committed to continue monitoring in this area in accordance with 40 CFR part 58

In sum, EPA believes that the data submitted by the TNRCC provides an adequate demonstration that Victoria County attained the ozone NAAQS. Moreover, the monitoring data continue to show attainment in 1994 and in 1995 to date.

If the monitoring data records a violation of the NAAQS before the direct final action is effective, the direct final approval of the redesignation will be withdrawn and a proposed disapproval substituted for the direct final approval.

(2) Section 110 Requirements

For purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the CAA, EPA has reviewed the SIP to ensure that it contains all measures that were due under the CAA prior to or at the time the State submitted its redesignation request, as set forth in EPA policy. EPA interprets section 107(d)(3)(E)(v) of the CAA to mean that, for a redesignation request to be approved, the State must have met all requirements that applied to the subject area prior to or at the same time as the submission of a complete redesignation request. Requirements of the CAA that come due subsequently continue to be applicable to the area at later dates (see section 175A(c)) and, if redesignation of any of the areas is disapproved, the State remains obligated to fulfill those requirements. These requirements are discussed in the following EPA documents: "Procedures for Processing Requests to Redesignate Areas to Attainment," John Calcagni, Director, Air Quality Management Division, September 4, 1992, "State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines," John Calcagni, Director, Air Quality Management Division, October 28, 1992, and "State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) on or after November 15, 1992," Michael H. Shapiro, Acting Assistant Administrator, September 17, 1993.

EPA has analyzed the SIP and determined that it is consistent with the requirements of amended section 110(a)(2). The SIP contains enforceable emission limitations, requires monitoring, compiling, and analyzing ambient air quality data, requires preconstruction review of new major stationary sources and major

modifications to existing ones, provides for adequate funding, staff, and associated resources necessary to implement its requirements, and requires stationary source emissions monitoring and reporting.

(3) Additional Section 110 and Part D Requirements

The TNRCC submitted a SIP revision entitled "Revisions to Texas Regulation V and the General Rules to Meet Reasonably Available Control Technology Requirements" (Texas RACT Catch-up and Victoria County Fix-up). This SIP revision contains certain recordkeeping and monitoring requirements necessary for Victoria County to have a fully-approved SIP under section 110. The EPA is approving the Texas RACT Catch-up and Victoria County Fix-up SIP revisions together in a separate action concurrent with this Victoria County redesignation request. The Texas RACT Catch-up and Victoria County Fix-up direct final approval notice is located in the final rules section of this Federal Register. If adverse or critical comments are received on the Texas RACT Catchup and Victoria County Fix-up action, the notice will be converted from a direct final action to a proposal and those comments addressed in a subsequent final action. In such a case, the Victoria County redesignation direct final action will be converted to a proposal as well. As discussed earlier in this document, all of the SIP requirements must be met by the TNRCC and approved by EPA into the SIP prior to or concurrent with final action on the redesignation request.

Before Victoria County can be redesignated to attainment, it also must have fulfilled the applicable requirements of part D of the CAA. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 2 of part D establishes additional requirements for nonattainment areas classified under table 1 of section 181(a)(1). Since Victoria County is considered nonclassifiable, the State is only required to meet the applicable requirements of subpart 1 of part D specifically sections 172(c) and 176.

Section 172(c)(1) requires the implementation of all reasonably available control technology (RACT) as expeditiously as possible. The State of Texas has adopted VOC RACT rules under the following general categories: General Volatile Organic Compound

Sources, Volatile Organic Compound Transfer Operations, Petroleum Refining and Petrochemical Processes, Solvent-Using Processes, Miscellaneous Industrial Sources, Consumer-Related Sources, and Administrative Provisions. Incomplete/no data areas such as Victoria County must correct any RACT deficiencies regarding the enforceability of existing rules in order to be redesignated to attainment. To this end, certain monitoring, recordkeeping, and reporting requirements are being revised to improve the enforceability of RACT in Victoria County in the concurrent action discussed above. With the approval of these revisions the requirements of section 172(c)(1) are fully met for Victoria County.

Section 172(c)(2) lists requirements for a demonstration of reasonable further progress (RFP). An RFP demonstration assumes a long nonattainment period or a large amount of reductions required to attain the standard. Because Victoria County is already in attainment, EPA considers Federal measures, such as the Federal Motor Vehicle Control Program and Reid Vapor Pressure requirement, sufficient to meet the RFP requirement. See the General Preamble for the Implementation of Title I (57 FR 13498, 13525–26, 13564).

Section 172(c)(3) requires an emissions inventory as part of an area's attainment demonstration. The emissions inventory requirement has been met by the submission and approval with this action of the 1992 inventory for Victoria County.

Section 172(c)(9) requires that contingency measures be developed should an area fail to meet the reasonable further progress requirement. As explained in the General Preamble (57 FR 13525), EPA believed it not appropriate to apply this requirement to incomplete/no data areas such as Victoria County. Moreover, since Victoria County has met the RFP requirement, and has demonstrated attainment through air monitoring data, the contingency measures requirement of section 172(c)(9) no longer applies (57 FR 13564). Thus, the State is not required to submit section 172(c)(9) contingency measures for Victoria County to be redesignated.

Section 172(c)(5) requires the development of a New Source Review (NSR) Program. Although Texas has had an NSR program, revisions required by the 1990 Act have not been approved by EPA. Texas, therefore, does not currently have a fully approved NSR program. However, in an October 14, 1994 memo from Mary D. Nichols, Assistant Administrator for Air and