

impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 22, 1995.

Stephen L. Johnson,
Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.446, by removing paragraph (a) and designating it as "reserved" and by amending paragraph (b) by revising the table therein, to read as follows:

§ 180.446 Clofentezine; tolerances for residues.

- (a) [Reserved]
- (b) * * *

Commodity	Parts per million
Almonds, hulls	5.0
Almonds, nutmeat	0.5
Apples	0.01
Apricots	1.0
Cherries	1.0
Nectarines	1.0
Peaches	1.0
Pears	0.5
Walnuts	0.02

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[FR Doc. 95-5651 Filed 3-7-95; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 281

[FRL-5168-1]

Utah; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on State of Utah application for final approval.

SUMMARY: The State of Utah has applied for final approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the Utah application and has reached a final determination that Utah's underground storage tank (UST) program satisfies all of the requirements necessary to qualify for final approval. Thus, EPA is granting final approval to the State to operate its program in lieu of the Federal program.

EFFECTIVE DATE: Final approval for Utah shall be effective at 1:00 pm Eastern Time on April 7, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie Zawacki, Underground Storage Tank Program Section, U.S. EPA, Region 8, 8HWM-WM, 999 18th Street, Denver, Colorado 80202, phone: (303) 293-1665.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) enables EPA to approve state underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. Program approval is granted by EPA if the Agency finds that the State program: (1) is "no less stringent" than the Federal program in all seven elements, and includes notification requirements of section 9004(a)(8), 42 U.S.C. 6991c(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991c(a)).

On September 20, 1993, Utah submitted an application for "complete" program approval which includes regulation of both petroleum and hazardous substance tanks. The State of Utah established authority through the Utah Solid and Hazardous Waste Act to implement an underground storage tank program in February 1986, and further

developed its authority in the UST Act in February 1989. The State adopted the federal rules and developed some additional rules in February 1989.

On October 27, 1994, EPA published a tentative decision announcing its intent to grant Utah final approval. Further background on the tentative decision to grant approval appears at 59 FR 53955, October 27, 1994. Along with the tentative determination, EPA announced the availability of the application for public comment and provided notice that a public hearing would be provided if significant public interest was shown. EPA received no comments on the application and no request for a public hearing, therefore, a hearing was not held.

B. Decision

I conclude that Utah's application for final approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Utah is granted final approval to operate its underground storage tank program in lieu of the Federal program. Utah now has the responsibility for managing underground storage tank facilities within its borders and carrying out all aspects of the UST program except with regard to "Indian Country," as defined in 18 U.S.C. 1151, where EPA will retain and otherwise exercise regulatory authority. Utah also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 9005 of RCRA 42 U.S.C. 6991d and to take enforcement actions under section 9006 of RCRA 42 U.S.C. 6991e.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. The approval effectively suspends the applicability of certain Federal regulations in favor of Utah's program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This notice is issued under the authority of sections 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6974(b), and 6991(c).

Dated: March 1, 1995.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 95-5657 Filed 3-7-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Part 2720**

RIN 1004-AB86

[WO-690-02-4120-24 1A; Circular No. 2658]

Conveyance of Federally-Owned Mineral Interests

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends 43 CFR part 2720 in order to streamline and clarify the procedures for conveying Federally-owned mineral interests to the owner of the surface estate overlying the mineral interests. Section 209 of the Federal Land Policy and Management Act (FLPMA) allows such conveyances when there are no known mineral values present, or when the reservation of the mineral rights is interfering with or precluding appropriate nonmineral development of the land that would be more beneficial than mineral development. The rule is necessary because the wording of the existing regulation has caused considerable confusion on the part of both the public and public land managers, and has been interpreted to require expensive mineral surveys in many cases where such surveys were unnecessary. The final rule will simplify the conveyance of Federally-owned mineral interests.

EFFECTIVE DATE: April 7, 1995.

ADDRESSES: Suggestions or inquiries should be sent to: Director (690), Bureau of Land Management, 1849 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Clyde Topping, (202) 452-0380.

SUPPLEMENTARY INFORMATION: Five sections of subpart 2720 are amended in this final rule. The amendments in two

of these sections are substantive and are designed to meet the objectives stated above in the Summary, and are explained below in the discussion of the comments received on the rule. The remaining three sections—sections 2720.0-6, 2720.1-3, and 2720.3—contain minor clarifications and corrections in language that were explained in the preamble to the proposed rule published in the **Federal Register** on September 28, 1993 (58 FR 50536). The rule allowed 60 days for public comment. During this public comment period, 1 public comment was received.

The comment basically supported the rule. It also asked for a reaffirmation of BLM's policy regarding exchanges involving surface and mineral rights, which allows both parties to an exchange to reserve mineral rights or to convey other mineral rights in order to keep the exchange balanced. This final rule has no effect on this BLM policy.

The statute that is implemented in these regulations allows conveyance of the mineral rights when the Secretary of the Interior finds that there are no known mineral values or that the mineral reservation is interfering with or precluding appropriate nonmineral development that is more beneficial than mineral development. It requires payment of administrative costs and the current fair market value of the minerals conveyed. It does not require the retention of non-valuable minerals in Federal ownership where there is a beneficial use of the surface with which mineral development would interfere. If the Secretary finds that mineral development in a particular case may be more beneficial than the surface use planned by the non-Federal owner, the conveyance would not be allowed.

The definition of "known mineral value" has been amended in the final rule to make it clear that mineral values will be determined in light of the current market, and to refer to lands containing mineral formations rather than to lands with underlying formations.

Minor changes in style have been made in the regulatory text to improve clarity and readability.

The principal author of this final rule is Clyde Topping of the Biotic and Landscape Resource Team, assisted by the Regulatory Management Team, BLM.

It is hereby determined that this final rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C.

4332(2)(C)) is required. The BLM has determined that this final rule is categorically excluded from further environmental review. Under the Council on Environmental Quality regulations (40 CFR 1508.4) and environmental policies and procedures of the Department of the Interior, "categorical exclusions" means a category of actions that do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required. The BLM has made this determination under 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10, which includes "regulations * * * the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case," because the environmental effects of the transactions covered by this rule (a great variety of possible proposed uses of non-Federal surface) are entirely speculative and conjectural, and the transactions covered by the regulations will be subject to the NEPA process on a case-by-case basis as they are proposed. The BLM further determined that the rule will not trigger any of the 10 exceptions disallowing categorical exclusions listed in 516 DM 2, Appendix 2. These 10 exceptions apply to individual actions, not broad regulations covering a multitude of possible individual actions.

This rule was not subject to review by the Office of Management and Budget under Executive Order 12866.

The Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the final rule will not have a significant economic impact on a substantial number of small entities. The rule, by clarifying provisions that have been misinterpreted in the past, obviates unneeded and expensive mineral exploration programs to prove the market value of reserved mineral rights that are not valuable in the market sense. The rule imposes no costs, and makes the regulatory process less cumbersome.

The Department certifies that this final rule does not represent a governmental action capable of interference with constitutionally protected property rights. The rule does not require the taking of any property rights. Therefore, as required by Executive Order 12630, the Department