

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]

BILLING CODE 6560-50-P

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 If the EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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

implement it. It commits to providing EPA with future demonstrations of resource adequacy as necessary as new requirements become known.

The LLCHD submitted a schedule for implementing section 112 requirements in its part 70 program submittal. This schedule will apply to both part 70 and non-Part 70 sources, since adoption by reference of the standard will apply simultaneously to both types of sources.

Finally, the LLCHD has demonstrated that it has the legal authority to take civil and enforcement actions against any section 112 source for all CAA requirements, including the section 112 requirements.

The reader may consult the Technical Support Document, available from the contact above, for a more detailed explanation of these topics.

III. Proposed Action

EPA is proposing 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 for both Part 70 and non-Part 70 sources. In addition, EPA proposes to delegate existing standards under 40 CFR parts 61 and 63 for non-Part 70 sources.

IV. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed notice. Copies of LLCHD's submittal and other information relied upon for this proposal are contained in the docket maintained at the EPA Regional Office. The docket is an organized and complete file of all information submitted to, or otherwise considered by, EPA in the development of this proposal. The principle purposes of the docket are:

1. To allow interested parties a means to identify and locate documents so they can effectively participate in the approval process; and
2. To serve as the record in case of judicial review, EPA will consider any comments received by May 3, 1995.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations., Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.
Dated: March 13, 1995.

William Rice,

Acting Regional Administrator.

[FR Doc. 95-8083 Filed 3-31-95; 8:45 am]

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40 CFR Part 372

[OPPTS-400032A; FRL-4944-8]

RIN 2070-AC00

Ammonia; Ammonium Sulfate (Solution); Ammonium Nitrate (Solution); Water Dissociable Ammonium Salts; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended proposed rule.

SUMMARY: EPA is amending its March 30, 1990 proposal to grant a petition to delete ammonium sulfate (solution) from the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). The March 30, 1990 proposal was based on EPA's belief that releases of ammonium sulfate (solution) can be more effectively covered by the EPCRA section 313 ammonia listing. EPA is amending the proposed rule in order to allow the public to comment on data not available or included at the time of the original proposal. EPA is also expanding the proposal to include the deletion of ammonium nitrate (solution) as a separately listed toxic chemical on the EPCRA section 313 list because EPA believes that releases of ammonium nitrate (solution) are more effectively covered by the EPCRA section 313 listings for ammonia and the recently added water dissociable nitrate compounds category. In addition, EPA is proposing to modify the ammonia listing to make it clear that aqueous ammonia from all water dissociable ammonium salts is reportable under the EPCRA section 313 listing for ammonia. In the March 30, 1990 proposal, EPA discussed two options for the reporting of aqueous ammonia, as total ammonia or as some proportion of total ammonia. Today, EPA is proposing that 10 percent of total aqueous ammonia be reported under the ammonia listing.

DATES: Written comments must be received by May 3, 1995.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, 202-260-9592, for specific information on this amended proposed rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This amended proposal is issued under section 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (42 U.S.C. 13106). When enacted, section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Section 313(d) authorizes EPA to add chemicals to or delete chemicals from the list, and sets forth criteria for these actions. EPA has added chemicals to and deleted chemicals from the original statutory list. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. Pursuant to EPCRA section 313(e)(1), EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petition is denied.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. On May 23, 1991 (56 FR 23703), EPA issued a statement of policy and guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compound categories. EPA has published a statement