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 NOx 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

Final Action

Technology (RACT).

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