

been designated for preservation by NARA shall be transferred with the records. This documentation shall include completed NARA Form 14097, Technical Description for Transfer of Electronic Records, and a completed NARA Form 14028, Information System Description Form, or their equivalents. Where possible, agencies should submit required documentation in an electronic form that conforms to the provisions of this section.

(1) *Data files.* Documentation for data files and data bases must include record layouts, data element definitions, and code translation tables (codebooks) for coded data. Data element definitions, codes used to represent data values and interpretations of these codes must match the actual format and codes as transferred.

(2) *Digital spatial data files.* Digital spatial data files shall include the documentation specified in paragraph (e)(1) of this section. In addition, documentation for digital spatial data files may include metadata that conforms to the Federal Geographic Data Committee's Content Standards for Digital Geospatial Metadata, as specified in Executive Order 12906 of April 11, 1994 (3 CFR, 1995 Comp., p. 882).

(3) *Documents containing SGML tags.* Documentation for electronic files containing textual documents with SGML tags shall include a table for interpreting the SGML tags, when appropriate.

Dated: July 23, 1996.

John W. Carlin,

Archivist of the United States.

[FR Doc. 96-19123 Filed 7-26-96; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IA-005-1005; FRL-5542-8]

### Approval and Promulgation of Implementation Plans and Approval Under Section 112(l); State of Iowa

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency proposes approval of revisions to the State Implementation Plan (SIP) submitted by the state of Iowa. Several of the revisions are necessary to meet requirements of the Clean Air Act (Act) and Code of Federal Regulations (CFR). Others are intended to improve the state's permitting program and air

quality. Collectively, these revisions will strengthen the SIP with respect to attainment and maintenance of established air quality standards and with respect to control of hazardous air pollutants.

**DATES:** Comments must be received on or before August 28, 1996.

**ADDRESSES:** Comments may be mailed to Christopher D. Hess, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Christopher D. Hess at (913) 551-7213.

**SUPPLEMENTARY INFORMATION:** The state of Iowa requested approval of four SIP revisions under the authority and signature of the Governor's designee, Larry J. Wilson, Director, Iowa Department of Natural Resources (IDNR). Two separate requests each dated February 16, along with requests dated February 19 and February 27, 1996, were received by the EPA. All of these submittals were determined complete in accordance with the criteria specified in 40 CFR part 51, appendix V. The state provided evidence of the lawful adoption of regulations, public notice, and relevant public hearing requirements for each submittal.

#### Revision Topics

Revisions by the state are summarized by date of the request to amend the SIP.

#### *I. February 16, 1996(b)—Construction Permit Exemptions and Permit by Rule for Spray Booths*

The list of exemptions from the requirement to obtain an air construction permit is amended and expanded. The practical effect of this action reduces the large volume of permits formerly required under state rule. Many of the activities that triggered a construction permit contained negligible emissions. For example, Iowa previously required permits for modifications which did not result in increased emissions.

The rule now exempts such modifications and others involving minimal increases, but requires that such sources provide information showing that increased emissions will not prevent attainment or maintenance of air quality standards.

The rule also exempts certain activities from the requirement to obtain a preconstruction permit, such as incinerators with a rated burning capacity of less than 25 pounds per hour. Iowa has determined, through the use of screening models, that such operations and activities would not have an adverse impact on air quality

anywhere in the state. Based on this determination, EPA proposes to approve the exemptions.

The exemption provision, rule 22.1(2), also contains a provision which clarifies that the exemptions are not retroactive. This provision was adopted by the Environmental Protection Commission (EPC) on May 15, 1995, and submitted to the EPA on February 16, 1996. Subsequently, on April 15, 1996, the EPC removed the provision clarifying the retroactivity of the exemptions. However, on June 12, 1996, the IDNR submitted a letter clarifying that it intended that the EPA act on the preamended exemption provision (including the clarification that the exemptions are not retroactive), and that it does not intend that the EPA act on the subsequent amendment. The EPA proposes to approve the exemption provision on this basis.

With this amendment, there will be less burden on the regulated community (due to fewer required permits), and the IDNR can focus on more significant sources of pollution. The EPA believes that the rule, as revised, continues to meet the preconstruction review requirements of section 110(a)(2)(C) of the Act.

A permit by rule for paint spray booths is added. If a source meets the criteria established in the rule, the source's spray booths will be deemed to be in compliance with the requirements to obtain air construction and operating permits. Sources which emit at levels allowed by the rule would not be major sources for purposes of the construction and operating permit programs under the Act.

Thus, this revision provides a mutual benefit to the IDNR, regulated community and the public. Sources have an incentive to maintain low levels of emissions, thereby reducing their own and the IDNR's administrative requirements while the public's exposure to pollutants is decreased. The rule requires specific and enforceable operating restrictions which meet the EPA guidance for Federal enforceability.

Because the rule limits emissions of hazardous air pollutants as well as volatile organic compounds, the EPA is proposing to approve the rule under sections 110 and 112(l) of the Act.

#### *II. February 16, 1996(c)—Open Burning*

Open burning exemptions and their intent in rural settings are clarified. The exemptions are also modified to prohibit burning of asbestos-containing shingles as required by the Iowa statutes.

The use of "landowner" in certain definitions is expanded to include a

tenant. A clarified exemption allows open burning within one-fourth mile of a building inhabited by a person if a waiver is submitted by the owner prior to the activity. Finally, the previous rule's restriction to two training fires per year is clarified to indicate the restriction only related to fires where the asphalt roofing has not been removed. The EPA believes that this revision strengthens the previously approved open burning rule, and is therefore approvable.

### *III. February 19, 1996(a)—New Source Review (NSR) in Nonattainment Areas*

On March 8, 1994, the EPA designated areas of Muscatine County, Iowa, nonattainment for the SO<sub>2</sub> National Ambient Air Quality Standard. This area is currently the only designated nonattainment area in Iowa. The nonattainment designation requires the state to amend its NSR rules to conform with changes made by the 1990 Act.

Many of these amendments were approved by the EPA in a rulemaking dated October 30, 1995. The remaining amendments are addressed in this request for a SIP revision and include:

1. Emission offsets for SO<sub>2</sub> which provide for reasonable further progress toward attainment of the national standard must be obtained by major new sources and modifications. The practical effect of this is a positive net air quality benefit by new or modified sources.
2. Emission reduction credits are only valid if not required by other requirements of the Act.
3. Emission reduction credits for shutdown or curtailment of operations must be Federally enforceable conditions.
4. A new or modified source must comply with the lowest achievable emission rate to reduce SO<sub>2</sub> emissions.
5. Sources must provide an alternate site analysis demonstrating the emissions from the proposed activity in a nonattainment area are outweighed by the benefits of the activity.
6. No permit may be issued until notice and opportunity for public comment are made available. This procedure must be conducted in accordance with 40 CFR § 51.161.
7. A permit may not be issued if the EPA determines that the state is not implementing the applicable SIP in the designated area.

The EPA believes these revisions meet the requirements of section 173 of the Clean Air Act and applicable regulations in 40 CFR part 51, subpart I. The reader may request the Technical Support Document (TSD) for this action which further explains this conclusion.

On a procedural note, the EPA is currently developing a proposed rule to assist the implementation of the changes under the amended Act in the NSR provisions in Parts C and D of Title I of the Act. If the EPA has not taken final action on the state's NSR submittals by the time the proposed rule is published for comment, the EPA may refer to the proposed rule as the most authoritative guidance available regarding the approvability of the submittals. Upon promulgation of the final regulations, the EPA will review the NSR SIPs of all states to determine whether additional SIP revisions are necessary.

Prior to the EPA approval of a 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 memorandum, the 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 issuing permits consistent with requirements in their current NSR SIPs during that period, or to apply 40 CFR Part 51, Appendix S, for new designated areas without previous NSR requirements.

### *IV. February 27, 1996(b)—Definitions and Adoption Updates*

These amendments update the state's incorporation by reference of the Federal regulation concerning the definition of volatile organic compound and the guidelines for air quality models. This revision also updates the incorporation by reference of Federal regulations relating to stack sampling and associated analytical methods used to evaluate compliance with emission limitations.

The revision also references an updated compliance sampling manual which the state uses to determine compliance with applicable SIP requirements for SO<sub>2</sub> and particulate matter. The specific regulations are referenced in the TSD.

### *V. January 26, 1995—Permit Requirements Relating to Nonattainment Areas*

In a previous revision to the SIP requested by the state dated January 26, 1995, the EPA inadvertently failed to act on rule 31.1 which contains specific requirements for nonattainment areas. This rule informs readers that special construction permit requirements in nonattainment areas are contained in

subrules 22.5 and 22.6 (which are addressed in section III of this notice).

### *EPA Action*

The EPA proposes approval of the revisions described in this document to strengthen maintenance of air quality standards and meet the Act's requirements.

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 the 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.*, the 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, the 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 sections 110, 112, 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 impose any new requirements, the EPA certifies 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids the 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)).

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 has exempted this regulatory action from E.O. 12866 review.

### *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, the 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 plan revision, the state and any affected local governments have elected to adopt the program provided for under sections 110 and 112 of the Act. These rules may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being proposed for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state or local governments, or to the private sector, result from this action. The EPA has also determined that this proposed action does not include a mandate that may result in estimated costs of \$100 million or more to state or local governments in the aggregate or to the private sector. The EPA has determined that these rules result in no additional costs to tribal governments as regulators.

#### 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, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: July 5, 1996.

William Rice,

*Acting Regional Administrator.*

[FR Doc. 96-19087 Filed 7-26-96; 8:45 am]

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#### 40 CFR Part 52

[TN-113-6768b; TN-122-6767b; TN-133-6568b; TN-138-6766b; TN-163-9625b; TN-170-9630b; FRL-5529-4]

#### Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Tennessee SIP and the Nashville/Davidson County Portion of the Tennessee SIP Regarding Nitrogen Oxides

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve revisions to the Tennessee State Implementation Plan (SIP) submitted to

EPA by Tennessee, through the Tennessee Department of Air Pollution Control (TDAPC) which add a new chapter to the Nashville/Davidson County and the State portion of the Tennessee SIP for the control of nitrogen oxide (NO<sub>x</sub>) emissions. Only the portions of the Tennessee NO<sub>x</sub> rule necessary for the approval of Tennessee's ozone redesignation request are being approved in this notice. EPA is granting an exemption to the area under 182(f) of the Clean Air Act (CAA) from NO<sub>x</sub> Reasonably Available Control Technology (RACT) requirements in a separate action. The only sources which will be subject to this rule tangentially-fired coal burning boilers which have a heat input capacity in excess of 600 million BTU per hour in the five county Nashville ozone nonattainment area. In the final rules section of this Federal Register, the EPA is approving the exemption request as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by August 28, 1996.

**ADDRESSES:** Written comments on this action should be addressed to William Denman at the Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365. Copies of 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 the appropriate office at least 24 hours before the visiting day. Reference files TN113-01-6768, TN122-01-6767, TN133-01-6568, TN138-01-6766, TN163-01-9625, and TN170-01-9630. The Region 4 office may have additional background documents not available at the other 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. William Denman, 404/347-3555 extension 4208.  
Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L&C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531. 615/532-0554

**FOR FURTHER INFORMATION CONTACT:** William Denman 404/347-3555 extension 4208.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: June 14, 1996.

A. Stanley Meiburg,

*Acting Regional Administrator.*

[FR Doc. 96-19144 Filed 7-26-96; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 52

[WI67-01-7276b; FRL-5539-2]

#### Approval and Promulgation of Implementation Plan; Wisconsin

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve a revision to the Wisconsin State Implementation Plan (SIP) for the general conformity rules. The general conformity SIP revisions enable the State of Wisconsin to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

**DATES:** Comments on this proposed action must be received by August 28, 1996.

**ADDRESSES:** Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

**FOR FURTHER INFORMATION CONTACT:** Michael G. Leslie, (312) 353-6680.

**SUPPLEMENTARY INFORMATION:** For additional information, see the Direct Final rule which is located in the Rules section of this Federal Register. Copies of the request and the EPA's analysis are available for inspection at the following