

Dated: April 14, 1995.

Tim L. Dieringer,

Acting Assistant Director, Eastern Support Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 914—INDIANA

1. The authority citation for Part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In §914.15, paragraph (iii) is added to read as follows:

§ 914.15 Approval of regulatory program amendments.

* * * * *

(iii) The following amendment to the Indiana program concerning underground mine subsidence as submitted to OSM on March 18, 1994, is approved, except as noted herein, effective April 20, 1995: 310 IAC 12-3-87.1(c)(2) concerning subsidence control plan, to the extent that IC 13-4.1-9-2.5 meets the requirements of SMCRA section 720 from June 30, 1994. The Director is deferring decision on the enforcement of the provisions of SMCRA section 720 during the period from the effective date of SMCRA section 720 (October 24, 1992) to the effective date of IC 13-4.1-9-2.5 (June 30, 1994); 310 IAC 12-3-87.1(c)(7) concerning subsidence control plan; 310 IAC 12-5-130.1(c)(2) concerning subsidence control plan, general requirements, to the extent that IC 13-4.1-9-2.5 meets the requirements of SMCRA section 720 from June 30, 1994. The Director is deferring decision on the enforcement of the provisions of SMCRA section 720 during the period from the effective date of SMCRA section 720 (October 24, 1992) to the effective date of IC 13-4.1-9-2.5 (June 30, 1994); 310 IAC 12-5-130.1(g) concerning suspension of underground mining; 310 IAC 12-5-130.1(h) concerning detailed report of underground workings; the repeal of 310 IAC 12-3-87, 310 IAC 12-5-130, and 310 IAC 12-5-131; decision on the repeal of 310 IAC 12-5-132 is deferred.

[FR Doc. 95-9775 Filed 4-19-95; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 144-3-6972b; FRL-5194-2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination That State has Corrected Deficiencies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: Elsewhere in today's **Federal Register** EPA has published a proposed rulemaking fully approving revisions to the California State Implementation Plan. The revisions concern South Coast Air Quality Management District Rule 1164—Semiconductor Manufacturing. The proposed rulemaking provides the public with an opportunity to comment on EPA's action approving Rule 1164. Based on the proposed approval, EPA is making an interim final determination by this action that the State has corrected the deficiencies for which a sanctions clock was activated on September 29, 1993. 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. 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: This interim final determination is effective on April 20, 1995.

Comments must be received by May 22, 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:

Environmental Protection Agency, Air Docket 6102, 401 "M" Street, S.W., Washington 20460.

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

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

FOR FURTHER INFORMATION CONTACT: Helen Liu, 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) 744-1199.

SUPPLEMENTARY INFORMATION:

I. Background

On May 13, 1991, the State submitted South Coast Air Quality Management (SCAQMD) Rule 1164—Semiconductor Manufacturing, for which EPA published a limited disapproval in the **Federal Register** on September 29, 1993 [58 FR 50850]. EPA's limited 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 (CAA) and a 24-month clock for promulgation of a Federal Implementation Plan (FIP) under section 110(c) of the CAA. The State subsequently submitted a revised rule on February 24, 1995. The revised rule was adopted by the SCAQMD on January 13, 1995. In the Proposed Rules section of today's **Federal Register**, EPA has proposed full approval of the State's submittal of SCAQMD Rule 1164—Semiconductor Manufacturing.

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 final rulemaking action, effective on publication, finding that the State has corrected the deficiency. However, EPA is also providing the public with an opportunity to comment on this final action. If, based on any comments on this action and any comments on EPA's proposed 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 either propose or take final action finding 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. Until EPA takes such an action, the application of sanctions will continue to be deferred.

This action does not stop the sanctions clock that started for this area on September 29, 1993. However, this action will defer the application of the offsets sanction and will defer the application of the highway sanction. See 59 FR 39832 (Aug. 4, 1994). If EPA's proposal fully approving the State's submittal becomes final, such action will permanently stop the sanctions

clock and will permanently lift any applied, stayed or deferred sanctions. If EPA receives adverse comments and subsequently determines that the State, in fact, did not correct the disapproval deficiency, 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 clock. Based on this action, application of the offset sanction will be deferred and application of the highway sanction will be deferred until EPA takes final rulemaking action fully approving the State's submittal 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 action, 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 clock. 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 clock. 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 defer sanctions while EPA completes its rulemaking process on the approvability

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.

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. 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. 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 CAA. 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, Volatile organic compounds.

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

Dated: April 11, 1995.

Felicia Marcus,

Regional Administrator.

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Amendment E-276]

RIN 3090-AF09

Removing Federal Supply Service Schedule Ordering Instructions

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This rule amends the Federal Property Management Regulations (FPMR) to remove Federal Supply Service (FSS) schedule ordering instructions. Over time, these instructions have become obsolete. Hence, it is no longer necessary to retain these instructions in the FPMR. Removing these instructions from the

FPMR will carry out the principles of the National Performance Review by unbundling all Federal agencies from unnecessary regulations.

EFFECTIVE DATE: April 20, 1995.

FOR FURTHER INFORMATION CONTACT: Nicholas Economou, FSS Acquisition Management Center (703-305-6936).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866. GSA published a proposed rule to amend the FPMR to remove FSS schedule ordering instructions on February 23, 1994 [59 FR 8587]. Comments were received from three organizations and one executive department. All comments were considered, and no revisions to the rule were made.

Two of the four respondents were pleased with the proposed change, and felt that it was consistent with the National Performance Review (NPR). The other two respondents expressed concerns regarding the transformation of existing regulations governing FSS schedule ordering into "guiding principles." However, this rule only removes Federal Supply Schedule ordering instructions that are obsolete and no longer necessary. GSA has already streamlined the Federal Supply Schedule ordering procedures in FAR Part 8.

Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Part 101-26

Government property management.

For the reasons set forth in the preamble, 41 CFR Part 101-26 is amended as follows:

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

1. The authority citation for Part 101-26 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-26.5—GSA Procurement Programs

2. Section 101-26.406-7 is redesignated as § 101-26.502 and revised to read as follows:

§ 101-26.502 U.S. Government National Credit Card.

A waiver has been issued by the Government Printing Office to GSA for