This action will be effective on March 17, 1995.

**ADDRESSES:** Copies of the State's request and information supporting today's action are available for public inspection during normal business hours at the following locations: EPA, 1200 Sixth Avenue, Seattle, WA 98101, and the State of Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, OR 97204-1390.

**FOR FURTHER INFORMATION CONTACT:**

Montel Livingston, Air and Radiation Branch (AT-082), EPA, 1200 Sixth Avenue, Seattle, WA 98101 (206) 553-0180.

**SUPPLEMENTARY INFORMATION:****I. Background**

The Union County, La Grande, Oregon, Urban Growth Boundary (UGB), was designated nonattainment for PM-10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act (CAA), upon enactment of the Clean Air Act Amendments (CAAA) of 1990<sup>1</sup> (see 56 FR 56694 (November 6, 1991) and 40 CFR § 81.338). The air quality planning requirements for moderate PM-10 nonattainment areas are set out in subparts 1 and 4 of Title I of the Act.<sup>2</sup> EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under Title I of the Act, including those State submittals containing moderate PM-10 nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)).

The State of Oregon was required to submit for the La Grande PM-10 nonattainment area, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a

minimum, of reasonably available control technology (RACT)) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994, or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every three years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM-10 also apply to major stationary sources of PM-10 precursors except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the NAAQS in the area. (see sections 172(c), 188, and 189 of the Act).

Additional provisions are due at a later date. States with initial moderate PM-10 nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM-10 by June 30, 1992 (see section 189(a)). Such States also were required to submit contingency measures by November 15, 1993, which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM-10 NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543-13544).

To address the CAAA of 1990, Oregon submitted a PM-10 nonattainment area SIP for La Grande, Oregon, on November 15, 1991. EPA reviewed the November 15, 1991, SIP revision according to its interpretation of subpart 1 and 4 of Part D of Title I of the Act. EPA concluded from its review that the SIP met the applicable requirements of the Act and EPA, therefore, indicated that it was approving the plan to be effective on August 30, 1994, unless adverse or critical comments were received by August 1, 1994, (see 59 FR 33914, July 1, 1994).

On July 1, 1994, EPA also published an accompanying proposed rule (see 59 FR 33941) explaining that if adverse comments were received on the prospective final rule approval of the La Grande PM-10 SIP, then the final rule would be withdrawn and all comments would be responded to in relation to the proposal. The notice also indicated that anyone wishing to comment should do so by August 1, 1994.

<sup>1</sup> The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. No. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. sections 7401, et seq.

<sup>2</sup> Subpart 1 contains provisions applicable to nonattainment areas generally and subpart 4 contains provisions specifically applicable to PM-10 nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in today's notice and supporting information.