Antigua and Barbuda
Bahamas
Barbados
Belize
Bolivia
British Virgin Islands
Canada
Cape Verde
Costa Rica
Dominica
Dominican Republic
Ecuador
El Salvador
Grenada
Guyana
Honduras
Jamaica
Japan
Mali
Mexico
Montserrat
Nigeria
Panama
St. Christopher and Nevis
St. Lucia
St. Vincent and the Grenadines
Sierra Leone
Trinidad and Tobago

* * * * *

[Delete section 391.411 in its entirety.]
[Renumber former section 391.412 as 391.411.]
[Renumber former section 391.413 as 391.412 and add the countries in the Summary to read as follows:]

Use the pink international money order form (MP1) for money orders payable in Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Bolivia, British Virgin Islands, Canada, Cape Verde, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guyana, Honduras, Jamaica, Japan, Mali, Mexico, Montserrat, Nigeria, Panama, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Sierra Leone, and Trinidad and Tobago. Follow the issuance procedures in DMM S020.

Note: Money orders payable in Canada, the amount of the money order must be expressed in U.S. currency only. Issuing clerks must use the money order imprinter in the usual manner, printing the amount received in U.S. currency. Clerks must not write the word ''Canadian,'' followed by the equivalent amount in Canadian currency, on the money order.

* * * * *

[Revise section 391.421 by deleting ''the domestic money order or'' from the first sentence to read as follows:]

When the international postal money order form (MP1) is used to send funds, the purchaser should complete the information requested on both the money order and the customer's receipt. The Postal Service is not liable for money orders that are lost before the purchaser completes this information. Money orders may be made payable to the purchaser, a person or a firm, or a payee by official title. (Example: Director of Publications, Canada.)

* * * * *

[Revise section 391.423 by deleting country names to read as follows:]

Follow the instructions for preparing domestic money orders in DMM S020 when using the pink international postal money order form (MP1).

* * * * *

[Revise section 391.431 by deleting ''Domestic Postal Money Orders and'' from the title and by deleting country names to read as follows:]

391.431 International Postal Money Order Form (MP1)

Follow the instructions for preparing domestic money orders in DMM S020 when issuing the pink international postal money order form (MP1).

* * * * *

[Delete section 391.721 in its entirety.]

[Renumber former section 391.722 to 391.721.]

[Revise former section 391.723 by renumbering to section 391.722 and by deleting country names to read as follows:]

Use Form 6401, Domestic Money Order Inquiry, in accordance with DMM S020.2.14 when filing inquiries or requests for replacement of international postal money order form (MP1). Only the purchaser may file and receive payment. Replacement will not be made before 6 months after the date of issuance.

* * * * *

[Delete sections 391.9, 391.91, and 391.92 in their entirety.]

* * * * *

A transmittal letter making the changes in the pages of the International Mail Manual will be published and transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 20.3.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–3433 Filed 2–9–95; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–139–1–6667a; FRL–5140–9]

Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Revision to New Source Review, Construction and Operating Permit Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this document, EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation on August 17, 1994. The submittal included revisions to the State's new source review (NSR) regulations, which were promulgated to bring the State's regulations into compliance with the 1990 amendments to the Clean Air Act and the Federal regulations. EPA finds that the revised State rules meet the Federal nonattainment NSR permitting requirements of the Clean Air Act as amended in 1990 (CAA) for the State's ozone (O_3) nonattainment areas.

On January 15, 1993, in a letter from Patrick M. Tobin to Governor Ned McWherter, EPA notified the State of Tennessee that EPA had made a finding of failure to submit required programs for the nonattainment area. The revised State NSR rules satisfy those requirements for this area. Therefore, the sanctions clock was stopped by the complete submittal and the Federal implementation plan clock will be stopped at the time of this approval.

DATES: This final rule will be effective April 11, 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 should be addressed to: Ms. Karen Borel, at the Regional Office Address listed.

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following locations:

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.

Tennessee Division of Air Pollution Control, 701 Broadway, Customs House, 4th Floor, Nashville, Tennessee 37247–1531.

FOR FURTHER INFORMATION CONTACT: Ms. Karen 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–139–1–6667a.

SUPPLEMENTARY INFORMATION:

A. Nonattainment NSR Requirements of the Amended Act

The air quality planning requirements for nonattainment NSR are set out in part D of title I of the CAA. EPA has issued a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those state submittals containing nonattainment area NSR SIP requirements (see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of part D advanced in this document and the supporting rationale. A brief discussion of the specific elements required in a state's NSR program also is included in section II.B. of this document.

EPA is currently developing rule revisions to implement the changes under the 1990 Clean Air Act Amendments in the NSR provisions of parts C and D of title I of the CAA. EPA anticipates that the proposed rule will be published for public comment in the spring of 1995. If EPA has not taken final action on states' NSR submittals by that time, EPA may generally refer to the proposed rule as the most authoritative guidance available regarding the approvability of the submittals. EPA expects to take final action to promulgate the rule revisions to implement the part C and D changes in early 1996. Upon promulgation of those revised regulations, EPA will review NSR SIPs to determine whether additional SIP revisions are necessary to satisfy the requirements of the rulemaking.

Prior to EPA approval of the State's NSR SIP submission, the State may continue permitting only in accordance with the new statutory requirements for permit applications completed after the relevant SIP submittal date. This policy was explained in transition guidance memoranda from John Seitz dated March 11, 1991, and September 3, 1992.

As explained in the March 11, 1991, memorandum, EPA does not believe Congress intended to mandate the more stringent title I NSR requirements during the time provided for SIP development. States were thus allowed to continue to issue permits consistent with requirements in their current NSR SIPs during that period, or to apply 40 CFR part 51, appendix S for newly designated areas that did not previously have NSR SIP requirements.

The September 3, 1992, memorandum addressed the situation where states did not submit the part D NSR SIP revisions by the applicable statutory deadline. For permit applications complete by the SIP submittal deadline, states may issue final permits under the prior NSR rules, assuming certain conditions in the September 3, 1992, memorandum are met. However, for applications completed after the SIP submittal deadline, EPA will consider the source to be in compliance with the CAA where the source obtains, from the state, a permit that is consistent with the substantive new NSR part D provisions in the CAA. EPA believes this guidance continues to apply to permitting pending final action on Tennessee's NSR SIP submittal.

For O_3 nonattainment areas, section 182(a)(2)(C) of the CAA requires the states to submit to EPA by November 15, 1992, new or augmented NSR rules that meet the provisions of part D of title I of the CAA. The part D NSR permitting provisions applicable in O_3 nonattainment areas are generally in sections 172(c)(5), 173, 182, and 184 of the CAA. The State of Tennessee adopted regulatory revisions necessary to bring the State's NSR regulations in compliance with the CAA and amended Federal regulations, and submitted those revisions on August 17, 1994. The State also submitted revisions to the Nashville/Davidson County portion of the Tennessee SIP on September 27, 1994. The only rule revisions being approved in this action are the revised statewide rules submitted on August 17, 1994. The EPA will take action on the Nashville/Davidson County rule revisions in a separate **Federal Register** document.

B. Federal Implementation Plan (FIP) Clock

On January 15, 1993, in a letter from Patrick M. Tobin to Governor Ned McWherter, EPA notified the State of Tennessee that EPA had made a finding of failure to submit required programs for the nonattainment area. The revised State NSR rules satisfy those requirements for this area. Therefore, the sanctions clock was stopped by the complete submittal and the FIP clock will be stopped at the time of this approval.

C. Procedural Background

Section 110(k) of the CAA sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565).

The State of Tennessee held a public hearing on February 22, 1994, on the proposed revisions to the SIP. Following the public hearing, the plan was adopted by the State and submitted by the Tennessee Department of Environment and Conservation on August 17, 1994, as a revision to the SIP.

Specifically, the State submitted revisions to its NSR permitting regulations in Tennessee's Chapter 1200–3 by submitting revised Paragraph 1200–3–9-.01(5) entitled Growth Policy. The revisions to the State's NSR regulations were made to bring the State's rules into compliance with the CAA, as amended in 1990, and Federal regulations.

The SIP revision was reviewed by EPA to determine completeness, and a letter of completeness, dated August 18, 1994, was forwarded to the State of Tennessee. EPA finds that the revisions provide for consistency with the CAA and corresponding Federal regulations, and that the revisions meet the new nonattainment NSR provisions for ozone nonattainment areas.

D. Nonattainment NSR Requirements of the CAA

The general statutory requirements for nonattainment NSR SIPs and permitting as amended by the 1990 Amendments are found in sections 172 and 173 of the CAA. Tennessee currently has nonattainment areas for O_3, sulfur dioxide, and lead. These requirements apply in all nonattainment areas. The State of Tennessee's nonattainment NSR regulations, which had been approved prior to the 1990 Amendments, were written to be nonattainment area-specific. The NSR permitting requirements applied to new or modified sources proposing to locate in any nonattainment area in the State, including those designated pursuant to enactment of the 1990 Amendments. Thus, in order to meet the nonattainment NSR program submittal requirements, the State needed to address the new NSR requirements of the amended CAA.

Many of the revisions to sections 172 and 173 of the CAA as discussed in the General Preamble clarified previously existing Federal regulations and policy.

The following represents EPA's review of the State's submitted regulations for meeting the requirements of the amended CAA:

(1) The CAA repealed the construction ban provisions previously found in section 110(a)(2)(I) with certain exceptions. No construction bans are currently imposed in Tennessee, so this provision is not applicable.

(2) Section 173(a)(1)(A) of the CAA requires a demonstration for permit issuance that the new source growth does not interfere with reasonable further progress (RFP) for the area (e.g., greater than 1:1 emission offsets should insure no interference with RFP). In addition, calculations of emissions offsets must be based on the same emissions baseline used in the demonstration of RFP. In Section 1200–3–9-.01(5)(b)(2)(iv) the State has established provisions that adequately address the requirements of section 173(a)(1).

(3) Section 173(c)(1) of the CAA requires that offsets must generally be obtained by the same source or other sources in the same nonattainment area. However, offsets may be obtained from other nonattainment areas if the following conditions are met: the area in which the offsets are obtained has an equal or higher nonattainment classification; and emissions from the nonattainment area in which the offsets are obtained contribute to a national ambient air quality standard (NAAQS) violation in the area in which the source would construct. In Chapter 1200–3–9-.01(5)(b)(2)(v)(1), the State has established provisions that adequately meet these requirements of section 173(c)(1).

(4) Section 173(c)(1) of the CAA requires that any emissions offsets obtained in conjunction with the issuance of a permit to a new or modified source must be in effect and enforceable by the time the new or modified source commences operation and that any emission increases from new or modified major stationary sources must be offset by reductions in actual emissions. In Chapter 1200–3–9-.01(5)(b)(2)(v), the State has established provisions that adequately meet these requirements of section 173(c)(1).

(5) Section 173(c)(2) of the CAA prohibits emissions reductions otherwise required by the CAA from being credited for purposes of satisfying the part D offset requirements. In Chapter 1200–3–9-.01(5)(b)(2)(v)(VII), the State has established provisions that adequately meet the requirements of section 173(c)(2).

(6) Revised sections 172(c)(4), 173(a)(1)(B), and 173(b) of the CAA limit or invalidate use of certain growth allowances in nonattainment areas. In Chapter 1200–3–9-.01(5)(b)(2)(iv)(1), the State has established provisions that adequately meet the requirements of sections 172(c)(4), 173(a)(1)(B), and 173(b).

(7) Revised section 173(a)(5) of the CAA requires that, as a prerequisite to issuing any part D permit, an analysis of alternative sites, sizes, production processes, and environmental control techniques for a proposed source must be completed, which demonstrates that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. In Chapter 1200–3–9-.01(5)(b)(2)(vi), the State has established provisions that adequately meet the requirements of section 173(a)(5).

(8) Section 173(d) of the CAA requires States to submit control technology information from permits to EPA for the purposes of making such information available through the RACT/BACT/LAER clearinghouse. In Chapter 1200–3–9-.01 (5)(b)(2)(iii)(V), the State has established provisions that adequately meet the requirements of section 173.

(9) In Chapter 1200–3–9-.01(5)(b)(xviii) the State has submitted a revised definition for the lowest achievable emission rate (LAER). In the previously approved SIP, LAER is defined for the prevention of significant deterioration (PSD) in subparagraph 1200–3–9-.01(4)(o)(5)(b)(3), and for new sources in subparagraph 1200–3–9-.01(5)(b)(3). The same definition is used in both places. LAER is defined as that rate of emissions which reflects the most stringent emission limitation which is achieved in practice by such class or category of sources. In no event shall a new or modified source emit any pollutant in excess of the applicable New Source Performance Standards (NSPS).

Revisions to Tennessee's PSD regulations, which have been submitted to EPA, but not yet acted upon, delete the definition of LAER from paragraph 1200–3–9-.01(4) and add it to the general definitions for the issuance of construction permits, which will be found in subparagraph 1200–3–9-.01(2)(e). This section defines LAER, for any major stationary source or major modifications, as the more stringent rate of emissions based on the following: (1) The most stringent emissions limitation which is contained in the applicable standards under this Division 1200–3, or in any SIP for such class or category of stationary source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or (2) The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any air contaminant in excess of the amount allowable under applicable new source standards of performance.

The State previously submitted revisions to their volatile organic compound (VOC) regulations on June 22, 1993, which included a request for the deletion of rule 1200–3–18-.03 Standard for New Sources. This rule includes a definition of LAER which means for any source, that rate of emissions which reflects the most stringent emission limitation which is achieved in practice by such class or category of source. In no event shall a new or modified source emit any pollutant in excess of the applicable NSPS. This deletion was previously disapproved by EPA (see 59 FR 18310) because Tennessee did not have federally approved NSR regulations which would apply to some of the sources covered by that chapter. In 59 FR 18310 EPA recommended that Tennessee submit the deletion of this rule with the submittal of their revised NSR regulations.

The revised NSR rules define LAER as the more stringent rate of emissions of the most stringent emissions limitation contained in Division 1200–3 of the state rules or in any SIP for such class or category of source. In no event may LAER be in excess of the applicable NSPS. This revised definition closely parallels the statutory definition of LAER in section 171(3) of the CAA and eliminates the previous discrepancy between the state definition and the statutory, and EPA approves the revision as satisfying part D requirements.

In addition to all of the general nonattainment NSR provisions mentioned above, there are also nonattainment area-specific NSR provisions in subparts 2, 3, and 4 of part D of the CAA, some of which supersede general NSR provisions. The following provisions are additional NSR provisions that apply in Tennessee's nonattainment areas.

1. Ozone Nonattainment Areas

The State has adopted the appropriate major source threshold in Rule 1200–3–9-.01(5)(b)(1)(iv), 100 tons per year (tpy),

for the nonattainment areas in the state, including the ozone nonattainment areas, which are currently classified as marginal and moderate ozone nonattainment areas. Because it has not adopted the applicable lower major thresholds for serious, severe, and extreme ozone nonattainment areas, the State would be required to revise its rules if an ozone nonattainment area becomes classified as serious, severe, or extreme. In accordance with section 182 of the CAA, the State has adopted the applicable emissions offset ratios for increases in emissions of VOCs or NO_x in section 1200–3–9-.01(5)(b)(2)(v)(III), namely: marginal–at least 1.1 to 1, moderate–at least 1.15 to 1, serious–at least 1.2 to 1, severe–at least 1.3 to 1, and extreme–at least 1.5 to 1. The State has adopted provisions in Rule 1200–3–9-.01(5)(b)(1)(iv-v, x, and xxxiii) to ensure that any new or modified major source of NO_x satisfies the requirements applicable to any major source of VOCs, unless a special exemption is granted by the Administrator under section 182(f).

2. Carbon Monoxide Nonattainment Areas

The State of Tennessee had one carbon monoxide (CO) nonattainment area, which was designated as low moderate; this was the Memphis-Shelby County area. (See 40 CFR 81.343 for Tennessee's CO nonattainment area designations). However, this area was redesignated as an attainment area on August 31, 1994 (59 FR 44938); NSR is not required for the CO maintenance plan.

3. Other Revisions to NSR Regulations

Other revisions to the State's regulations were made to bring the State's regulations into compliance with the CAA as amended in 1990. EPA is approving these revisions because they provide for clarity and consistency with the Federal requirements in the CAA and 40 CFR 51.165 and 51.166. For further information on the revisions addressed in this submittal, please see the Technical Support Document (TSD) accompanying this document.

4. Deletion of Previous Disapproval to Delete Rule 1200–3–18-.03

The State previously submitted revisions to their VOC regulations on June 22, 1993, which included a request for the deletion of rule 1200–3–18-.03 Standard for New Sources. This deletion was disapproved by EPA (see 59 FR 18310) because Tennessee did not have federally approved NSR regulations that would apply to some of the sources covered by that rule. As recommended by EPA, Tennessee resubmitted the deletion of this rule together with their revised NSR regulations (see 59 FR 18310). The deletion of Rule 1200–3–18-.03 is approved, and the earlier EPA disapproval is deleted, in conjunction with the approval of the State's revised NSR regulations.

Rule 1200–3–18-.03 provided that: new or modified sources anywhere in the State which emit or have the potential to emit 100 tpy or more of VOCs must utilize LAER, as then defined; new or modified sources in Davidson, Shelby, and Hamilton Counties with the potential to emit less than 100 tpy must utilize BACT; and new or modified sources in other counties with the potential to emit less than 100 tpy must utilize reasonable and proper controls. The revised NSR rules for VOC sources, which would replace Rule 1200–3–18-.03, provides that: in ozone nonattainment areas, new or major modifications of sources which emit or have the potential to emit 100 tpy must utilize LAER, as defined in a revised definition; in ozone nonattainment areas, new or modified sources which have the potential to emit less than 100 tpy must utilize BACT; and in ozone attainment areas, the PSD rules, rather than the nonattainment NSR rules, apply.

Tennessee's revised NSR rules closely follow the statutory NSR requirements of part D, and provide additional protection in nonattainment areas by requiring BACT for minor sources and minor modifications. As discussed above, the revised definition of LAER also follows the CAA. Although the State will no longer impose a 100 tpy major source threshold for all source categories or require LAER in ozone attainment areas, based on a review of the deletion of rule 1200–3–18-.03 and the revised NSR rules, EPA concludes that the revisions satisfy the requirements of part D and the General Savings Clause in section 193 of the CAA. However, sources that were permitted under rule 1200–3–18-.03 will remain under the controls previously specified in their permits pursuant to that rule. Additionally, all sources located in attainment areas with the potential to emit 100 tpy or greater uncontrolled are required to implement Reasonably Available Control Technology (RACT).

Final Action

EPA is approving the revised Tennessee Chapter 1200–3–9-.01(5) Growth Policy, which is a replacement for the State's current federally approved Chapter 1200–3–9-.01(5). Specifically, EPA is approving the State's submittal as meeting the NSR requirements of the CAA as amended in 1990 for the State's ozone nonattainment areas. EPA is also rescinding the previous disapproval (59 FR 18310) of the deletion of rule 1200–3–18-.03 Standard for New Sources and is approving the deletion.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be submitted. This action will be effective on April 11, 1995 unless, by March 13, 1995, adverse or critical comments are received.

If 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. 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 on April 11, 1995.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 11, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial 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) of the CAA, 42 U.S.C. 7607 (b)(2)).

The Office of Management and Budget (OMB) has exempted these actions from review under Executive Order 12866.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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 economic impact on a substantial number of small entities. Small entities include small business, small not-for-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. *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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 9, 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)(124) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(124) On August 17, 1994, the Tennessee Department of Environment and Conservation submitted revisions to the new source review requirements in the Tennessee Division of Air Pollution Control Regulations. These revisions incorporate changes to Chapter 1200–3–9 by substituting for the present paragraph 1200–3–9-.01(5) of the Tennessee SIP with new requirements, which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference. Tennessee Division of Air Pollution Control Regulations, Chapter 1200–3–9-.01(5) Growth Policy, effective August 15, 1994.

(ii) Other material. None.

3. Section 52.2228 is amended by adding a new paragraph (f) to read as follows:

§ 52.2228 Review of new sources and modifications.

* * * * *

(f) The State of Tennessee proposed to delete rule 1200–3–18-.03 ''Standard for New Sources'' from the Tennessee State Implementation Plan (SIP). In paragraph (e) of this section, EPA disapproved the deletion of this rule because Tennessee did not have federally approved New Source Review (NSR) regulations that applied to some of the sources in this chapter. EPA is hereby approving the deletion of section 1200–3–18-.03 of the Tennessee SIP, and is deleting EPA's earlier disapproval in paragraph (e) of this section.

[FR Doc. 95–3332 Filed 2–9–95; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 941249–4349; I.D. 020695B]

Groundfish of the Gulf of Alaska; Pollock in Area 62

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of a closure.

SUMMARY: NMFS is terminating the closure to directed fishing for pollock in Statistical Area 62 in the Gulf of Alaska (GOA) to allow a 48–hour directed fishery. This action is necessary to fully utilize the total allowable catch (TAC) of pollock in that area.

EFFECTIVE DATE: Effective 12 noon, Alaska local time (A.l.t.), February 8, 1995, the closure to directed fishing for pollock in Statistical Area 62 of the GOA is terminated and the fishery is reopened. Effective 12 noon A.l.t., February 10, 1995, the closure to directed fishing for pollock in Statistical Area 62 of the GOA is reinstated and directed fishing is prohibited; this closure is effective until 12 noon, A.l.t., April 1, 1995, or until changed by subsequent notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The interim specification of the pollock TAC in Statistical Area 62 was established by interim specifications (59 FR 65975, December 22, 1994) as 3,827 metric tons (mt), determined in accordance with § 672.20(c)(1)(ii)(A). The directed fishery for pollock in Statistical Area 62 of the GOA was closed under § 672.20(c)(2)(ii) on January 24, 1995, (60 FR 5337, January 27, 1995). Therefore, NMFS is terminating the closure of January 24, 1995 (60 FR 5337, January 27, 1995).

The Director, Alaska Region, NMFS, (Regional Director) in accordance with § 672.20(c)(2)(ii), has determined that the remaining interim specification of pollock TAC in Statistical Area 62 is sufficient to allow a 48–hour directed fishery.

As the interim specification of pollock TAC catch in Statistical Area 62 of the GOA will be reached before the end of the year, the Regional Director, in accordance with § 672.20(c)(2)(ii), established a directed fishing allowance of 3,627 mt, with consideration that 200 mt will be taken as incidental catch in directed fishing for other species in that area. The Regional Director has determined that the directed fishing allowance of pollock in Area 62 will be reached within a 48–hour directed fishery. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 62 of the GOA, effective from 12 noon, A.l.t., February 10, 1995, until the end of the first quarter unless superseded by subsequent notification in the **Federal Register**.

Classification

This action is taken under § 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*