

Federal inquiry into the economic reasonableness of state action. The CAA forbids 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)).

The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Lead, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 9, 1995.

Dennis Grams,

Regional Administrator.

[FR Doc. 95–8082 Filed 3–31–95; 8:45 am]

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40 CFR Part 52

[TX–10–1–5223b; FRL–5171–2]

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: Proposed rule.

SUMMARY: The EPA proposes to approve a revision to the Texas SIP addressing visible emissions. The purpose of proposing to approve this revision is to enable the visible emissions provisions of Texas Regulation I to become federally enforceable. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision 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 rule. If the EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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 action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by May 3, 1995.

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.
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: See the information provided in the direct final action of the same title which is located in the final rules section of this **Federal Register**.

Dated: March 3, 1995.

Jane N. Saginaw,

Regional Administrator.

[FR Doc. 95–8041 Filed 3–31–95; 8:45 am]

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40 CFR Part 63

[AD–FRL–5181–7]

Request for Approval of Section 112(l) Authority for the Lincoln-Lancaster County Health Department (LLCHD) Air Program; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to grant approval under section 112(l)(5) and 40 CFR 63.91 of the LLCHD'S program for receiving delegation of future section 112 standards that are unchanged from Federal standards as promulgated, and to delegate existing standards under 40 CFR parts 61 and 63 for non-Part 70 sources. When approved, state rules and applicable part 70 operating permit conditions would substitute for the applicable Federal requirements within a state or local jurisdiction.

DATES: Comments on this proposed action must be received in writing by May 3, 1995.

ADDRESSES: Comments should be addressed to Wayne Kaiser at the

address indicated. Copies of the Lincoln-Lancaster submittal and other supporting information used in developing the proposed rule are available for inspection during normal business hours at the US EPA, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Wayne A. Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Section 112(l) of the 1990 Clean Air Act (CAA) enables the EPA to approve state (and local agency) air toxics programs to operate in place of the Federal air toxic program. Approval is granted by the EPA if the Agency finds that the state program or rule meets the criteria described in 40 CFR 63.91 (58 FR 62262). The LLCHD requested such approval for its part 70 sources in its part 70 program submittal. EPA published a notice proposing to approve the LLCHD's part 70 program and 112(l) authority for part 70 sources on January 31, 1995 (60 FR 5883).

On February 2, 1995, LLCHD submitted a letter to EPA requesting approval of its program under section 112(l)(5) and 40 CFR 63.91 for receiving delegation of future section 112 standards that are unchanged from Federal standards as promulgated, and requested delegation of existing standards under 40 CFR parts 61 and 63 for non-part 70 sources. The letter included information which addresses the approval criteria in 40 CFR 63.91. This includes adequate legal authority and resources, an expeditious implementation and compliance schedule, and adequate enforcement authorities.

II. Analysis of Submission

LLCHD demonstrated it has adequate legal and enforcement authority by referring to the County Attorney's opinion and its rules and regulations submitted with its Part 70 program submittal. This authority and the rules apply to all regulated sources. The LLCHD commits to expeditiously adopting and implementing all future section 112 requirements, whether for part 70 or non-Part 70 sources, after they are promulgated by EPA. The delegation mechanism which the LLCHD intends to use for future section 112 standards and programs is the adoption by reference mechanism.

The LLCHD has already adopted the dry cleaner maximum achievable control technology, subpart M, which applies primarily to non-Part 70 sources, and has adequate resources to