

used in valuing benefits under this subpart to be paid as lump sums, the PBGC shall use the values of  $i_t$  prescribed in Table I hereof. The interest rates set forth in Table I shall be used by the PBGC to calculate benefits payable as lump sum benefits as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $0 < y \leq n_1$ ), interest  $i_1$  shall apply from the valuation date for a period of  $y$  years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $n_1 < y \leq n_1 + n_2$ ), interest rate  $i_2$  shall apply from the valuation date for a period of  $y - n_1$  years, interest rate  $i_1$  shall apply for the following

$n_1$  years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $y > n_1 + n_2$ ), interest rate  $i_2$  shall apply from the valuation date for a period of  $y - n_1 - n_2$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years; thereafter the immediate annuity rate shall apply.

TABLE I  
[Lump sum valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
12	10-1-94	11-1-94	5.50	4.75	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form:  $v^{om}$  (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13(b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of  $i_t$  prescribed in the table below.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by  $i_1, i_2, \dots$ , and referred to generally as  $i_t$ ) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II  
[Annuity valuations]

For valuation dates occurring in the month—	The values of $i_t$ are:					
	$i_1$	for $t=$	$i_2$	for $t=$	$i_3$	for $t=$
October 1994 .....	.0700	1-25	.0525	>25	N/A	N/A

Issued in Washington, DC, on this 12th day of September 1994.

**Martin Slate,**  
Executive Director, Pension Benefit Guaranty Corporation.  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[M124-01-6259a; FRL-5054-3]

**Approval and Promulgation of State Implementation Plan; Michigan; Miscellaneous Rule Changes, Technical Changes**

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Direct final rule.

**SUMMARY:** The USEPA partially approves and partially disapproves a revision to the Michigan State Implementation Plan (SIP) incorporating technical changes to miscellaneous air

control rules. These changes are not federally mandated, but the State has requested that USEPA incorporate the changes into the SIP.

**DATES:** This final rule will be effective November 14, 1994 unless notice is received by October 17, 1994 that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the *Federal Register*.

**ADDRESSES:** Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the SIP revision and USEPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region V, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Megan Beardsley at (312) 886-0669 before visiting the Region 5 Office.)

A copy of this SIP revision is also available at the Office of Air and

Radiation, Docket and Information Center (Air Docket 6102), Room M1500, U.S. Environmental Protection Agency, 401 M. Street, SW., Washington, DC 20460, (202) 260-7548.

**FOR FURTHER INFORMATION CONTACT:** Megan Beardsley, Environmental Scientist, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-0669.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On November 12, 1993 the State of Michigan requested that the USEPA revise its SIP to incorporate a number of technical rule changes that the State adopted in 1989. Most of these changes are minor, clarifying rules or removing definitions of terms no longer used in Michigan law, but some changes are more substantial.

Michigan's technical changes to miscellaneous rules were not required by the Clean Air Act (the Act) or other Federal law or policy. However, because the State requested that the changes be

incorporated into the SIP, USEPA must review the changes to assure that they are in accordance with the Act.

## II. Evaluation of State Submission

### A. Procedural Background

The Act requires States to observe certain procedural requirements in developing its SIP, of which the revisions will become a part. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.<sup>1</sup> Section 110(l) similarly provides that each revision to an implementation plan submitted by a State under the Act must have been adopted by such State after reasonable notice and public hearing.

The State of Michigan held a public hearing on June 9, 1988 to solicit public comment on the miscellaneous rule changes. No comments were received. Michigan submitted the proposed SIP revision to USEPA on November 15, 1993.

The USEPA reviewed the proposed SIP revision to determine completeness in accordance with the completeness criteria for SIP revisions specified in 40 CFR part 51, appendix V. The USEPA found the submittal complete, and sent a letter stating this finding to the Governor's delegate on January 7, 1994.

### B. Submittal Review

Most of the changes submitted by the State to USEPA clarified and strengthened the SIP. These changes are described below and in EPA's Technical Support Document for this document (M. Beardsley to Files, May 10, 1994).

#### Approvable Changes:

Throughout the rules included in this package, the State has updated and clarified references to other State rules. These changes are acceptable.

The State has deleted the definition for "green tire," (R 336.1107 (c)) and "undertread cementing" (R 336.1121) because the terms are no longer used in State rules. This is acceptable. The State has replaced the term "potential emissions" with "uncontrolled emissions" (R 336.1121) and has defined this term. The new definition is consistent with that used by USEPA.

The State has revised a rule governing sulfur emissions (R 336.1403) to require shut-off devices for facilities that burn large quantities of sour gas and has exempted certain sour gas storage vessels from control requirements. The USEPA has no specific guidance on sour gas shut-off devices, but these changes

are reasonable and acceptable revisions to the SIP.

The State has revised rules governing vapor recovery for gasoline and other organic compounds (R 336.1606-9) to replace the term "ozone nonattainment area" with "any county listed in table 61-a," which is a list of current ozone nonattainment areas. This change will make the vapor recovery rules applicable in the counties currently designated as nonattainment areas even after these areas are redesignated to attainment. This change strengthens the SIP and is approvable. In R 336.1608 and 336.1609, the State also has changed the wording of the rule to clarify that the rules apply to vapor recovery requirements at existing facilities rather than existing delivery trucks. This is approvable.

The State has changed the notification requirements for process turnarounds at petroleum refineries to allow notification "as soon as reasonably possible" (R 336.1616). Because USEPA has no notification requirements for turnarounds, this change is acceptable.

The State has deleted the rule (R 336.1626) regulating VOC emissions from rubber tire manufacturing. The State has no tire manufacturing facilities. This deletion is acceptable.

Michigan has changed R 336.1705 to clarify that rules apply to vapor recovery requirements at new fuel loading facilities rather than to new delivery trucks. This is a useful and approvable change.

Michigan has changed R 336.2005 on testing and sampling to list pressure and vacuum measurements in inches of water as well as pounds per square inch. This change is acceptable.

#### Changes Requiring Disapproval:

Several of the proposed SIP revisions submitted by the State of Michigan are not approvable by the USEPA. These changes and their deficiencies are described below and in detail in USEPA's Technical Support Document (M. Beardsley to Files, May 10, 1994).

(1) Michigan changed the definition of "good engineering practice design," (R 336.1107 (c)) in order to comply with Federal tall stack policy. This general change is acceptable, subject to USEPA rulemaking in response to the remand decision in *NRDC v Thomas*, 833 F.2d 1224 (D.C. Cir. 1988); but the revised rule also includes provisions for exceptions to be made at the discretion of the State air commission (R 336.1107 (b) (iv)). Such exemptions are revisions to the SIP and, under section 110(l) of the Act, must be submitted to USEPA for approval. For this reason, USEPA cannot approve discretionary provisions. Since this provision is

inseparable from the rest of the definition, the entire paragraph, R 336.1107 (b), must be disapproved.

Similarly, Michigan revised R 336.1241 (b), which includes language requiring sources to use meteorological data from National Weather Service stations unless they have air commission approval for the use of other data, and Michigan revised R 336.2005 (f) to allow the use of alternative test methods if they are approved by the air commission. Since each of these provisions is inseparable from the rest of its respective rule, USEPA must disapprove the entire requested revision for both rules.

(2) The State has updated citations to USEPA's "Guidelines on Air Quality Models" in R 336.1240. The guidelines have changed substantially since the dates cited in the revised rule, making the rule unapprovable as written. The rule also allows State discretion in approving alternate models (R 336.1240 (2) (b)). As described above, this use of discretion is unapprovable. USEPA disapproves the State's requested revisions for this rule.

(3) Michigan changed R 336.1706 to clarify that the rule applies to new fuel loading facilities; however, in R 336.1706(1) the word "new" was retained in reference to delivery vessels. In conjunction with the changes made in 336.1609, this wording creates an exemption from the requirement for submerged filling for existing delivery vessels at new facilities. This exemption is contrary to USEPA guidance (*Control of Volatile Organic Emissions from Bulk Gasoline Plants*, EPA-450/2-77-035, December 1977), and the State has provided no justification for the exemption, which appears to be a mistake. The rule is unapprovable.

(4) In R 336.2150, 336.2151, 336.2153, 336.2175, 336.2176, and 336.2199, the State has updated citations to USEPA performance specifications and standards for new sources. Because the specifications and standards have been substantially revised since the 1982 and 1983 versions cited in the revised Michigan rules, the rules are unapprovable.

### C. Action

USEPA has reviewed Michigan's proposed SIP revision incorporating technical changes to miscellaneous rules and, as described above, has found that some of the proposed revisions meet the requirements of the Act and of USEPA policy, while others do not meet these requirements. Hence, the USEPA partially approves the revision request, approving the changes to the following Michigan Air Pollution Control Rules: R

<sup>1</sup> Also, section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

336.1107 (except paragraph (c)); R 336.1121, R 336.1403, R 336.1606, R 336.1607, R 336.1608, R 336.1609, R 336.1616, R 336.1626 (deleted), and R 336.1705.

Likewise, USEPA disapproves the State's request to incorporate into the SIP the submitted revisions to the following Michigan Air Pollution Control rules: R 336.1107 (c), R 336.1240, R 336.1241, R 336.1706, R 336.2005, R 336.2150, R 336.2151, R 336.2153, R 336.2175, R 336.2176, and R 336.2199.

Because USEPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on November 14, 1994. However, if we receive adverse comments by October 17, 1994, USEPA will publish a document that withdraws this action and will address all public comments in a subsequent final rule based on the proposal published in the proposal section of this **Federal Register**. The public comment period will not be extended or reopened.

#### IV. Miscellaneous

##### A. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

##### B. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

##### C. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA 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, USEPA 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.

This partial approval does not create any new requirements. Therefore, I certify that this action 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 the regulatory flexibility analysis would constitute

Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (1976)).

##### D. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 14, 1994. 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)).

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

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: August 8, 1994.

David A. Ullrich,

Acting Regional Administrator.

40 CFR part 52 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 X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(95) to read as follows:

##### § 52.1170 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(95) On November 15, 1993, the State of Michigan requested revision to the Michigan State Implementation Plan (SIP) to incorporate miscellaneous technical rule changes that the State had made effective April 20, 1989.

(i) Incorporation by reference.

(A) Michigan Air Pollution Control Rules: R 336.1107 (except paragraph (c)); R 336.1121, R 336.1403, R 336.1606, R 336.1607, R 336.1608, R 336.1609, R 336.1616, R 336.1626 (deleted), and R 336.1705, effective April 20, 1989.

\* \* \* \* \*

[FR Doc. 94-22782 Filed 9-14-94; 8:45 am]

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#### 40 CFR Part 52

[TN-120-1-6528a; FRL-5069-9]

#### Approval and Promulgation of Implementation Plans Regarding Emergency Episodes, Tennessee

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Tennessee. This revision revises Tennessee's air pollution emergency episode plan requirements. The intended effect of this action is to incorporate by reference into the federally-enforceable SIP revised State regulations which meet current Federal requirements.

**DATES:** This final rule will be effective November 14, 1994 unless adverse or critical comments are received by October 17, 1994. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be addressed to: Ms. Karen Borel, at the Regional Office Address listed.

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following 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 IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Tennessee Division of Air Pollution Control, 701 Broadway, Customs House, 4th Floor, Nashville, Tennessee 37247-1531.

**FOR FURTHER INFORMATION CONTACT:** Ms. Karen Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555, ext 4197. Reference file TN-120-1-6528.

##### SUPPLEMENTARY INFORMATION:

On September 1, 1993, the State of Tennessee submitted a formal revision to its SIP incorporating changes in the State's emergency episode plan. The SIP revision consists of amendments to chapter 1200-3-15 of Tennessee's Air Pollution Control Regulations governing air pollution episode emergency plans. The amended revisions are summarized as follows: