

the completion of all personnel action necessary to implement the determination. Reports that are required for longer periods may be retained only with the specific written approval of the investigative organization.

M. S. Healy,  
OSD Federal Register Liaison Officer,  
Washington, Headquarters Services,  
Department of Defense.

July 6, 1981.

[FR Doc. 81-20148 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-70-M

## Department of the Air Force

### 32 CFR Part 888

#### Enlistment in the U.S. Air Force; Miscellaneous Amendments

**AGENCY:** Department of the Air Force,  
DOD.

**ACTION:** Final rule.

**SUMMARY:** In FR Document 80-26698 of 2 September 1980 (45 FR 58117) paragraph (d) of § 888.7, Preparation of Application for Enlistment and USAF Enlistment Agreement Documents, appearing in the third column on page 58120, is redesignated paragraph "e." Current paragraphs "e" through "g" are redesignated "f" through "h."

**EFFECTIVE DATE:** June 22, 1981.

**FOR FURTHER INFORMATION CONTACT:**  
Carol M. Rose, telephone 697-1861.

(10 U.S.C. 8012)

[FR Doc. 81-20232 Filed 7-9-81; 8:45 am]

BILLING CODE 3910-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-6-FRL 1839-2]

#### Approval and Promulgation of State Implementation Plans; Approval of Conditionally Approved Elements in the Texas Plan for Nonattainment Areas

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

**ACTION:** Final rulemaking.

**SUMMARY:** The purpose of this notice is to approve certain elements of the State Implementation Plan (SIP) revisions for Texas, which were conditionally approved on March 25, 1980, (45 FR 19231). These revisions were submitted on December 21, 1979 and July 25, 1980 to fulfill the requirements of Part D of Title I of the Clean Air Act, as amended

in 1977, with regard to nonattainment areas.

When originally submitted, certain portions of the SIP contained minor deficiencies which the State agreed to correct or justify by a specified deadline. The deadlines committed to were December 31, 1979 and August 1, 1980. EPA received the required documentation according to schedule and has evaluated the State's submittals and found that these submittals satisfy the conditions for approval.

**EFFECTIVE DATE:** Effective on August 10, 1981.

**ADDRESSES:** Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Washington, D.C., Rm. 8401

Environmental Protection Agency,  
Public Information Reference Unit,  
EPA Library, 401 M Street, NW.,  
Washington, D.C., Rm. 2922

**FOR FURTHER INFORMATION CONTACT:**  
Donna M. Ascenzi, Implementation Plan  
Section, Air Programs Branch, Air and  
Hazardous Materials Division, U.S. EPA  
Region 6 (214) 767-1518.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

On August 1, 1979 (44 FR 45204), EPA published a notice of proposed rulemaking on the revisions to the Texas State Implementation Plan (SIP) which had been submitted by the Governor on April 13, 1979. Under that notice, the Agency discussed the SIP in detail and described the deficiencies of the SIP pursuant to Part D of the Act. In response to that notice of proposed rulemaking, the State committed to corrective actions on the deficiencies and to submit the additional required information by specific deadlines.

EPA took final action to conditionally approve certain elements of the Texas plan on March 25, 1980. A discussion of conditional approval and its practical effect appears in supplements to the General Preamble published on July 2, 1979, and November 23, 1979.

The conditional approvals, being acted on under this notice, are as follows.

(1) Under the conditional approval of Regulation V, the State was required to submit demonstrations of consistency with the Agency's 5 percent rule for those wastewater separators and vacuum producing systems for which the State included exemptions. These demonstrations were required to be submitted by December 31, 1979.

(2) Under the conditional approval of Regulation VI, the State was required to revise those portions of the regulation which deviated from the provisions of Section 173 of the Act, and submit the revised Regulation VI by August 1, 1980.

The Governor's submittal of July 25, 1980 included several additional revisions to the Texas SIP. However, only those revisions pertaining to the above mentioned conditional approvals are being acted on under this notice. All other revisions will be acted on in a subsequent Federal Register notice.

The remainder of today's notice briefly summarizes the conditions for approval, as specified in the March 25, 1980 notice and discusses EPA's determination on the State's submittal in satisfying the conditions being acted on under this notice.

It should be noted that the Texas Air Control Board (TACB) revised the numbering system of its regulations. To maintain consistency, the Subchapter numbers referred to in this notice correspond to those used in the March 25, 1980 notice. However, the new subchapter number, under the new numbering system, is referenced in parentheses, following the old subchapter number.

#### Regulation V

In the March 25, 1980 notice of final rulemaking, under the section which discussed Regulation V, "Control of Air Pollution from Volatile Organic Compounds," EPA noted several issues, for which the State's regulation deviated from the information in the Control Technique Guidelines (CTGs), and for which the State committed to submit additional information, supporting the deviations. These issues were as follows.

1. Under Subchapter 131.07.55.103 (115.142), the State included an exemption for wastewater separators, located at petroleum refineries, receiving less than 200 gallons per day of volatile organic compounds (VOC).

2. Under Subchapter 131.07.56 (115.152), the State included an exemption for vacuum producing systems emitting less than 100 pounds per day.

In regard to these issues, the State was required to submit demonstrations, for the exemptions indicating compliance with the Agency's 5 percent rule by December 31, 1979.

On December 21, 1979, the State submitted demonstrations of consistency for the exemptions for wastewater separators, and vacuum producing systems. EPA has evaluated the State's submittal and has

determined that the conditions have been fully met. Therefore, EPA is withdrawing conditional approval and is fully approving these portions of Regulation V.

#### Regulation VI

In the March 25, 1980 notice, under the section which discussed Regulation VI, "Control of Air Pollution by Permit for New Construction or Modification," EPA noted several issues on which the State's regulation deviated from the provisions of Section 173 of the Act, and for which the State committed to revise by August 1, 1980. Conditional approval of this portion of the SIP required the State to take the following corrective action: Revise Subchapter 131.08.00.003(a)(13), (now 116.3(a)(13)) so as to provide for the application of offsets in all newly designated nonattainment areas; and, revise the regulation to reflect that the use of "significance levels" will only apply to areas which can be demonstrated to be clean areas.

On July 25, 1980, the State submitted revisions to Regulation VI for the purpose of satisfying the conditions specified for approval. In regard to Subchapter 131.08.00.003(a)(13), (now 116.3(a)(13)), the State revised this portion of the regulation so as to require offsets, in newly designated areas until such time that EPA approves regulations and a control strategy for these areas. Since the State has met the condition for approval for this portion of Regulation VI, EPA is withdrawing conditional approval and fully approving this portion of Regulation VI.

Concerning the use of "significance levels," the State revised the regulation to allow for the use of "significance levels" (now revised to "de minimus impact") only in areas that were clean portions of nonattainment areas. However, on May 13, 1980 (45 FR 31307), EPA promulgated revisions to the Emission Offset Interpretative Ruling (40 CFR Part 51 Appendix S) which, in turn, revised its interpretation of the requirements for SIPs imposed by Section 173 of the Act. Under that promulgation, EPA extended the requirements of the Emission Offset Ruling for new source review pursuant to Section 173 of the Act to cover new major stationary sources and major modifications proposing to construct *anywhere* in the designated nonattainment area, thereby effectively eliminating the clean spot exemption previously allowed in conjunction with the use of "significance levels." Insofar as the State has met the condition for approval for this portion of Regulation VI, EPA is hereby withdrawing

conditional approval and issuing full approval to this portion of Regulation VI with the understanding that the State will be required to comply with the requirements specified in the May 13, 1980 Federal Register notice by the time limits specified therein.

In addition, compliance with the above mentioned conditional approval resulted in the State adding a new Subchapter 131.08.00.003(15), (now 116.3(a)(15)) to regulation VI. While the addition and intent of this subchapter satisfied the condition for approval specified above, it contains language which EPA considers to be ambiguous since it does not specify that greater than one for one offsets are required. In their letter of July 24, 1980, the State indicated that the method of operating the offset provision is to require a net decrease in emissions and that the language will be revised to reflect such. In light of the State's commitment, and their having satisfied the original condition for approval for this portion of Regulation VI, EPA is issuing full approval to this portion of Regulation VI. However, should the State not operate the permitting program in accordance with this interpretation, or fail to revise the language, EPA would initiate action to disapprove this portion of the SIP. EPA expects the TACB to correct the ambiguity by May 7, 1981 since its new source review regulations must be consistent by that date with the new source review requirements promulgated on August 7, 1980 in the Federal Register.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of July 10, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it is merely approving a State action. It will impose no new regulatory burden.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under Sections 110 and 172 within the terms of

the January 27 certification. This action only approves State actions. It imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the Federal Register on July 1, 1980.

(Sec. 110 of the Clean Air Act, as amended)

Dated: July 1, 1981.

John W. Hernandez,  
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### Subpart SS—Texas

1. Section 52.2270, is amended by adding paragraph (c)(25), which reads as follows:

§ 52.2270 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(25) Revisions to Regulation VI (i.e., Subchapter 116.3(a)(13-15)), and the definition of "de minimus impact," were adopted by the Texas Air Control Board on July 11, 1980, and submitted by the Governor on July 25, 1980.

§ 52.2275 [Amended]

2. Section 52.2275 is amended to remove paragraphs (a) (1), and (2).

3. Section 52.2299 is revised to read as follows:

§ 52.2299 Review of new sources and modifications.

(a) Part D Conditional Approval. Regulation VI is conditionally approved until the following condition is satisfied: (1) Revise the definitions of "major source" and "major modification" to be equivalent to EPA's definitions by May 7, 1981.

[FR Doc. 81-20225 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

#### GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Amdt. E-247]

Procurement Sources and Programs;  
Appliances and Water Coolers From  
Federal Supply Schedules

AGENCY: General Services  
Administration.

ACTION: Final rule.