

Under Section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 20, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607 (b)(2)).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule 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.

SIP Actions

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-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 CAA, preparation of a regulatory flexibility analysis would constitute

Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs 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. section 7410(a)(2) and 7410(k)(3).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this State Implementation Plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 246 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: September 29, 1995.

Patrick M. Tobin,
Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart L—Georgia

2. Section 52.570 is amended by adding paragraph (c)(48) to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

(48) Clean Fuel Fleet program submitted to EPA by the Georgia Department of Natural Resources on May 5, 1994.

(i) Incorporation by reference.

(A) Addition of Regulations 391-3-21-.01, "Definitions," 391-3-21-.02, "Covered Area," 391-3-21-.03, "Covered Fleet Operators," 391-3-21-.04, "Covered Fleet Vehicles," 391-3-21-.05, "Determination of Capable of Being Centrally Fueled," 391-3-21.06, "Purchase Requirements," 391-3-21.07, "Emission Standards," 391-3-21.08, "Credit Program," 391-3-21.09, "Transportation Control Exemptions," 391-3-21.10, "Requirements for Fuel Providers," 391-3-21-.11, "Enforcement" which became effective on May 22, 1994.

(ii) Other material. None.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7177

[AK-932-1430-01; A-061697, AA-45553]

Withdrawal of Public Land for the Glacier Loop Administrative Site; Revocation of Secretarial Order dated December 31, 1941; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 22.51 acres of public land from all forms of appropriation under the public land laws, including location and entry under the mining laws, for a period of 20 years for the Department of Agriculture, Forest Service, to protect the Glacier Loop Administrative Site. The land has been and will remain closed to mineral leasing as it is located within an incorporated city (30 U.S.C. 181 (1988)). This order also revokes in its entirety a Secretarial order as it affects 27.06 acres of public land withdrawn for use by the Federal Aviation Administration as Air Navigation Site No. 173. The land is no longer needed for the purpose for which it was withdrawn. The public land that will not be withdrawn for use by the Forest Service will be subject to the terms and conditions of Public Land Order No. 5180, as amended, and any other withdrawal of record.