

4. In § 3.272, paragraph (s) and its authority citation are added to read as follows:

§ 3.272 Exclusions from income.

* * * * *

(s) *Radiation Exposure Compensation Act*. Any payment made under Section 6 of the Radiation Exposure Compensation Act of 1990.

(Authority: 42 U.S.C. 2210 note)

5. In § 3.275, paragraph (h) and its authority citation are added to read as follows:

§ 3.275 Criteria for evaluating net worth.

* * * * *

(h) *Radiation Exposure Compensation Act*. There shall be excluded from the corpus of estate or net worth of a claimant any payment made under Section 6 of the Radiation Exposure Compensation Act of 1990.

(Authority: 42 U.S.C. 2210 note)

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS No. CA-102-3-6756b; FRL-5135-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination That State Has Corrected the Deficiency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's **Federal Register** EPA has published a notice of proposed rulemaking for full approval of revisions to the California State Implementation Plan. The revisions concern rules from the Placer County Air Pollution Control District (PCAPCD) and the San Diego County Air Pollution Control District (SDCAPCD): PCAPCD Rule 223, Metal Container Coating; PCAPCD Rule 410, Recordkeeping for Volatile Organic Compound Emissions; and SDCAPCD Rule 67.4, Metal Container, Metal Closure, and Metal Coil Coating Operations. The proposed rulemaking provides the public with an opportunity to comment on EPA's action approving PCAPCD Rules 223 and 410, and SDCAPCD Rule 67.4. Based on the proposed full approval, EPA is making an interim final determination by this action that the State has corrected the deficiencies for

which sanctions clocks began on June 16, 1993. This action will defer the application of the offset sanctions and defer the application of the highway sanctions. Although the interim final action is effective upon publication, EPA will take comment. If no comments are received on this action or EPA's proposed approval of the State's submittal, EPA will finalize its determination that the State has corrected the deficiencies that started the sanctions clocks by publishing a notice of final rulemaking in the **Federal Register**. 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 Date: January 10, 1995.

Comments: Comments must be received by February 9, 1995.

ADDRESSES: Comments should be sent to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

The State submittal and EPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address and at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123.

FOR FURTHER INFORMATION CONTACT: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744-1185.

SUPPLEMENTARY INFORMATION:

I. Background

On April 5, 1991, the State submitted PCAPCD Rule 223, Can Coating; PCAPCD Rule 410, Recordkeeping for Volatile Organic Compound Emissions; and SDCAPCD Rule 67.4, Metal Container, Metal Closure, and Metal Coil Coating Operations, for which EPA published limited disapprovals in the **Federal Register** on June 16, 1993. 58 FR 33196. EPA's disapproval actions started 18-month clocks for the application of one sanction (followed by a second sanction 6 months later) under section 179 of the Clean Air Act (Act) and 24-month clocks for promulgation

of Federal Implementation Plans (FIP) under section 110(c) of the Act. The State subsequently submitted revised rules on October 19, 1994, November 30, 1994, and December 21, 1994. In the Proposed Rules section of today's **Federal Register**, EPA has proposed full approval of the State of California's submittal of PCAPCD Rule 223, Metal Container Coating; PCAPCD Rule 410, Recordkeeping for Volatile Organic Compound Emissions; and SDCAPCD Rule 67.4, Metal Container, Metal Closure, and Metal Coil Coating Operations.

Based on the proposed 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. Therefore, EPA is taking this interim final rulemaking action, effective on publication, finding that the State has corrected the deficiencies. However, EPA is also providing the public with an opportunity to comment on this final action. If, based on any comments on the action deferring application of sanctions 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 interim final action was inappropriate, EPA will either propose or take final action finding that the State has not corrected the original disapproval deficiencies. As appropriate, EPA will also issue an interim final determination or a final determination that the deficiencies have not been corrected. Until EPA takes such an action, the application of sanctions will continue to be deferred and/or stayed.

This action does not stop the sanctions clocks that started for these areas on June 16, 1993. However, this action will defer the application of the offsets sanctions and will defer the application of the highway sanctions. See 59 FR 39832 (Aug. 4, 1994). If EPA publishes a notice of final rulemaking fully approving the State's submittal, such action will permanently stop the sanctions clocks and will permanently lift any applied, stayed or deferred sanctions. If EPA must withdraw the proposed full approval based on adverse comments and EPA subsequently determines that the State, in fact, did not correct the disapproval deficiencies, the sanctions consequences described in the sanctions rule will apply. See 59 FR 39832, to be codified at 40 CFR 52.31.

II. EPA Action

EPA is taking interim final action finding that the State has corrected the disapproval deficiencies that started the

sanctions clocks. Based on this action, application of the offset sanctions will be deferred and application of the highway sanctions will be deferred until EPA's final action fully approving the State's submittal becomes effective or until EPA takes action proposing or disapproving in whole or part the State submittal. If EPA's proposed rulemaking action fully approving the State submittal becomes final, at that time any sanctions clocks will be permanently stopped and any applied, stayed or deferred sanctions will be permanently lifted.

Because EPA has preliminarily determined that the State has corrected the deficiencies identified in EPA's limited disapproval actions, 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 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 deficiencies that started the sanctions clocks. Therefore, it is not in the public interest to initially impose sanctions or to keep applied sanctions in place when the State has most likely done all that it can to correct the deficiencies that triggered the sanctions clocks. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiencies 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. Moreover, with respect to the effective date of this action, 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).

III. Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 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.

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.

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, hydrocarbons, Intergovernmental regulations, Reporting and recordkeeping, Ozone, and Volatile organic compounds.

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

Dated: December 27, 1994.

Felicia Marcus,

Regional Administrator.

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40 CFR Part 52

[CT-11-1-5813; ME-11-1-6313; RI-10-1-6319; VT-6-1-6312; A-1-FRL-5120-8]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Maine, Rhode Island, and Vermont; Emission Statements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the respective State Implementation Plans (SIPs) for the following four States: Connecticut, Maine, Rhode Island, and Vermont. Revisions to the SIP were submitted by each of these four States to implement an emission statement program for stationary sources throughout the State. Connecticut submitted section 22a-174-4(c)(1), under the section entitled "Recordkeeping and Reporting", and amendments to the SIP narrative entitled "Revision to State Implementation Plan for Air Quality Emission Statements" on January 12, 1993. On January 3, 1994, Maine submitted Chapter 137, "Emission Statements" and amendments to Chapter 100, "Definitions." Rhode Island submitted amendments to Regulation Number 14 entitled "Record Keeping and Reporting" on January 12,

1993. On August 9, 1993, Vermont submitted a rule entitled "Registration of Air Contaminant Sources," sections 5-801 through 5-806, and a SIP Narrative, "State of Vermont Air Quality Implementation Plan, February 1993." These SIP revisions were submitted by the States to satisfy the Federal requirements for an emission statement program as part of the SIP.

EFFECTIVE DATE: This rule will become effective on February 9, 1995.

ADDRESSES: Copies of the States' submittals and other information are available for inspection during normal business hours, by appointment, at the following locations: Air, Pesticides and Toxics Management Division, US Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA 02203 and Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. In addition, Connecticut's submittal is available at the Bureau of Air Management, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106; Maine's submittal is available at the Bureau of Air Quality Control, Department of Environmental Protection, State House, Station 17, Augusta, ME 04333; Rhode Island's submittal is available at the Division of Air and Hazardous Materials, Department of Environmental Management, 291 Promenade Street, Providence, RI 02908-5767; and Vermont's submittal is available at the Air Pollution Control Division, Agency of Natural Resources, Department of Environmental Management, Building 3 South, 103 South Main Street, Waterbury, VT 05676.

FOR FURTHER INFORMATION CONTACT: Daria L. Dilaj at (617) 565-3249.

SUPPLEMENTARY INFORMATION:

Background

On September 21, 1994 (59 FR 48411), EPA published a notice of proposed rulemaking (NPR) for the States of Connecticut, Maine, Rhode Island, and Vermont. The NPR proposed approval of the emission statement regulations adopted by these states. No public comments were received on the NPR.

The following SIP revisions address sections 182(a)(3)(B) and 184(b)(2) of the Clean Air Act, which require that States develop and submit, as SIP revisions, rules which establish annual reporting requirements for precursors of ozone from stationary sources.

The State of Connecticut developed an emission statement program using the existing regulatory authority given