

following counties: Adams County (except Dayton Power & Light-Stuart), Allen County (except Cairo Chemical), Ashland County, Ashtabula County, Athens County, Auglaize County, Belmont County, Brown County, Carroll County, Champaign County, Clark County, Clermont County, (except Cincinnati Gas & Electric-Beckjord), Clinton County, Columbiana County, Coshocton County, (except Columbus & Southern Ohio Electric-Conesville), Crawford County, Darke County, Defiance County, Delaware County, Erie County, Fairfield County, Fayette County, Fulton County, Gallia County (except Ohio Valley Electric Company-Kyger Creek and Ohio Power-Gavin), Geauga County, Greene County, Guernsey County, Hamilton County, Hancock County, Hardin County, Harrison County, Henry County, Highland County, Hocking County, Holmes County, Huron County, Jackson County, Jefferson County, Knox County, Lake County (except Ohio Rubber, Cleveland Electric Illuminating Company-Eastlake, and Painesville Municipal Boiler #5), Lawrence County (except Allied Chemical-South Point), Licking County, Logan County, Lorain County (except Ohio Edison-Edgewater, Cleveland Electric Illuminating-Avon Lake, U.S. Steel-Lorain, and B.F. Goodrich), Lucas County (except Gulf Oil Company, Coulton Chemical Company, Phillips Chemical Company and Sun Oil Company), Madison County, Marion County, Medina County, Meigs County, Mercer County, Miami County, Monroe County, Morgan County, Montgomery County (except Bergstrom Paper, Miami Paper, Bergstrom Paper, Morrow County, Muskingum County, Noble County, Ottawa County, Paulding County, Perry County, Pickaway County, Pike County (except Portsmouth Gaseous Diffusion Plant), Portage County, Preble County, Putnam County, Richland County, Ross County (except Mead Corporation), Sandusky County (except Martin Marietta Chemicals), Scioto County, Seneca County, Shelby County, Trumbull County, Tuscarawas County, Union County, Van Wert County, Vinton County, Warren County, Washington County (except Shell Chemical), Wayne County, Williams County, Wood County (except Libbey-Owens-Ford Plants Nos. 4 and 8 and No. 6), and Wyandot County.

(8) No Action-USEPA is neither approving nor disapproving the emission limitations for the following counties on sources pending further review: Adams County (Dayton Power &

Light-Stuart), Allen County (Cairo Chemical), Butler County, Clermont County (Cincinnati Gas & Electric-Beckjord), Coshocton County (Columbus & Southern Ohio Electric-Conesville), Cuyahoga County, Franklin County, Gallia County (Ohio Valley Electric Company-Kyger Creek, and Ohio Power-Gavin), Lake County (Ohio Rubber, Cleveland Electric Illuminating Company-Eastlake, and Painesville Municipal-Boiler #5), Lawrence County (Allied Chemical-South Point), Lorain County (Ohio Edison-Edgewater Plant, Cleveland Electric Illuminating Avon Lake, U.S. Steel-Lorain, and B.F. Goodrich), Lucas County (Gulf Oil Company, Coulton Chemical Company, Phillips Chemical Company and Sun Oil Company), Mahoning County, Montgomery County (Bergstrom Paper and Miami Paper), Pike County (Portsmouth Gaseous Diffusion Plant), Stark County, Washington County (Shell Chemical Company), and Wood County (Libbey-Owens-Ford Plants Nos. 4 and 8 and No. 6).

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 207-0068b; FRL-5987-3]

Interim Final Determination That State has Corrected the Deficiency; State of California; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's **Federal Register**, EPA has published a proposed rulemaking to fully approve the State of California's submittal of its State implementation plan (SIP) revision concerning San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4401. 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 a sanctions clock began on September 27, 1996. This action will defer the imposition of the offset sanction and defer the imposition of the highway sanction. Although this action is effective upon publication, EPA will take comment. If no relevant adverse comments are received on EPA's proposed approval of the State's submittal, EPA will finalize the approval of Rule 4401 and will also

finalize the determination that the State has corrected the deficiencies that started the sanctions clock. If relevant adverse comments are received on EPA's proposed approval of Rule 4401 and this interim final action, EPA will publish a final determination taking into consideration any comments received.

DATES: This action is effective March 30, 1998. Comments must be received by April 29, 1998.

ADDRESSES: Comments should be sent to Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule and EPA's evaluation report, which are the basis for this action, are available for public review at the above address. Copies of the submitted rule are also available for inspection at the following locations:

California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 2020 "L" Street,
Sacramento, CA 95814.
San Joaquin Valley Unified Air
Pollution Control District, 1999
Tuolumne Street, Suite 200, Fresno,
CA 93721.

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Office (AIR-4), U.S. EPA Region IX, Air Division, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744-1200.

SUPPLEMENTARY INFORMATION:

I. Background

On January 28, 1992, the State submitted SJVUAPCD Rule 465.1 as a revision to the SIP, which EPA disapproved in part on August 28, 1996. See 61 FR 44161. EPA's disapproval action started an 18-month clock for the imposition of one sanction (followed by a second sanction 6 months later) and a 24-month clock for promulgation of a Federal implementation plan (FIP). The State subsequently submitted a revised rule on March 10, 1998, in the form of SJVUAPCD Rule 4401, adopted on January 15, 1998. In the Proposed Rules section of today's **Federal Register**, EPA has proposed full approval of SJVUAPCD Rule 4401.

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. Therefore, EPA is taking this interim final 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 action. If, based on any comments on this action or any comments on EPA's

proposed full approval of SJVUAPCD Rule 4401, 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 been corrected.

This action does not stop the sanctions clock that started for this area on September 27, 1996. However, this action will defer the imposition of the offsets sanction and will defer the imposition of the highway sanction. See 59 FR 39832 (August 4, 1994). If EPA takes final action to fully approve Rule 4401, such action will permanently stop the sanctions clock and will permanently lift any imposed, stayed or deferred sanctions. If EPA receives adverse comments and EPA subsequently determines that the State, in fact, did not correct the disapproval deficiencies, EPA will also determine that the State did not correct the deficiencies and the sanctions consequences described in the sanctions rule will apply. See 59 FR 39832, 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, impositions of the offset sanction will be deferred and imposition of the highway sanction will be deferred until EPA's final action fully approving SJVUAPCD Rule 4401 becomes effective or until EPA takes action proposing or finalizing disapproval in whole or part the State submittal. If EPA takes final action fully approving SJVUAPCD Rule 4401, any sanctions clocks will be permanently stopped and any imposed, stayed or deferred sanctions will be permanently lifted upon the effective date of that final action.

Because EPA has preliminarily determined that the State has provided an approvable revision to its SIP, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception to the 30-day notice requirement of the Administrative Procedure Act because the purpose of this document is to relieve a restriction. See 5 U.S.C. 553(d)(1).

III. Regulatory Process

A. Regulatory Flexibility Act

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. 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 placed on them by the sanctions provisions of the CAA. Therefore, I certify that it does not have an impact on any small entities.

B. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to private sector, of \$100 million or more.

Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

This interim final action temporarily relieves sources of an additional burden placed on them by the sanctions provisions of the CAA. This action does not impose any new Federal requirements. 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 interim final action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

C. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must

submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates that finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of March 30, 1998. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

D. Executive Order 12866

The Office of Management and Budget has exempted this regulatory 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 et seq.

Dated: March 20, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-7240]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood