application of the offset and highway sanctions. Although this action is effective upon publication, EPA will take comment on it, as well as on EPA's proposed rulemaking approving these rules. EPA's final rulemaking notice will take into consideration any comments received.

**DATES:** The effective date is February 2, 1995.

Comments must be received by March 6, 1995.

ADDRESSES: Comments should be sent to: 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 92123– 1095.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

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 92123–1096.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

FOR FURTHER INFORMATION CONTACT: Erik H. Beck, Rulemaking Section [A–5–3], Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. Internet Email: beck.erik@epamail.epa.gov. Telephone: (415) 744–1190.

## SUPPLEMENTARY INFORMATION:

## I. Background

The State of California submitted the following rules on the following dates: BAAQMD Rule 8–43 ("Surface Coating of Marine Vessels"), September 28, 1994; PCAPCD Rule 212 ("Storage of Organic Liquids''), December 19, 1994; SDCAPCD Rule 67.16 ("Graphic Arts Operations"), October 19, 1994; SDCAPCD Rule 67.18 ("Marine Coating Operations"), December 22, 1994; and SJVUAPCD Rule 4607 ("Graphic Arts"), July 13, 1994. EPA published a limited disapproval in the Federal Register on July 12, 1993 (BAAQMD, SDCAPCD) and August 30, 1993 (SJVUAPCD) PCAPCD). These notices' Federal Register citations are 58 FR 37421 and 58 FR 45440 respectively. 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 (Act) and a 24-month clock for promulgation of a Federal Implementation Plan (FIP) under section 110(c) of the Act. The State subsequently submitted revised rules on the dates listed at the top of this paragraph. In the Proposed Rules section of today's Federal Register, EPA is proposing full approval of the State of California's submittal of BAAQMD Rule 8-43 ("Surface Coating of Marine Vessels''), PCAPCD Rule 212 ("Storage of Organic Liquids''), SDCAPCD Rule 67.16 ("Graphic Arts Operations"), SDCAPCD Rule 67.18 ("Marine Coating Operations"), and SJVUAPCD Rule 4607 ("Graphic Arts").

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 deficiency. Therefore, EPA is taking this interim 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 interim final action. If, based upon 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 interim final action was inappropriate, EPA will either propose or take final action disapproving the submittal of one or all of the State rules. 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 these areas on August 11, 1993 and September 29, 1993. However, this action will defer the application of the offsets and highway sanctions. See 59 FR 39832 (Aug. 4, 1994). If EPA later finalizes full approval of the State's submittal, such action will permanently stop the sanctions clock and any deferred sanctions. If EPA must withdraw the proposed approval action based on adverse comments and EPA subsequently determines in a proposed or final rule 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 ČFR § 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 and highway sanctions will be deferred until final action to fully approve the State's submittal becomes effective or until EPA takes action proposing or finally disapproving in whole or part the State submittal. If EPA's proposed action fully approving the State submittal becomes finalized and effective at a later time, 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 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.<sup>1</sup> 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 impose 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. 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).

The Office of Management and Budget (OMB) 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. 5 U.S.C. 603

<sup>&</sup>lt;sup>1</sup>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.