

that may exist) and the individual fails or refuses, without a good reason, to attend a consultative examination (see § 404.1518); or

\* \* \* \* \*

## **PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED**

### **Subpart J—[Amended]**

3. The authority citation for subpart J continues to read as follows:

Authority: Secs. 702(a)(5), 1614, 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1382c, 1383, and 1383b).

4. Section 416.1015 is amended by removing the "or" at the end of paragraph (c)(1), by redesignating paragraph (c)(2) as paragraph (c)(3), and by adding a new paragraph (c)(2) to read as follows:

#### **§ 416.1015 Making disability determinations.**

\* \* \* \* \*

(c) \* \* \*

(2) A State agency disability examiner alone when there is no medical evidence to be evaluated (i.e., no medical evidence exists or we are unable, despite making every reasonable effort, to obtain any medical evidence that may exist) and the individual fails or refuses, without a good reason, to attend a consultative examination (see § 416.918); or

\* \* \* \* \*

[FR Doc. 96-6375 Filed 3-18-96; 8:45 am]

BILLING CODE 4190-29-P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[TN 130-1-9601a; TN 116-1-9602a; TN 114-1-9603a; FRL-5345-9]

### **Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Tennessee State Implementation Plan**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Tennessee State Implementation Plan (SIP) submitted on June 21, 1993, and June 22, 1993, by the State of Tennessee, through the Tennessee Department of Environment and Conservation (DEC). The submittal of June 21, 1993 revises Chapter 1200-3-14 Control of Sulfur Dioxide Emissions and the submittal of June 22, 1993

revises Chapter 1200-3-10 Required Sampling, Recording and Reporting. On December 17, 1993, the Memphis Shelby County Health Department, through the Tennessee DEC, submitted revisions to Section 16-85 of the Memphis Shelby County Portion of the Tennessee SIP which adopt by reference revisions to Chapter 1200-3-10 of the Tennessee SIP. The intended effect of this revision is to clarify certain provisions and ensure consistency with the Clean Air Act.

**DATES:** This action is effective May 20, 1996 unless notice is received by April 18, 1996 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be addressed to: Scott M. Martin, 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.

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 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.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531.

Memphis and Shelby County Health Department, 814 Jefferson Avenue, Memphis, Tennessee 38105.

**FOR FURTHER INFORMATION CONTACT:** Scott M. Martin, 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 extension 4216.

**SUPPLEMENTARY INFORMATION:** On June 21, 1993, the State of Tennessee, through the Tennessee DEC, submitted revisions to Chapter 1200-3-14 Control of Sulfur Dioxide Emissions. The changes are as follows: 1.) Paragraph

1200-3-14-.03(4) was amended by inserting after the second sentence the following: "This document will be incorporated into the State Implementation Plan. The cost of the legal notice involved must be paid by the requesting source."

On June 22, 1993, the State of Tennessee, through the Tennessee DEC, submitted revisions to Chapter 1200-3-10 Required Sampling, Recording and Reporting. The changes are as follows: 1.) Paragraph 1200-3-10.02(1)(c)2 is amended by deleting the text and inserting the word "(Reserved)". This deletion removes the authority for the Technical Secretary to approve alternate monitoring standards.

On December 17, 1993, the Memphis Shelby County Health Department, through the Tennessee DEC, submitted revisions to Section 16-85 of the Memphis Shelby County Portion of the Tennessee SIP. This revision adopts by reference changes to Chapter 1200-3-10 of the Tennessee SIP identified in the previous paragraph.

### **Final Action**

EPA is approving the above referenced revisions to the Tennessee State Implementation Plan (SIP). This action is being taken without prior proposal because the EPA 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 May 20, 1996 unless, by April 18, 1996, 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 May 20, 1996.

Under Section 307(b)(1) of the Clean Air Act (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 May 20, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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 Act, 42 U.S.C. 7607(b)(2)).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

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.

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 not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under 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) and 7410(k)(3).

#### Unfunded Mandates

Under Sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"),

signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain duties. EPA has examined whether the rules being approved by this action will impose any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector. EPA's action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. Therefore, this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

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

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: December 4, 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)(134) to read as follows:

##### § 52.2220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(134) Revisions to the State of Tennessee Air Pollution Control Regulations submitted by the Tennessee

Department of Environment and Conservation on June 21, 1991, and June 22, 1993. These consist of revisions to Chapter 1200-3-10 Required Sampling, Recording and Reporting, and Chapter 1200-3-14 Control of Sulfur Dioxide Emissions. Revisions to section 16-85 of the Memphis/Shelby County portion of the Tennessee SIP which adopt by reference changes made to Chapter 1200-3-10 of the Tennessee SIP.

(i) Incorporation by reference.

(A) Chapter 1200-3-14, effective March 21, 1993.

(B) Chapter 1200-3-10, effective March 13, 1993.

(C) Section 16-85 of the Memphis/Shelby County Health Department, Air Pollution Control Regulations effective October 23, 1993.

(ii) Other material. None.

[FR Doc. 96-6002 Filed 3-18-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[AL-042-1-9614a, AL-043-9613a; FRL-5426-9]

#### Approval and Promulgation of Implementation Plans Alabama: Revision to the Alabama Department of Environmental Management Administrative Code for the Air Pollution Control Program

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

**ACTION:** Direct final rule.

**SUMMARY:** On October 30, 1995, and December 14, 1995, the State of Alabama through the Department of Environmental Management (ADEM) submitted a revision to the State Implementation Plan (SIP) to amend the ADEM Administrative Code for the Air Pollution Control Program. The purpose of this submittal is to revise the definition of Volatile Organic Compound (VOC) in Chapter 335-3-1—General Provisions—Section 335-3-1-.02 (ggggg), to ensure that the state regulation is consistent with the Federal rule.

**DATES:** This action is effective May 20, 1996 unless adverse or critical comments are received by April 18, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments may be mailed to Kimberly Bingham at the EPA Region 4 address listed below. Copies of the material submitted by ADEM may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102),