

### J. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing new regulations. To comply with NTTAA, USEPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

USEPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

### K. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 1999. 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).)

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

Environmental protection, Air pollution control, Hydrocarbons, Ozone, Nitrogen oxides, Transportation conformity.

Dated: June 29, 1999.

**Francis X. Lyons**,  
Regional Administrator, Region 5.

Part 52, chapter I, title 40 of the 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 *et seq.*

#### Subpart KK—Ohio

2. Section 52.1885 is amended by adding paragraph (a)(12) to read as follows:

##### § 52.1885 Control Strategy: Ozone

(a) \* \* \*

(12) Approval—On June 1, 1999, Ohio submitted a revision to the ozone maintenance plan for the Dayton/

Springfield area. The revision consists of revising the point source growth estimates and allocating 5.5 tons per day of VOCs to the transportation conformity mobile source emissions budget. The mobile source VOC budget for transportation conformity purposes for the Dayton/Springfield area is now: 39.6 tons per day of volatile organic compound emissions for the year 2005. The approval also corrects a typographical error in the maintenance plan point and area source numbers for 2005.

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BILLING CODE 6560-50-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[CA 192-0160 FRL-6376-4]

#### Withdrawal of Direct Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District and Tehama County Air Pollution Control District

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to an adverse comment, EPA is withdrawing the direct final rule for the approval of revisions to the California State Implementation Plan. EPA published the direct final rule on May 13, 1999 (64 FR 25822), approving revisions to rules from the following air pollution control districts: Mojave Desert Air Quality Management District (SCAQMD) and Tehama County Air Pollution Control District (TCAPCD). As stated in that **Federal Register** document, if adverse or critical comments were received by June 14, 1999, the rule would not take effect and notice of withdrawal would be published in the **Federal Register**. EPA subsequently received adverse comments on that direct final rule. EPA will address the comments received in a subsequent final action in the near future. EPA will not institute a second comment period on this action.

**DATES:** The direct final rule published at (64 FR 25822) is withdrawn as of July 12, 1999.

**FOR FURTHER INFORMATION CONTACT:** Al Petersen, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA

94105-3901, Telephone: (415) 744-1135.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule located in the final rules section of the May 13, 1999 **Federal Register**, and in the proposed rule located in the proposed rule section of the May 13, 1999 (64 FR 25854) **Federal Register**.

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

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

Dated: June 29, 1999.

**Laura Yoshii**,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the 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 *et seq.*

#### Subpart F—California

2. Section 52.220 is amended by removing paragraphs (b)(3)(ii) and (c)(6)(xv)(B).

[FR Doc. 99-17634 Filed 7-9-99; 8:45 am]

BILLING CODE 6560-50-U

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 81

[TN-217-1-9920a; FRL-6373-9]

#### Implementation Plan and Redesignation Request for the Williamson County, Tennessee Lead Nonattainment Area

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is simultaneously approving the lead state implementation plan (SIP) and redesignation request for the Williamson County, Tennessee, lead nonattainment area. Both plans, dated May 12, 1999, were submitted by the State of Tennessee for the purpose of demonstrating that the Williamson County area has attained the lead national ambient air quality standard (NAAQS).

**DATES:** This direct final rule is effective September 10, 1999 without further notice, unless EPA receives adverse

comment by August 11, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to Kimberly Bingham at the EPA Region 4 address listed below. Copies of the material submitted by the Tennessee Department of Environment and Conservation (TDEC) 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 Planning Branch, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104

Tennessee Air Pollution Control Board, 9th Floor, L&C Annex, 401 Church Street, Nashville, Tennessee 37243-1531.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Bingham, Regulatory Planning Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303. The telephone number is (404) 562-9038.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background—Lead SIP**

Section 107(d)(5) of the Clean Air Act as amended in 1990 (CAA) provides for areas to be designated as attainment, nonattainment, or unclassifiable with respect to the lead NAAQS. Governors are required to submit recommended designations for areas within their states. When an area is designated nonattainment, the state must prepare and submit a SIP pursuant to sections 110(a)(2) and 172(c) of the CAA demonstrating how the area will be brought into attainment.

On January 6, 1992, EPA designated the portion of Williamson County around the General Smelting and Refining, (GSR) Inc. (now Metalico-College Grove, Inc.) lead smelter as a nonattainment area for lead. This nonattainment designation was based on lead NAAQS violations recorded by monitors located near the GSR facility during the fourth quarter of 1990 and the second quarter of 1991.

On July 2, 1993, the State of Tennessee through the Tennessee Department of Environment and Conservation (TDEC) submitted a SIP for attaining the lead NAAQS in the

Williamson County lead nonattainment area. EPA found the SIP to be inadequate because it did not meet all of the requirements of section 172(c) of the CAA and requested that TDEC make the necessary corrections and submit supplemental information to address the deficiencies.

On June 23, 1995, EPA promulgated the national emission standards for hazardous air pollutants (NESHAP) for secondary lead smelters. Because the existing GSR facility could not meet the new NESHAP requirements without extensive modifications, the company elected to build an entirely new lead smelter designed to meet the new NESHAP regulations. Subsequently, on January 16, 1997, TDEC issued a construction permit to GSR, Inc.

In late 1997, the facility was sold and renamed Metalico-College Grove, (MCG) Inc. The new owner proposed changes to the facility's design and submitted a new permit application to TDEC on July 13, 1998, reflecting those changes. At that point, TDEC had begun developing a new lead SIP and redesignation request based on the GSR, Inc. facility. TDEC elected to submit a lead SIP and redesignation request dated September 11, 1998, based on the GSR facility, while acknowledging that a new lead SIP would be necessary to accommodate the new MCG, Inc. smelter, as reflected by the July 13, 1998, permit application.

On December 22, 1998, the old facility was completely shutdown, and the new smelter began operation. As a result, TDEC developed a new lead SIP and redesignation request dated May 12, 1999, based on the new MCG, Inc. lead smelter. Further, TDEC withdrew both the 1993 and 1998 lead SIPs and replaced them with the new lead SIP submittal and redesignation request.

##### **II. Analysis of the State Submittal**

The 1999 SIP revision was reviewed using the criteria established by the CAA in section 110(a)(2). Section 172(c) of the CAA specifies the provisions applicable to areas designated as nonattainment for any of the NAAQS. EPA has also issued a General Preamble describing how EPA will review SIPs and SIP revisions submitted under Title I of the CAA, including those state submittals containing lead nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because the 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 Title I advanced in today's approval and the supporting rationale (57 FR 13549, April 16, 1992).

##### **A. Attainment Demonstration**

Section 192(a) of the CAA requires that SIPs must provide for attainment of the lead NAAQS as expeditiously as practicable but not later than five years from the date of an area's nonattainment designation. The lead nonattainment designation for the Williamson County area was effective on January 6, 1992; therefore, the latest attainment date permissible by statute would be January 6, 1997. The Williamson County area has air quality data showing attainment of the lead NAAQS for the years 1996 through 1998 and to date for 1999.

To demonstrate that the area will continue to be in attainment with the lead NAAQS, emission limits were set through the application of reasonable achievable control technologies (RACT) and workplace standards at the MCG facility. The emission limits were evaluated using air dispersion modeling. This modeling predicts the impact of emissions on the environment surrounding the facility and whether or not the area will attain the lead NAAQS. The modeling demonstration submitted by TDEC for the MCG facility shows a predicted maximum quarterly ambient air lead concentration of 0.218 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) which is well below the NAAQS for lead of 1.5  $\mu\text{g}/\text{m}^3$ .

##### **B. Emissions Inventory**

Section 172(c)(3) of the CAA requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Because it is necessary to support an area's attainment demonstration, the emission inventory must be included with the SIP submission.

TDEC submitted an emissions inventory for the base year 1998. The inventory identifies the secondary lead smelter owned and operated by MCG as the sole major source of lead emissions in the Williamson County area when violations were recorded. The EPA is approving the emissions inventory because it is accurate and comprehensive, and provides a sufficient basis for determining the adequacy of the attainment demonstration for this area consistent with the requirements of the CAA.

##### **C. Reasonably Available Control Measures (RACT) (Including Reasonably Available Control Technology (RACT))**

States with lead nonattainment areas must submit provisions to assure that RACM (including RACT) are

implemented (see section 172(c)(1)). All smelting processes at the MCG facility are enclosed in a single concrete and steel building, and the building is kept under negative pressure. Baghouses at the facility control emissions from the blast and reverberatory furnaces and associated process equipment. Other than the flues for the indirect fired refining kettles, which contain natural gas combustion products and no lead emissions, the exhausts of the two baghouses and the wet scrubber are the only emission points for the smelter. All of the control measures employed at the MCG facility were evaluated for reasonableness and technological and economical feasibility. EPA has determined that requirements for RACM (including RACT) have been met.

#### *D. Other Measures Including Emission Limitations, and Timetables*

Pursuant to 172(c)(6) of the CAA, all nonattainment SIPs must contain enforceable emission limitations, other control measures, and schedules and timetables for compliance.

The emission limits for the MCG facility were submitted as a part of the lead SIP and used in the modeling study. The facility-wide emissions of lead for MCG are limited to 0.863 pounds per hour (lbs/hr). Any relaxation of the emission limits which results in a computer modeling prediction of a maximum quarterly lead concentration off the MCG plant property exceeding  $0.218 \mu\text{g}/\text{m}^3$  will require a revision of this lead SIP.

The CAA also requires that nonattainment SIPs include other measures and schedules and timetables for compliance that may be needed to ensure the attainment of the relevant NAAQS by the applicable attainment date. Because the Williamson County area has been attaining the lead NAAQS since 1996, it is not necessary to require other control measures or a schedule and timetable for compliance with the NAAQS.

#### *E. Computer Modeling*

Section 110(a)(2)(K) of the CAA requires the use of air quality modeling to predict the effect on ambient air quality from any emissions of an air pollutant for which a NAAQS has been established. Therefore, TDEC was required to submit a modeling demonstration with the lead SIP. TDEC used the current long-term ISCLT3 and CTSCREEN models. The 1998 modeling results reveal that the maximum quarterly lead concentration was  $0.218 \mu\text{g}/\text{m}^3$  which is well below the  $1.5 \mu\text{g}/\text{m}^3$  lead NAAQS. Furthermore, it is predicted that the maximum quarterly

lead concentration in the year 2011 shall be either at or below the 1998 value.

#### *F. Reasonable Further Progress (RFP)*

The SIP must provide for RFP, defined in section 171(1) of the CAA as such reductions in emissions of the relevant air pollutant as are required by section 172(c)(2), or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

The EPA reviewed the attainment demonstration for the area to determine whether annual incremental reductions different from those provided in the SIP should be required in order to ensure continued attainment of the lead NAAQS. The EPA found that at the emission rate established through RACT limits and control measures utilized at the old GSR facility has provided continuous attainment of the lead NAAQS since 1996. The emission rate, RACT limits and controls implemented at the new MCG facility are more stringent than those at the old GSR facility and constitute adequate reasonable further progress for the Williamson County area. Furthermore, the air quality monitoring data indicate no exceedances of the lead NAAQS since 1996 and the modeling study predicts no future exceedances. Therefore, no additional incremental reductions in emissions are needed.

#### *G. New Source Review (NSR)*

Section 172(c)(5) of the CAA requires that the submittal include a permit program for the construction and operation of new and modified major stationary sources. The federally approved Rule 1200-3-9 of the Tennessee Air Pollution Control Regulations identifies the current specific permitting requirements for nonattainment areas in the State of Tennessee. Rule 1200-3-9—Prevention of Significant Deterioration of Air Quality will replace this rule once the Williamson County lead nonattainment area is redesignated to attainment. An analysis of the redesignation request is discussed later in this document. This rule meets the requirements of the CAA.

#### *H. Contingency Measures*

As provided in section 172(c)(9) of the CAA, all nonattainment area SIPs that demonstrate attainment must include contingency measures. Contingency measures should consist of other available measures that are not part of the area's control strategy. These measures must take effect without further action by the state or EPA, upon

a determination that the area has failed to meet RFP or attain the lead NAAQS by the applicable attainment date.

If a violation of the Lead NAAQS occurs in the Williamson County area, TDEC will proceed within 60 days to take appropriate enforcement action for that violation, and, if necessary incorporate a schedule of corrective action into any order issued as a result of that enforcement action. EPA has determined this requirement in the Tennessee SIP to meet the contingency measure provisions of the CAA.

The EPA is approving the lead SIP for Williamson County, Tennessee because it meets the requirements set forth in section 110(a)(2) and 172(c) of the CAA.

### **III. Background and Analysis of the Redesignation Request**

In 1995, TDEC submitted a proposal package requesting that the Williamson County area to be redesignated attainment for the lead NAAQS. Subsequent violations of the lead NAAQS recorded the entire calendar year of 1995 prevented TDEC from submitting a final redesignation request. After the area had sufficient air quality monitoring data, on September 11, 1998, TDEC submitted a lead SIP and redesignation request that has been withdrawn and replaced with a new request dated May 13, 1999.

Pursuant to section 107(d)(3)(E) of the CAA, five requirements must be met before a nonattainment area can be redesignated to attainment. The following describes how each of the five requirements has been achieved.

#### *A. Attainment of the Lead NAAQS*

The EPA requires eight consecutive quarters or two calendar years of air quality monitoring data showing attainment to justify a redesignation to attainment for the lead NAAQS. To demonstrate that the Williamson County area is in attainment with the NAAQS for lead, TDEC included air quality data for the years 1996-1998 in the submittal. The data has been quality assured, and can be found in EPA's Aerometric Information Retrieval System. This monitoring data which covers over 12 consecutive quarters without an exceedance, is adequate to demonstrate attainment of the lead NAAQS. TDEC will continue to monitor the air quality of the Williamson County area to verify continued maintenance of the lead NAAQS.

A modeling demonstration is also required to redesignate a lead nonattainment area to attainment. The EPA believes that the modeling analysis included in the 1999 lead SIP also being approved in this document satisfies this

requirement. As stated previously in this notice, the results of the modeling analysis indicate that the lead NAAQS will continue to be maintained.

#### B. Section 110(k) SIP Approval

The SIP for the area must be fully approved under section 110(k) and must satisfy all requirements that apply to the area. Approval actions on SIP elements and the redesignation request may occur simultaneously as in the case of this lead SIP and redesignation request. The SIP elements for the lead SIP were discussed previously in the "Analysis of the State Submittal" section of this document. The EPA has determined that the approval of the lead SIP for the Williamson County area meets the requirements of section 110(k).

#### C. Permanent and Enforceable Improvement in Air Quality

A state must be able to reasonably attribute the improvement in air quality to permanent and enforceable emission reductions. The MCG facility provides more stringent emission limits and lower emission rates compared to those at the old GSR facility which provide enforceable and permanent emission reductions needed to attain and maintain the lead NAAQS. This is evidenced by the area having more than 12 consecutive quarters of clean air quality data. Furthermore, the modeling study shows that the area will remain in attainment through the year 2011. Subsequently, EPA has determined that there is a permanent and enforceable improvement in the air quality in Williamson County.

#### D. Compliance With Section 110(a)(2) and Part D of the CAA

To be redesignated to attainment, section 107(d)(3)(E) requires that an area must have met all applicable requirements of section 110(a)(2) and part D of the CAA. The EPA has determined that the lead SIP for the Williamson County lead nonattainment area meets the requirements of section 110(a)(2) and part D of the CAA and is approving the submittal in this document. A detailed explanation of the requirements can be found in the "Analysis of the State Submittal" section of this document.

#### E. Maintenance Plan

Section 175(A) of the CAA requires states that submit a redesignation request to include a maintenance plan to ensure that the attainment of NAAQS for the relevant pollutant is maintained. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the approval of a

redesignation to attainment. To provide for the possibility of future NAAQS violations, the maintenance plan must contain such contingency measures necessary to assure that a state will promptly correct any violation of the standard that occurs after redesignation. The contingency provisions must include a requirement that a state will implement all measures for controlling the air pollutant concerned that were contained in the SIP prior to redesignation.

TDEC demonstrated that the lead SIP also being approved in this action is adequate to maintain compliance with the lead NAAQS for at least ten years. The EPA agrees that the lead SIP satisfies the requirements of section 175(A) of the CAA to show maintenance of the lead NAAQS. The control measures and lead emission limits included in the SIP have been implemented at the MCG facility to ensure the continued attainment of the lead NAAQS. The modeling demonstration supporting the lead SIP shows maintenance of the lead standard through 2011, meeting the requirement to show maintenance for ten years. The lead SIP also includes contingency measures that will take effect if a violation of the lead NAAQS occurs. Since these measures were not implemented to attain the lead NAAQS, they can be used as contingency measure for maintenance.

#### IV. Final Action

EPA is approving the lead SIP and redesignation of the Williamson County lead nonattainment area to attainment because the submittal meets the requirements of the CAA as discussed in this document. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective September 10, 1999 without further notice unless the Agency receives adverse comments by August 11, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should

do so at this time. If no such comments are received, the public is advised that this rule will be effective on September 10, 1999 and no further action will be taken on the proposed rule.

#### V. Administrative Requirements

##### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

##### B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

##### C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective

and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies 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 small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of

the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

#### F. Unfunded Mandates

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 annual 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.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### G. Submission to Congress and the Comptroller General

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. 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).

#### H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 1999. 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).)

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

Environmental protection, Air pollution control, Intergovernmental relation, Lead, Reporting and record keeping requirements.

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: June 17, 1999.

**Winston A. Smith,**

*Acting Regional Administrator, Region 4.*

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 *et seq.*

#### Subpart RR—Tennessee

2. Section 52.2220(d) is amended by adding at the end of the table a new entry for the Metalico College Grove, Inc. facility to read as follows:

#### § 52.2220 Identification of plan.

\* \* \* \* \*

(d) EPA-approved State Source specific requirements.

EPA-APPROVED TENNESSEE SOURCE—SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
* Metalico College Grove, Inc .....	* N/A	* 05/12/99	* July 12, 1999.	* *

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart C—Section 107 Attainment Status Designations**

2. In § 81.343, the attainment status table for lead is amended by revising the

Designated Area, Designation Date and type entry for Williamson County (part) to read as follows:

**§ 81.343 Tennessee.**

TENNESSEE—LEAD

Designated area	Designation		Classification	
	Date	Type	Date	Type
* Williamson County (part): Area encompassed by a circle centered on Universal Transverse Mercator coordinate 530.38 E, 3961.60 N (Zone 16) with a radius of 1.5 kilometers.	* September 10, 1999.	* Attainment.	* *	* *

[FR Doc. 99-17338 Filed 7-9-99; 8:45 am]  
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**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**45 CFR Parts 2522, 2525, 2526, 2527, 2528, and 2529**

**RIN 3045-AA09**

**AmeriCorps Education Awards**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Final rule.

**SUMMARY:** The Corporation adopts interim rules published on June 15, 1994, regarding AmeriCorps education awards as final rules. The Corporation is also issuing final rules amending several provisions relating to the AmeriCorps education award, including those governing a participant's eligibility and the ways in which a participant may use the award. These changes will promote efficiency and consistency in providing education awards to AmeriCorps participants.

**DATES:** The final rules are effective August 11, 1999.

**FOR FURTHER INFORMATION CONTACT:** Gary Kowalczyk, Coordinator of National Service Programs, Corporation for National and Community Service, (202) 606-5000, ext. 340. T.D.D. (202) 565-2799.

**SUPPLEMENTARY INFORMATION:**

**Background**

Through this document, the Corporation adopts as final, with changes, rules regarding AmeriCorps education awards. On March 23, 1994 (59 FR 13772), the Corporation published final rules covering its grant programs, including general provisions regarding the provision of a partial education award for participants who are released because of compelling personal circumstances before completing their terms of service. On June 15, 1994 (59 FR 30709), the Corporation published interim final rules for the National Service Trust governing the AmeriCorps education award and related interest benefits. The Corporation did not receive any comments from the public concerning the interim rules. The Corporation published a proposed rule on April 9, 1999 (64 FR 17302), designed to clarify the rules applicable to the determination of compelling personal circumstances as well as several National Service Trust rules concerning the education award.

**Discussion of the Final Rule**

The proposed rule gave the public sixty days to submit comments. The Corporation received comments from two persons.

*Welfare to Work Transition as Compelling Personal Circumstances*

One commenter expressed concern that allowing programs to approve a pro-rated education award for welfare recipients who enroll as AmeriCorps members and thereafter leave their term of service as part of a transition from welfare (e.g., to accept permanent employment) would undermine both an ethic of work and an ethic of service and might cause morale problems among other members who are not welfare recipients. The Corporation has concluded that, on balance, the overriding public policy objective of fostering self-sufficiency among welfare recipients outweighs these concerns.

*Transfers by Members From One Program To Another*

One commenter urged the Corporation to include in its rules guidance on transfers by members between programs. The commenter believes that this is necessary to ensure consistent policies and procedures in this area. The Corporation believes that these policies and procedures do not rise to the level of a regulation and may be addressed through avenues other than a rule.

*Release for Cause*

One commenter stated that the Corporation had proposed a definition of "for cause" that is too broad. The commenter also objected to the removal