

under the APA because the IRA does not preclude judicial review and the agency action is not committed to agency discretion by law within the meaning of the APA.

While the Eighth Circuit decision precludes the Secretary from taking into trust the land at issue in that particular case, new trust acquisitions will be made on a case-by-case basis. The procedure announced in today's rule, however, will apply to all pending and future trust acquisitions.

The Department certifies that this procedural rule meets the standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

The Department has determined that this rule:

- Does not have significant federalism effects.
- Will not have significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).
- Does not have significant takings implications under E.O. 12630.
- Does not have significant effects on the economy, nor will it result in increases in costs or prices for consumers, individual industries, Federal, State, or local governments, agencies, or geographical regions.
- Does not have any adverse effects on competition, employment, investment, productivity, innovation, or the export/import market.
- Is categorically excluded from the National Environmental Policy Act of 1969 because it is of an administrative, technical, and procedural nature. Therefore, neither an environmental assessment nor an environmental impact statement is warranted.

This rule is not a significant rule under E.O. 12866 and does not require approval by the Office of Management and Budget.

This rule is not a major rule as defined in 5 U.S.C. 804. The annual number of tribal requests to place lands in trust is small. There will be costs incurred by a party seeking judicial review. The author of this rule is: Mary Jane Sheppard, Office of the Solicitor, U.S. Department of the Interior.

Because this is a procedural rule under Section 553(b)(3)(A) of the Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, it is exempt from requirements for notice and comment rulemaking.

List of Subjects in 25 CFR Part 151

Indians—lands.

For reasons set out in the preamble, Part 151 of Title 25, Chapter I of the

Code of Federal Regulations is amended as set forth below.

## **PART 151—LAND ACQUISITIONS (NONGAMING)**

1. The authority for part 151 continues to read as follows:

Authority: R.S. 161: 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1967, as amended, 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 626; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended, 82 Stat. 884; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1716; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 2, 9, 409a, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d–10, 1466, 1495, and other authorizing acts.

2. Section 151.12, Action on requests, is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) to read as follows:

### **§ 151.12 Title examination.**

\* \* \* \* \*

(b) Following completion of the Title Examination provided in § 151.13 of this part and the exhaustion of any administrative remedies, the Secretary shall publish in the Federal Register, or in a newspaper of general circulation serving the affected area a notice of his/her decision to take land into trust under this part. The notice will state that a final agency determination to take land in trust has been made and that the Secretary shall acquire title in the name of the United States no sooner than 30 days after the notice is published.

Dated: April 17, 1996.

Ada E. Deer,

*Assistant Secretary, Indian Affairs.*

[FR Doc. 96–9922 Filed 4–29–96; 8:45 am]

BILLING CODE 4310–02–M

## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

#### **32 CFR Parts 375 and 379**

#### **Organizational Charter; Removal of Parts**

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This document removes Department of Defense's organizational charters on the Assistant to the Secretary of Defense (Public Affairs) and the Assistant to the Secretary of Defense (Atomic Energy) (ATSD(AE)) codified in the CFR. The parts have served the

purpose for which they were intended in the CFR and are no longer necessary.

**EFFECTIVE DATE:** April 24, 1996.

**FOR FURTHER INFORMATION CONTACT:** L. Bynum or P. Toppings, 703–697–4111.

**SUPPLEMENTARY INFORMATION:** DoD Directive 5122.5 (32 CFR part 375) has been revised. A change was issued to DoD Directive 5134.8 (32 CFR part 379), changing the organizational name from "Assistant to the Secretary of Defense for Atomic Energy (ATSD(AE))" to "Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs (ATSD(NSB))". Copies of the basic Directives and changes thereto may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

List of Subjects in 32 CFR Parts 375 and 379

Organization and functions.

#### **PARTS 375 AND 379—[REMOVED]**

Accordingly, by the authority of 10 U.S.C. 301, 32 CFR parts 375 and 379 are removed.

Dated: April 19, 1996.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 96–9994 Filed 4–23–96; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 70**

[AD–FRL–5460–9]

#### **Clean Air Act Final Interim Approval of the Federal Operating Permits Program; San Joaquin Valley Unified Air Pollution Control District**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final Interim Approval.

**SUMMARY:** The EPA is promulgating interim approval of the Operating Permits Program submitted by the California Air Resources Board on behalf of the San Joaquin Valley Unified Air Pollution Control District for the purpose of complying with Federal requirements which mandate that States develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

**EFFECTIVE DATE:** May 24, 1996.

**ADDRESSES:** Copies of the District's submittal and other supporting