

review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: August 18, 1995.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

40 CFR part 52 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 I—Delaware

2. Section 52.430 is added to read as follows:

##### § 52.430 Photochemical Assessment Monitoring Stations (PAMS) Program.

On March 24, 1994 the Delaware Department of Natural Resources & Environmental Control submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the Photochemical Assessment Monitoring Stations (PAMS) Program on September 11, 1995 and made it part of the Delaware SIP. As with all components of the SIP, Delaware must implement the program as submitted and approved by EPA.

#### Subpart J—District of Columbia

3. Section 52.480 is added to read as follows:

##### § 52.480 Photochemical Assessment Monitoring Stations (PAMS) Program.

On January 14, 1994 the District of Columbia's Department of Consumer and Regulatory Affairs submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the Photochemical Assessment Monitoring Stations (PAMS) Program on September

11, 1995 and made it part of the District of Columbia SIP. As with all components of the SIP, the District of Columbia must implement the program as submitted and approved by EPA.

#### Subpart V—Maryland

4. Section 52.1080 is added to read as follows:

##### § 52.1080 Photochemical Assessment Monitoring Stations (PAMS) Program.

On March 24, 1994 Maryland's Department of the Environment submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the Photochemical Assessment Monitoring Stations (PAMS) Program on September 11, 1995 and made it part of Maryland SIP. As with all components of the SIP, Maryland must implement the program as submitted and approved by EPA.

#### Subpart NN—Pennsylvania

5. Section 52.2035 is added to read as follows:

##### § 52.2035 Photochemical Assessment Monitoring Stations (PAMS) Program.

On September 23, 1994 Pennsylvania's Department of Environmental Resources (now known as the Department of Environmental Protection) submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the Photochemical Assessment Monitoring Stations (PAMS) Program on September 11, 1995 and made it part of Pennsylvania SIP. As with all components of the SIP, Pennsylvania must implement the program as submitted and approved by EPA.

#### Subpart W—Virginia

6. Section 52.2426 is added to read as follows:

##### § 52.2426 Photochemical Assessment Monitoring Stations (PAMS) Program.

On November 23, 1994 Virginia's Department of Environmental Quality submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the

Photochemical Assessment Monitoring Stations (PAMS) Program on September 11, 1995 and made it part of the Virginia SIP. As with all components of the SIP, Virginia must implement the program as submitted and approved by EPA.

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#### 40 CFR Part 52

[FRL–5291–5]

#### Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Disapproval of the Enhanced Motor Vehicle Inspection and Maintenance Program

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

**ACTION:** Final rule.

**SUMMARY:** EPA hereby gives notice that pursuant to its authority under Clean Air Act (the Act) section 110(k)(4), 42 U.S.C. 7410(k)(3), in an April 13, 1995 letter EPA notified Pennsylvania that the conditional approval of the Pennsylvania enhanced Inspection and Maintenance (I/M) State Implementation Plan (SIP) revision had been converted to a disapproval. The letter triggered the 18-month timeclock for the mandatory application of sanctions under section 179(a) of the Act and the 24-month timeclock for the Federal Implementation Plan (FIP) under section 110(c)(1). This also serves to amend the C.F.R. to note the conversion of the conditional approval to a disapproval.

**EFFECTIVE DATE:** September 11, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Kelly L. Bunker, (215) 597–4554.

**SUPPLEMENTARY INFORMATION:** On August 31, 1994 a final rule was published in the *Federal Register* (59 FR 44936) which conditionally approved the November 3, 1993 Pennsylvania SIP submittal for a centralized, test-only enhanced I/M program. The first two conditions of the conditional approval were required to be fulfilled by December 31, 1994. The first two conditions for approvability were as follows:

(1) by December 31, 1994, the Commonwealth was required to submit to EPA as a SIP revision, the *Pennsylvania Bulletin* notice which certified that the enhanced I/M program was required in order to comply with federal law, certified the geographic areas which were subject to the enhanced I/M program, and certified the

commencement date of the enhanced I/M program and

(2) by December 31, 1994, the Commonwealth was required to submit to EPA as a SIP amendment, the amendments to the Pennsylvania I/M regulation, 67 Pa Code § 178.202-205, which require EPA approval prior to implementation of any alternate purge test procedure and incorporate the transient emission standards for Tier 1 vehicles, the Phase 2 standards for all vehicle types and model years, and the transient and evaporative purge test procedures found in the final version of the EPA document entitled "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications", EPA-AA-EPSPD-IM-93-1, April 1994.

The proposed rulemaking stated that if the Commonwealth did not submit, by December 31, 1994, a SIP revision in response to the first two conditions of the approval action, the conditional approval would convert to a disapproval. EPA has not received a SIP revision which fulfills the first two conditions of the August 31, 1994 conditional approval. EPA notified the Commonwealth by an April 13, 1995 letter that the conditional approval of the Pennsylvania enhanced I/M SIP had been converted to a full disapproval pursuant to section 110(k)(4) of the Clean Air Act (the Act). This action taken on April 13, 1995 started both the 18 and subsequent 6 month sanctions clocks and the 24-month FIP clock. The Commonwealth must submit and EPA must take rulemaking action to approve an enhanced I/M SIP by October 13, 1996 and April 13, 1997, respectively, in order to halt these sanctions and FIP clocks.

EPA believes that the good cause exception to the notice and comment rulemaking requirement applies to this rulemaking action. [Administrative Procedure Act (APA) section 553(a)(B)]. Section 553(a)(B) of the APA provides that the Agency need not provide notice and an opportunity for comment if the Agency, for good cause, determines that notice and comment are "impracticable, unnecessary, or contrary to the public interest." In the present circumstance, notice and comment are unnecessary. The conversion of the conditional approval to a disapproval does not require any judgment on the part of the Agency. The issue is clear that the Agency must state whether or not it has received any SIP revision by the required date from the Commonwealth in response to the conditions set forth in the conditional approval of the Commonwealth's enhanced I/M SIP. No

substantive review is required for such a determination. The Agency is the only judge of whether or not it has received the SIP revision to meet the conditions of the conditional approval. Because there is nothing on which to comment, notice and comment rulemaking are unnecessary.

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

Environmental protection, Air pollution control, Ozone.

Dated: August 2, 1995.

**W. Michael McCabe,**  
Regional Administrator, Region III.

40 CFR part 52 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 NN—Pennsylvania

2. Section 52.2023 is amended by adding paragraph (j) to read as follows:

##### § 52.2023 Approval status.

\* \* \* \* \*

(j) The conditionally approved Pennsylvania enhanced I/M SIP revision (59 FR 44936) submitted on November 3, 1993 by the Pennsylvania Department of Environmental Resources was converted to a disapproval by an April 13, 1995 letter from EPA to Pennsylvania.

##### § 52.2026 [Removed and Reserved]

3. Section 52.2026 is removed and reserved.

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#### 40 CFR Part 52

[TN-126-6580a; FRL-5282-8]

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

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the permit requirements for major sources of air pollution for the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP). EPA is also approving the recodification of this chapter. On November 12, 1993, the State submitted revisions to the Nashville/Davidson portion of the Tennessee SIP on behalf of Nashville/Davidson County. These

were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, the permit requirements, and the exemptions. As a supplement to this submittal, on July 15, 1994, the State also submitted a request that the recodification of the entire air pollution control rule for Nashville/Davidson County be approved as part of the SIP.

**DATES:** This final rule will be effective November 13, 1995 unless adverse or critical comments are received by October 11, 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 Karen C. Borel, at the EPA Regional Office listed below. 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  
Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365

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

**FOR FURTHER INFORMATION CONTACT:** Karen C. Borel, 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 telephone number is 404/347-3555 x4197. Reference file TN-126-1-6580a.

**SUPPLEMENTARY INFORMATION:** The State of Tennessee through the Tennessee Department of Environment and Conservation submitted revisions to the Nashville/Davidson County portion of the Tennessee SIP to EPA on November 12, 1993. EPA found these submittals to be complete on January 21, 1994.

#### A. Permit Requirement Revisions

Nashville/Davidson County officially adopted proposed amendments to the Chapter 10.56, "Air Pollution Control" of the Metropolitan Code of Laws on September 14, 1993. These regulatory revisions to their Chapter 10.56 change