

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 Part D 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. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, 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.

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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 31, 1995.

Felicia Marcus,
Regional Administrator.

Part 52, chapter I, title 40 of the 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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(188)(i)(A)(4),

(193)(i)(C)(1), (194)(i)(F)(2), (207)(i)(C)(2), (210)(i)(C)(1) to read as follows:

§ 52.220 Identification of plan.

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(c) * * *

(188) * * *

(i) * * *

(A) * * *

(4) Rule 329, adopted on February 25, 1992.

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(193) * * *

(i) * * *

(C) Butte County Air Pollution Control District.

(1) Rule 241, adopted on January 12, 1993.

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(194) * * *

(i) * * *

(F) * * *

(2) Rule 425, adopted on August 25, 1993.

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(207) * * *

(i) * * *

(C) * * *

(2) Rule 2.28, adopted on May 25, 1994.

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(210) * * *

(i) * * *

(C) Mojave Desert Air Quality Management District.

(1) Rule 1103, adopted on December 21, 1994.

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[FR Doc. 96-2141 Filed 2-2-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[WV035-6001; FRL-5416-6]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Interim Final Determination That West Virginia Has Corrected the Deficiencies in the Plan for the Follansbee PM-10 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim Final Rule.

SUMMARY: In the Proposed Rules section of today's Federal Register, EPA has published a notice proposing to fully approve the State of West Virginia's submittal of revisions to its demonstration that its SIP is sufficient to attain national ambient air quality standards (NAAQS) for particulate matter with aerodynamic diameter less than or equal to 10 micrometers (PM-10) in the Follansbee, West Virginia

area. Based on the proposed full approval, EPA is making an interim final determination by this notice that the State has corrected the deficiencies for which a sanctions clock began on August 24, 1994. This action will defer the application of the offset sanction and defer the application of the highway sanction. Although this action is effective upon publication, EPA will take comment on this interim final determination as well as EPA's proposed approval of the State's submittal. If no comments are received on EPA's proposed approval of the State's submittal, EPA will take final approval action which will also finalize EPA's determination that the State has corrected the deficiency that started the sanctions clock. If comments are received on EPA's proposed approval and this interim final action, EPA will publish a final notice taking into consideration any comments received.

DATES: Effective February 5, 1996.

Comments on this interim final determination must be received by March 6, 1996.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania and the West Virginia Department of Environmental Protection, Office of Air Quality, 1558 Washington Street, East, Charleston, West Virginia.

FOR FURTHER INFORMATION CONTACT:

Thomas A. Casey, (215) 597-2746, at the EPA Region III address above (Mailcode 3AT22) or via e-mail at casey.thomas@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1991, West Virginia submitted an attainment SIP for the Follansbee nonattainment area. The submittal contained bilateral consent orders between the State of West Virginia and six companies requiring reductions in PM-10 emissions from six sources in the Follansbee area; an air quality modeling analysis intended to demonstrate that West Virginia's SIP, once revised to include the consent

orders, would be sufficient to attain the PM-10 NAAQS in the Follansbee area; and other supporting information. EPA took final limited approval and final limited disapproval action on West Virginia's 1991 submittal on July 25, 1994 (59 FR 37696). EPA's disapproval action started an 18-month clock for the application of one sanction (followed by a second sanction 6 months later) under section 179 of the Clean Air Act (Act) and a 24-month clock for promulgation of a Federal implementation plan under section 110(c)(1) of the Act. The State submitted revisions to its attainment demonstration and emissions inventory on November 22, 1995 that correct the deficiencies in the original submittal. In a separate notice in the Proposed Rules today's Federal Register, EPA proposed full approval of this submittal.

II. EPA Action

Based on the proposed full approval set forth in today's Federal Register, EPA believes that it is more likely than not that the State has corrected the original disapproval deficiencies that started the sanction clock. Therefore, EPA is taking this interim final action that finds that the State has corrected the disapproval deficiencies. This determination is effective on publication. This action does not stop the sanction clock that started under section 179 for this area on August 24, 1994. However, this action will defer the application of the offset sanction and will defer the application of the highway sanction. See 59 FR 39832 (Aug. 4, 1994) to be codified at 40 CFR 52.31. If EPA's proposal to fully approve the State's submittal becomes effective, such action will permanently stop the sanction clock and will permanently lift any applied, stayed or deferred sanctions.

Today, EPA is also providing the public with an opportunity to comment on this interim final action. If, based on any comments on this action and any comments on EPA's proposed full approval of the State's submittal, EPA determines that the State's submittal is not fully approvable and this final action was inappropriate, EPA will take further action to disapprove the State's submittal and to find that the State has not corrected the original disapproval deficiency. As appropriate, EPA will also issue an interim final determination or a final determination that the deficiency has not been corrected. In addition, the sanctions consequences described in the sanctions rule will also apply. See 59 FR 39832.

III. Administrative Requirements

Because EPA has preliminarily determined that the State has an approvable plan, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.¹ See 5 U.S.C. 553(b)(B). EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. EPA has reviewed the State's submittal and, through its proposed action, is indicating that it is more likely than not that the State has corrected the deficiency that started the sanctions clock. Therefore, it is not in the public interest to initially apply sanctions or to keep applied sanctions in place when the State has most likely done all that it can to correct the deficiency that triggered the sanctions clock. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiency prior to the rulemaking approving the State's submittal. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to temporarily stay or defer sanctions while EPA completes its rulemaking process on the approvability of the State's submittal. In addition, EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction. See 5 U.S.C. 553(d)(1).

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. See 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic 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.

This action, pertaining to the interim final determination for approval of corrections to the West Virginia's PM-10 attainment demonstration and emissions inventory for the Follansbee area, temporarily relieves sources of an

¹ As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.

additional burden potentially placed on them by the sanction provisions of the Act. Therefore, I certify that it does not have an impact on any small entities.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental regulations, Particulate matter.

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

Dated: January 25, 1996.

W. Michael McCabe,

Regional Administrator.

[FR Doc. 96-2251 Filed 2-2-96; 8:45 am]

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40 CFR Parts 52 and 70

[CA 147-2-7201; AD-FRL-5330-3]

Clean Air Act Final Interim Approval of the Operating Permits Program; Approval of State Implementation Plan Revision for the Issuance of Federally Enforceable State Operating Permits; Mojave Desert Air Quality Management District, California

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 Mojave Desert Air Quality Management District (AQMD), California (district) for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources. In addition, EPA is promulgating final approval of a revision to Mojave Desert's portion of the California State Implementation Plan (SIP) regarding synthetic minor regulations for the issuance of federally enforceable state operating permits (FESOP). In order to extend the federal enforceability of state operating permits to hazardous air pollutants (HAP), EPA is also finalizing approval of Mojave Desert's synthetic minor regulations pursuant to section 112(l) of the Clean Air Act (CAA or Act). Finally, today's action grants final approval to Mojave Desert's mechanism for receiving delegation of section 112 standards as promulgated.

EFFECTIVE DATE: March 6, 1996.

ADDRESSES: Copies of the district's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: Operating Permits Section, A-5-2, Air