

With this correction, the preamble and the rule at 226.22(l) are in agreement.

Dated: January 27, 1995.

**Michael D. Sherwin,**  
Deputy Assistant Administrator for  
Management.

[FR Doc. 95-3271 Filed 2-8-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TN-118-1-6083a; TN-101-1-5718a; TN-110-2-6569a; FRL-5146-1]

#### Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to Tennessee Regulations

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Tennessee State Implementation Plan (SIP) for ozone. These revisions were submitted to EPA through the Tennessee Department of Environment and Conservation (TDEC) on November 5, 1992, May 18, 1993, and July 6, 1993, for the Nashville nonattainment area and revise regulations for Stage I vapor recovery (Stage I) in the Tennessee SIP and add regulations pertaining to Stage II vapor recovery (Stage II). These revisions regulate gasoline dispensing stations in Davidson, Rutherford, Sumner, Williamson, and Wilson counties. These regulations have been submitted by the TDEC to satisfy the requirement of section 182(b)(3) of the 1990 Clean Air Act, which requires all ozone nonattainment areas classified as moderate or above to require owners and operators of gasoline dispensing facilities to install and operate Stage II vapor recovery systems. The revisions also make minor changes to the Nashville-Davidson County Rules regulating definitions and recordkeeping. The TDEC has also submitted this plan as an integral part of the program to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone. These regulations meet all of EPA's requirements and therefore EPA is approving this SIP revision.

**DATES:** This final rule will be effective April 10, 1995 unless adverse or critical comments are received by March 13, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments on this action should be addressed to Alan W. Powell, at the EPA Regional Office listed.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Region 4 Air Programs Branch, Environmental Protection Agency 345 Courtland Street, NE., Atlanta, Georgia 30365.

Tennessee Department of Environment and Conservation, L & C Annex, 9th floor, 401 Church Street, Nashville, Tennessee 37243.

Nashville-Davidson County Bureau of Environmental Health Services, Metropolitan Health Department, 311-23rd Avenue, North, Nashville, Tennessee 37203.

**FOR FURTHER INFORMATION CONTACT:** Alan W. Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The phone number is (404) 347-3555 ext.4209. Reference file TN-118-1-6083.

**SUPPLEMENTARY INFORMATION:** On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act as amended in 1990 (CAA) includes new requirements for the improvement of air quality in ozone nonattainment areas. Under section 181(a) of the CAA, nonattainment areas were categorized by the severity of the area's ozone problem, and progressively more stringent control measures were required for each category of higher ozone concentrations. The basis for classifying an area in a specific category was determined by the ambient air quality data obtained for the three year period 1987 through 1989. The CAA delineates in section 182 the SIP requirements for ozone nonattainment areas based on their classifications. Section 182(b)(3) requires areas classified as moderate to implement Stage II controls unless and until the EPA promulgates, On Board Vapor Recovery (OBVR) regulations pursuant to section 202(a)(6) of the CAA. On January 22, 1993, the United States

Court of Appeals for the District of Columbia ruled that the EPA's previous decision not to require OBVR controls be set aside and that OBVR regulations be promulgated pursuant to section 202(a)(6) of the CAA. The EPA Administrator signed the OBVR final rule on January 24, 1994.

Subsequently, the EPA determined under section 182(b)(3) that moderate areas are not required to implement Stage II regulations. However, Tennessee has indicated that a Stage II program is necessary as a volatile organic compound (VOC) control measure to attain the ozone NAAQS in Nashville, which has been classified as a moderate nonattainment area for ozone. Stage II vapor recovery is included in the State's 15% Plan required by section 182 (b)(1) of the CAA. Under section 182 (b)(3), the EPA was required to issue guidance as to the effectiveness of Stage II systems. In November 1991, the EPA issued technical and enforcement guidance to meet this requirement. These two documents are entitled "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (EPA-450/3-91-022) and "Enforcement Guidance for Stage II Vehicle Refueling Control Programs." In addition, on April 16, 1992, the EPA published the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498). The guidance documents and the General Preamble discuss Stage II statutory requirements and discuss what the EPA believes a State submittal needs to include to meet those requirements. The Tennessee regulations meet those requirements which are discussed below.

#### General Vapor Recovery Requirements

The CAA specifies the time by which certain facilities must comply with the State regulation. For facilities that are not owned or operated by an Independent Small Business Marketer (ISBM), these times, calculated from the time of State adoption of the regulation, are: (1) 6 months for facilities for which construction began after November 15, 1990, (2) 1 year for facilities that dispense greater than 100,000 gallons of gasoline per month, and (3) two years for all other facilities. For ISBM's, section 324(a) of the Act provides that the time periods may be: (1) 33 percent of the facilities owned by an ISBM by the end of the first year after the regulations take effect, (2) 66 percent of such facilities by the end of the second year, and (3) 100 percent of such facilities after the third year. Both the

State and County regulations are consistent with these guidelines.

Consistent with EPA's guidance, both the State and County regulations require that Stage II systems be tested and certified to meet a 95 percent emission reduction efficiency by using a system approved by the California Air Resources Board (CARB). The State and County regulations require sources to verify proper installation and function of Stage II equipment through use of a liquid blockage test and a leak test prior to system operation and every five years or upon major modification of a facility (i.e., 75 percent or more equipment change). The State and County regulations have also established an inspection program consistent with that described in EPA's guidance and has established procedures for enforcing violations of the Stage II requirements.

*Rule 1200-3-18-.24, Gasoline Vapor Recovery, Stage II*

The Nashville area is designated nonattainment for ozone and classified as moderate. See 56 FR 56694 (November 6, 1991) and 57 FR 56762 (November 30, 1992), codified at 40 CFR 81.300 through 81.437. Under section 182(b)(3) of the CAA, Tennessee was required to submit Stage II vapor recovery rules for this area by November 15, 1992. On May 18, 1993, and July 6, 1993, the Tennessee Department of Environment and Conservation submitted to EPA Stage II vapor recovery rules that became effective by the State on June 21, 1993. The Tennessee regulation meets EPA requirements as discussed below. Additional information is located in the Technical Support Document (TSD) which is available for review in the EPA Region 4 office.

The provisions of section 182(b)(3) of the CAA include a requirement for owners or operators of gasoline dispensing systems to install and operate Stage II vapor recovery equipment at their facilities. The CAA specifies that the state regulation must apply to any facility that dispenses more than 10,000 gallons of gasoline per month or, in the case of an ISBM, any facility that dispenses more than 50,000 gallons of gasoline per month. The definition of an ISBM is included in the TSD and may also be found in section 324 of the CAA. The State has adopted a general applicability requirement of 10,000 and has provided an applicability requirement of 50,000 for ISBM's. The State definition of ISBM is consistent with the definition in the CAA.

*Regulation 7, Section 7-13, Gasoline Dispensing Facility, Stage I and Stage II*

On November 5, 1992, the Metropolitan Health Department of Davidson County through the TDEC submitted to the EPA Stage II vapor recovery rules that became State effective on September 15, 1992. The Stage I portion of the regulation was unchanged. This regulation, which is applicable to the Davidson County area, is more stringent than the State regulation in that the Stage II portion of this regulation does not provide separate applicability requirements for ISBM's. The TDEC has provided the Metropolitan Health Department with a certificate of exemption from enforcement of the State rule. As a consequence, the Davidson County area will not be subject to the State rule, but rather will be subject to enforcement from the rule submitted by the Metropolitan Health Department.

*Regulation 7, Section 7-1, Definitions*

Paragraph 11, the definition of volatile organic compounds (VOC), was amended for clarity.

*Regulation 7, Section 7-25, Record Keeping and Recording Requirements*

Subsection (b) was amended to add a general three year record retention requirement.

**Final Action**

EPA is approving the aforementioned amendments to the Tennessee SIP because they meet all requirements of the CAA. This action is being published without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 10, 1995 unless, by March 13, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 10, 1995.

Nothing in this action shall be construed as permitting or allowing or

establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993, memorandum from Michael Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for 2 years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

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 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small non-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: January 6, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

**PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

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

**Subpart RR—Tennessee**

2. Section 52.2220 is amended by adding paragraph (c) (116) to read as follows:

**§ 52.2220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(116) The Tennessee Department of Environment and Conservation submitted a SIP revision that amended Rule 1200-3-18 which was submitted to EPA on May 18, 1993. These amendments add Stage II provisions to this rule.

(i) Incorporation by reference.

(A) Rule 1200-3-18-.24 which became State-effective June 21, 1993.

(B) Revisions to the Davidson County portion of the Tennessee SIP. Rule 7, Section 7-1 (11), Rule 7, Section 7-13, Rule 7, Section 7-25(b) which became state effective on November 4, 1992.

(ii) Other material. None.

\* \* \* \* \*

[FR Doc. 95-3211 Filed 2-8-95; 8:45 am]

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**40 CFR Part 52**

[CA 96-1-6799; FRL-5151-2]

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District; Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Correction to direct final rule.

**SUMMARY:** This document contains corrections to the final regulation which was published Tuesday, January 3, 1995. The regulation concerned the inclusion of additional information to

the California State Implementation Plan.

**EFFECTIVE DATE:** This correction is effective on February 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Rose, 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) 744-1184.

**SUPPLEMENTARY INFORMATION:****Background**

On January 3, 1995, at 60 FR 38, EPA published a final rulemaking action to approve two negative declarations submitted by the California Air Resources Board for the Mojave Desert Air Quality Management District. The two negative declaration were included as additional information to the California State Implementation Plan in the form of Negative Declarations submitted by the California Air Resources Board for the Mojave Desert Air Quality Management District.

**Need for Correction**

As published, subparagraph (c) (200) used in the amendatory language section for 40 CFR Subpart F, California, § 52.220 Identification of plan at 60 FR 40 was incorrect and needs to be changed.

**Correction of Publication**

Accordingly, the publication on January 3, 1995 of the direct final rule FR Doc. 94-32232 is corrected as follows:

**§ 52.220 [Corrected]**

On page 40, in the first column, amendatory instruction 2. is corrected to read:

“Section 52.220 is amended by adding paragraph (c)(198)(ii) to read as follows:”

Dated: January 31, 1995.

**Felicia Marcus,**

*Regional Administrator.*

[FR Doc. 95-3213 Filed 2-8-95; 8:45 am]

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**GENERAL SERVICES ADMINISTRATION**

**41 CFR Parts 201-3, 201-9, 201-18, 201-20, 201-21, 201-23, and 201-39**

**RIN 3090-AE75**

**Amendment of Miscellaneous FIRM Provisions; Correction**

**AGENCY:** Information Technology Service, GSA.

**ACTION:** Final rule; correction.

**SUMMARY:** This document implements technical corrections to a final rule regarding updating General Services Administration (GSA) offices and symbols and clarifying various Federal Information Resources Management (FIRM) provisions which were published on Wednesday, November 30, 1994, (59 FR 61281) and began on page 61281 in the **Federal Register**. This correction replaces the correction published in the **Federal Register** on Friday, January 6, 1995, (60 FR 2029), which contained typographical errors.

**EFFECTIVE DATE:** December 30, 1994.

**FOR FURTHER INFORMATION CONTACT:** R. Stewart Randall, Jr., GSA, Office of Information Resources Management Policy, telephone (202) 501-4469 (v) or (202) 501-0657 (tdd).

In 41 CFR Chapter 201 Amendment of Miscellaneous FIRM provisions beginning on page 61281 in the issue of Wednesday, November 30, 1994, make the following corrections:

**PART 201-3—[CORRECTED]****§ 201-3.402 [Corrected]**

1. On page 61282, in the second column, in § 201-3.402, paragraph (b) is corrected by removing the correspondence symbol (KMR) and replacing it with the correspondence symbol “(KAR)”.

**PART 201-9—[CORRECTED]****§ 201-9.202-1 [Corrected]**

2. On page 61282, in the second column, in § 201-9.202-1, paragraph (b)(7) is corrected by removing the correspondence symbol “(KMR)” and replacing it with the correspondence symbol “(KAR)”.

**§ 201-9.202-2 [Corrected]**

3. On page 61282, in the second column, in § 201-9.202-2, paragraph (b)(1)(ix) is corrected by removing the correspondence symbol “(KMA)” and replacing it with the correspondence symbol “(KAA)”.

**PART 201-18—[CORRECTED]****§ 201-18.003 [Corrected]**

4. On page 61282, in the second column, in § 201-18.003, line five is corrected by removing the correspondence symbol “(KMA)” and replacing it with the correspondence symbol “(KAA)”.

**PART 201-20—[CORRECTED]****§ 201-20.303 [Corrected]**

5. On page 61282, in the third column, in § 201-20.303, paragraph