

subsequent year. These annual reports will be submitted July 1, 1996, and each July 1 thereafter, covering the previous test year. Biennial reports will be submitted to discuss any changes in program design and procedures, and the appropriate corrective action taken.

Inspector Training and Licensing or Certification—40 CFR 51.376

The federal I/M regulation requires all inspectors to be formally trained and licensed or certified to perform inspections.

Both the Tennessee regulations and the contract require all inspectors to receive formal training, be licensed by the Davidson County Health Department or the APCD and renew the certification every year. In order to be licensed, the inspector must attend a training course and pass an examination. Currently, policies are being drafted by the APCD to officially require a score of at least 80% to pass. The SIP meets the federal I/M regulation requirements for inspector training and certification and is approvable.

Public Information and Consumer Protection—40 CFR 51.368

The federal I/M regulation requires the SIP to include public information and consumer protection programs.

The contracts provided with both SIP submittals include a public information program which educates the public on I/M, State and federal regulations, air quality and the role of motor vehicles in the air pollution problem and other items as described in the federal rule. The consumer protection program includes provisions for a challenge mechanism, and providing assistance to motorists in obtaining warranty covered repairs. Section 11 of the Tennessee APCD SIP submittal and Appendices 10, 11, and 13 of the Davidson County submittal discusses the various components of the public information and consumer protection program that will be implemented as part of the I/M program. The public information and consumer protection programs contained in the SIP submittal meet the federal regulations and are approvable.

Improving Repair Effectiveness—40 CFR 51.369

Effective repairs are the key to achieving program goals. The federal regulation requires states to take steps to ensure that the capability exists in the repair industry to repair vehicles. The SIP must include a description of the technical assistance program to be implemented, and a description of the repair technician training resources available in the community.

Section 10 of the Tennessee APCD contract contains a provision identifying the State as being responsible for interfacing with the repair industry with respect to technical assistance and technician training. The repair effectiveness program described in the SIP meets the federal regulation and is approvable.

Compliance With Recall Notices—40 CFR 51.370

The federal regulation requires the states to establish methods to ensure that vehicles that are subject to enhanced I/M and are included in an emission related recall receive the required repairs prior to completing the emission test or renewing the vehicle registration.

The Nashville ozone nonattainment area is classified as moderate and therefore not subject to this provision.

On-road Testing—40 CFR 51.371

On-road testing is required in enhanced I/M areas.

The Nashville ozone nonattainment area is classified as moderate and therefore not subject to this provision.

State Implementation Plan Submissions/Implementation Deadlines—40 CFR 51.372–373

The federal regulation requires centralized basic I/M programs to be fully implemented by July 1, 1994. The Davidson County portion of the Nashville nonattainment area has been in operation since 1985. This constitutes the largest portion of the vehicles in the area. Testing began on December 1, 1994 in the four surrounding counties. Although this testing began several months late, the SIP revision is now approvable as the program has been implemented in the four additional counties as required.

On April 1, 1994, the State of Tennessee was notified by EPA of a failure to submit the I/M plan as required. This action started the sanctions clock and the Federal Implementation Plan (FIP) clocks. Letters were sent on July 18 and August 2, 1994, notifying the Tennessee APCD that the submitted middle Tennessee I/M SIP revisions had been determined to be complete. This action stopped the sanctions clock. The FIP clock will be stopped by the final approval of this SIP provision.

EPA's review of the material indicates that the State has adopted a basic I/M program in accordance with the requirements of the Act. EPA is approving the Tennessee SIP revision for revisions to the Davidson County I/M program, as submitted on March 17,

1994, and for a basic I/M program in Rutherford, Sumner, Williamson, and Wilson counties which was submitted on July 8 and July 13, 1994.

Final Action

The EPA is publishing this action without prior proposal because the agency views this as a noncontroversial amendment and anticipates no adverse public comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comment be filed. This action will be effective September 26, 1995 unless, by August 28, 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 discussed in a subsequent final rule based on the separate proposed rule. The EPA will not institute a second comment period for 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 September 26, 1995.

EPA is approving this revision to the Tennessee SIP for a basic I/M program. The Agency has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

Under section 307(b)(1) of the Act, 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 September 26, 1995. 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).)

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

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