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 under section 110(c)(1) of the CAA. The State subsequently submitted a revised program on April 12, 1996. In the proposed rules section of this Federal Register, USEPA has proposed conditional approval of the State of Ohio's submittal of its NSR requested State Implementation Plan revision.

II. USEPA Action

Based on the proposed conditional approval set forth in the proposed rules section of this Federal Register, USEPA believes that it is more likely than not that the State has corrected the original disapproval deficiency that started the sanction clock and, therefore, is taking this interim final action finding that the State has corrected the disapproval deficiency, effective on publication. This action does not stop the sanction clock that started for this area on October 21, 1994. 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) codified at 40 CFR 52.31. If USEPA takes final action conditionally approving the State's submittal, such action will continue any deferral of the offset and highway sanctions. When the State meets its commitment and USEPA takes final action fully approving the State's submittal meeting those commitments, such action will permanently stop the sanctions clock and will permanently lift any applied, stayed or deferred sanctions.

At this time, USEPA is also providing the public with an opportunity to comment on this final action. If, based on the comments on this action and the comments on USEPA's proposed conditional approval of the State's submittal, USEPA determines that the State's submittal is not approvable and this final action was inappropriate, USEPA will take further action to disapprove the State's submittal and to find that the State has not corrected the original disapproval deficiency. Such action will retrigger the sanctions consequences as described in the sanctions rule. *See* 59 FR 39832.

III. Administrative Requirements

Because USEPA has preliminarily determined that the State has an approvable plan, relief from sanctions should be provided as quickly as possible. Therefore, USEPA 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). The USEPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The USEPA 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, USEPA believes that it is necessary to use the interim final rulemaking process to temporarily stay or defer sanctions while USEPA completes its rulemaking process on the approvability of the State's submittal. In addition, USEPA 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. Section 600 et seq., USEPA 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, USEPA 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.

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, USEPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to a State, local and/or tribal government(s) in the aggregate. The USEPA must also develop a plan with regard to small governments that would be significantly or uniquely affected by the rule.

Because this direct final rule is estimated to result in the expenditure by State, local and tribal governments or the private sector of less than $100 million in any one year, USEPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost effective, or least burdensome alternative because small governments will not be significantly or uniquely affected by this rule, USEPA is not required to develop a plan for small governments. Further, this final rule only defers the imposition of sanctions; it imposes no new requirements.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: April 15, 1996.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 96–9913 Filed 4–19–96; 8:45 am]

BILLING CODE 6560–50–P

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

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 3

[Docket No. OST–96–1264; Notice 96–11]

RIN 2105–AC39

Use of the Official Seal

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: DOT is removing from the Code of Federal Regulations regulations governing what uses may be made of its Official Seal and which officials have the authority to affix it because the regulations duplicate internal directives that are available to the public. This action is taken on the Department's initiative in response to the President's Regulatory Reinvention Initiative.

EFFECTIVE DATE: May 22, 1996.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–10, Department of Transportation, Washington, DC 20590, telephone (202) 366–9156, FAX (202) 366–9170.

SUPPLEMENTARY INFORMATION: Since its establishment in 1967, DOT has had an Official Seal, which indicates official action of DOT and must be judicially noticed. These same provisions appear in DOT's internal directives, which are public documents. To eliminate duplication, the regulations regarding appropriate uses of the Seal and identification of which officials of DOT may affix it will be removed from the Code of Federal Regulations but continue to appear in the internal directives. Because these changes are editorial in nature and do not change the substantive requirements, the Department finds that notice and comment are unnecessary and contrary to the public interest.

Analysis of Regulatory Impacts

This amendment is not a ''significant regulatory action'' within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. There is no economic impact as a result of this change. Moreover, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

This rule does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

Finally, the rule does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act of 1980.

List of Subjects in 49 CFR Part 3

Seals and insignia.

In accordance with the above, DOT amends 49 CFR Part 3 as follows:

PART 3—[AMENDED]

1. The authority citation to Part 3 is revised to read as follows:

Authority: 49 U.S.C. 102(e).

§§ 3.3 and 3.5 [Removed]

2. Sections 3.3 and 3.5 are removed.

Issued in Washington, DC, on this 1st day of April, 1996.

Federico Peña,

Secretary of Transportation.

[FR Doc. 96–9701 Filed 4–19–96; 8:45 am]

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49 CFR Part 79

[Docket No. OST–96–1258; Notice 96–8]

RIN 2105–AC41

Medals of Honor

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: DOT is clarifying its regulations regarding award of Medals of Honor for bravery in land transportation accidents/incidents. This action is taken on the Department's initiative in response to the President's Regulatory Reinvention Initiative.

EFFECTIVE DATE: May 22, 1996.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–10, Department of Transportation, Washington, DC 20590, telephone (202) 366–9156, FAX (202) 366–9170.

SUPPLEMENTARY INFORMATION: Acting through DOT, the President of the United States may award a bronze medal for bravery to any person who, by extreme daring, risks his/her life in trying to prevent, or to save the life of a person in, a grave accident in the United States that involves an interstate rail carrier or a motor vehicle being operated on public highways. See 49 U.S.C. 80504. The regulations implementing this authority were last amended in 1968. DOT is revising them in order to simplify language and otherwise make them easier to understand. Because these changes are editorial in nature and do not change the substantive requirements, the Department finds that notice and comment are unnecessary and contrary to the public interest.

Analysis of Regulatory Impacts

This amendment is not a ''significant regulatory action'' within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. There will be no economic impact as a result of this change. Moreover, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

This rule does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

Finally, the rule does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act of 1980.

List of Subjects in 49 CFR Part 79

Decorations, Medals, Awards.

In accordance with the above, DOT revises 49 CFR Part 79, to read as follows:

PART 79—MEDALS OF HONOR

Sec.
79.1 Scope.
79.3 Application.
79.5 Investigation.
79.7 Award.
79.9 Design.

Authority: 49 U.S.C. 80504.

§ 79.1 Scope.

(a) This Part implements 49 U.S.C. 80504, which authorizes the President of the United States to award a bronze medal for bravery to any person who, by extreme daring, risks his/her life in trying to prevent, or to save the life of a person in, a grave accident/incident in the United States that involves an interstate rail carrier or a motor vehicle being operated on public highways.

(b) The actions for which the medal may be awarded must reflect such unusual daring and bravery that a person would not normally be expected to perform them as a regular part of his/her regular work or vocation.

§ 79.3 Application.

(a) Any person may apply for the award of the medal described in § 79.1, but only on behalf of another person, by writing to the Secretary of Transportation, Attention: Medals of Honor, within two (2) years of the action that is the subject of the application.

(b) Although no application form is required, the following information must be provided:

(1) Name, address, and telephone number of the person submitting the application.

(2) Name, address, and telephone number of the person on whose behalf the application is submitted.

(3) Date, time, place, and weather conditions of the action that is the subject of the application.