

List of Subjects in 40 CFR Part 52

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

Dated: February 23, 1995.

Robert Springer,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(108) to read as follows:

§ 52.720 Identification of plan.

(c) * * *

(108) On January 25, 1994, the State submitted a revision to its ozone State Implementation Plan (SIP) for Quantum Chemical Corporation's facility located in Morris, Aux Sable Township, Grundy County, Illinois. It grants an adjusted standard from Parts 35 Illinois Administration Code (IAC) 218.966 and 218.986 as they apply to specific units or plants within this facility.

(i) Incorporation by reference.

(A) Illinois Pollution Control Board Final Opinion and Order, AS 92-14, adopted on October 7, 1993, and effective on October 7, 1993.

[FR Doc. 95-8038 Filed 3-31-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MO-9-1 6878; FRL-5180-7]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects the submission date for material submitted by the State of Missouri in the final rule published on August 24, 1994 which approved revisions to the Missouri State Implementation Plan. Missouri submitted administrative amendments to rule 10 CSR 10-6.030 which renumber and reorganize sections within that rule.

EFFECTIVE DATE: April 3, 1995.

ADDRESSES: Copies of the documents relative to this action are available for

public inspection during normal business hours at the: Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Josh Tapp at (913) 551-7606.

SUPPLEMENTARY INFORMATION: In FR Doc. 94-20737 in the **Federal Register** of August 24, 1994 (59 FR 43480), the submission date in § 52.1320(c)(79) of "September 20, 1991," should have been "November 20, 1991."

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 3, 1995.

William Rice,

Acting Regional Administrator.

Correction of Publication

Accordingly, the regulations published at 59 FR 43480 on August 24, 1994, are corrected as follows:

§ 52.1320 [Corrected]

On page 43481, in the second column, in § 52.1320, in paragraph (c)(79) introductory text, in the last line, the date "September 20" is corrected to read "November 20".

[FR Doc. 95-7748 Filed 3-31-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[TX-10-1-5223a; FRL-5171-1]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the State Implementation Plan (SIP) Addressing Visible Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves a revision to the Texas SIP addressing visible emissions. The purpose of approving this revision is to enable the visible emissions provisions of Texas Regulation I to become federally enforceable.

DATES: This final rule will become effective on June 2, 1995, unless adverse or critical comments are received by May 3, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register** (FR).

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant 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.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Sather or Mr. Bill Deese, Planning Section (6T-AP), Air Programs Branch, USEPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7214.

SUPPLEMENTARY INFORMATION:

Analysis of State Submissions

A. Procedural Background

The Clean Air Act (CAA) requires states to observe certain procedural requirements in developing implementation plans for submission to the EPA. Section 110(a)(2) of the CAA provides that each implementation plan submitted by a state must be adopted after reasonable notice and public hearing. Section 110(l) of the CAA similarly provides that each revision to an implementation plan submitted by a state under the CAA must be adopted by such state after reasonable notice and public hearing. The EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) of the CAA and 57 FR 13565). The EPA's completeness criteria for SIP submittals are set out at 40 Code of Federal Regulations (CFR) part 51, appendix V. The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by the EPA six months after receipt of the submission.

The State of Texas held public hearings on February 1-2, 1989, May 17, 1990, May 21-22, 1992, and on March 17, 1993, to entertain public comment

on the proposed revisions to the visible emissions provisions in Texas Regulation I. Following the public hearings and consideration of hearing comments, the revisions were adopted by the State and submitted by the Governor to the EPA by cover letters dated August 21, 1989, January 29, 1991, October 15, 1992, and August 4, 1993. Each package has been deemed complete in accordance with 40 CFR part 51, appendix V.

B. Visible Emissions Requirements in Texas Regulation I

This action approves the visible emissions requirements of Texas Regulation I into the Texas SIP. The provisions of Regulation I being approved in this action regarding visible emissions set opacity limitations for grandfathered and new stationary vents, gas flares, motor vehicles, railroad locomotives, ships, structures and all other unspecified sources. Compliance test methods (e.g. test method 9 from 40 CFR part 60, appendix A) and recordkeeping requirements are also specified in the visible emissions provisions, including requirements for continuous emissions monitoring systems. In addition, this action approves certain requirements that must be met for the approval of alternate opacity limitations. For details regarding the visible emissions requirements being approved in this action, please refer to the Technical Support Document.

Final Action

This final action approves revisions to Texas Regulation I addressing visible emissions. These revisions update the Texas SIP and strengthen the provisions of Texas Regulation I. The revisions were submitted by the Governor to the EPA by letters dated August 21, 1989, January 29, 1991, October 15, 1992 and August 4, 1993.

The EPA has reviewed these revisions to the Texas SIP and is approving them as submitted. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Thus, this action will be effective June 2, 1995, unless adverse or critical comments are received by May 3, 1995.

If such comments are received, 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. The 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 June 2, 1995.

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.

Miscellaneous

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 section 110 and subchapter I, part D, of the CAA 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, I certify 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 CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA 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 (1976); 42 U.S.C. section 7410(a)(2)).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 2, 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)).

Executive Order

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Note: Incorporation by reference of the SIP for the State of Texas was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 3, 1995.

Jane N. Saginaw,

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 SS—Texas

2. Section 52.2270 is amended by adding paragraph (c)(94) to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(94) Revisions to the Texas SIP addressing visible emissions requirements were submitted by the Governor of Texas by letters dated August 21, 1989, January 29, 1991, October 15, 1992 and August 4, 1993.

(i) Incorporation by reference.

(A) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, "Requirements for Specified Sources;" Subsection 111.111(a)(first paragraph) under "Visible Emissions;" Subsections 111.111(a)(1)(first paragraph), 111.111(a)(1)(A), 111.111(a)(1)(B) and 111.111(a)(1)(E) under "Stationary Vents;" Subsection 111.111(b)(first paragraph) under "Compliance Determination Exclusions;" and Subsections 111.113(first paragraph), 111.113(1), 111.113(2), and 111.113(3) under "Alternate Opacity Limitations;" as adopted by the TACB on June 16, 1989.

(B) TACB Board Order No. 89-03, as adopted by the TACB on June 16, 1989.

(C) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, "Requirements for Specified Sources;" Subsections 111.111(a)(4)(A) and 111.111(a)(4)(B)(i) under "Railroad

Locomotives or Ships;" Subsections 111.111(a)(5)(A) and 111.111(a)(5)(B)(i) under "Structures;" and Subsections 111.111(a)(6)(A) and 111.111(a)(6)(B)(i) under "Other Sources," as adopted by the TACB on October 12, 1990.

(D) TACB Board Order No. 90-12, as adopted by the TACB on October 12, 1990.

(E) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, "Requirements for Specified Sources;" Subsections 111.111(a)(1)(C), 111.111(a)(1)(D), 111.111(a)(1)(F)(first paragraph), 111.111(a)(1)(F)(i), 111.111(a)(1)(F)(ii), 111.111(a)(1)(F)(iii), 111.111(a)(1)(F)(iv), and 111.111(a)(1)(G) under "Stationary Vents;" Subsections 111.111(a)(2)(first paragraph), 111.111(a)(2)(A), 111.111(a)(2)(B), and 111.111(a)(2)(C) under "Sources Requiring Continuous Emissions Monitoring;" Subsection 111.111(a)(3)(first paragraph) under "Exemptions from Continuous Emissions Monitoring Requirements;" Subsection 111.111(a)(4), "Gas Flares," title only; Subsection 111.111(a)(5)(first paragraph) under "Motor Vehicles;" Subsections 111.111(a)(6)(A), 111.111(a)(6)(B)(first paragraph), 111.111(a)(6)(B)(i) and 111.111(a)(6)(B)(ii) under "Railroad Locomotives or Ships" (Important note, the language for 111.111(a)(6)(A) and 111.111(a)(6)(B)(i) was formerly adopted as 111.111(a)(4)(A) and 111.111(a)(4)(B)(i) on October 12, 1990); Subsections 111.111(a)(7)(A), 111.111(a)(7)(B)(first paragraph), 111.111(a)(7)(B)(i) and 111.111(a)(7)(B)(ii) under "Structures" (Important note, the language for 111.111(a)(7)(A) and 111.111(a)(7)(B)(i) was formerly adopted as 111.111(a)(5)(A) and 111.111(a)(5)(B)(i) on October 12, 1990); and Subsections 111.111(a)(8)(A), 111.111(a)(8)(B)(first paragraph), 111.111(a)(8)(B)(i) and 111.111(a)(8)(B)(ii) under "Other Sources" (Important note, the language for 111.111(a)(8)(A) and 111.111(a)(8)(B)(i) was formerly adopted as 111.111(a)(6)(A) and 111.111(a)(6)(B)(i) on October 12, 1990), as adopted by the TACB on September 18, 1992.

(F) TACB Board Order No. 92-19, as adopted by the TACB on September 18, 1992.

(G) Revisions to Texas Air Control Board (TACB), Regulation I, Section 111.111, "Requirements for Specified Sources;" Subsections 111.111(a)(4)(A)(first paragraph), 111.111(a)(4)(A)(i), 111.111(a)(4)(A)(ii), and 111.111(a)(4)(B) under "Gas Flares," as adopted by the TACB on June 18, 1993.

(H) TACB Board Order No. 93-06, as adopted by the TACB on June 18, 1993. (ii) Additional material.

(A) TACB certification letter dated July 27, 1989, and signed by Allen Eli Bell, Executive Director, TACB.

(B) TACB certification letter dated January 9, 1991, and signed by Steve Spaw, Executive Director, TACB.

(C) TACB certification letter dated October 1, 1992, and signed by William Campbell, Executive Director, TACB.

(D) TACB certification letter dated July 13, 1993, and signed by William Campbell, Executive Director, TACB.

[FR Doc. 95-8040 Filed 3-31-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5181-6]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of a site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Independent Nail Superfund site in Beaufort, South Carolina from the National Priorities List (NPL). The NPL is appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of South Carolina have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of South Carolina have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: April 3, 1995.

FOR FURTHER INFORMATION CONTACT: Terry L. Tanner, Remedial Project Manager, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30365, 404/347-7791.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Independent Nail Superfund Site, Beaufort, South Carolina

A Notice of Intent to Delete for this site was published January 13, 1995 (60 FR 3189). The closing date for

comments on the Notice of Intent to Delete was February 13, 1995. EPA received no comments during this period.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover cost associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Hazardous waste.

Dated: March 24, 1995.

John H. Hankinson,
Regional Administrator.

40 CFR Part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: Section 105, Pub. L. 96-510, 94 Stat. 2764, 42 U.S.C. 9605 and sec. 311(c)(2), Pub. L. 92-500 as amended, 86 Stat. 865, 33 U.S.C. 1321(c)(2); E.O. 12316, 46 FR 42237; E.O. 11735, 38 FR 21243.

Appendix B [Amended]

2. Appendix B Part 300 is amended by removing the entry for Independent Nail Superfund Site, Beaufort, South Carolina.

[FR Doc. 95-8026 Filed 3-31-95; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1043 and 1084

[Ex Parte No. MC-223]

Electronic Filing of Surety Bonds, Trust Fund Agreements, Insurance Certificates, and Cancellations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission modifies its regulations to permit the electronic