discussed in the limited maintenance plan memo, certain monitored ozone levels will provide the basis for triggering measures contained in the contingency plan. Additionally, as discussed above, during year 8 of the maintenance period, TNRCC is required to submit a revised plan to provide for maintenance of the ozone standard in Victoria County for the next ten years.

## Contingency Plan

Section 175A of the CAA requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area to attainment. The contingency plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State. The State should also identify specific triggers which will be used to determine when the measures need to be implemented.

The TNRCC has selected Stage I vapor control as its contingency measure. At any time during the maintenance period, if the Victoria County air quality monitor records a third exceedance of the ozone NAAQS within any consecutive three-year period (a level below the NAAQS), the TNRCC will promulgate a rule change to implement Stage I gasoline controls in Victoria County. This rule will be submitted to EPA within 6 months of the third exceedance. The compliance date for applicable sources in Victoria County will be 6 months after TNRCC adopts the rule change. This contingency measure and schedule satisfies the requirements of section 175A(d).

In addition, the State has adopted several voluntary measures that, although not enforceable and therefore not contingency measures that could satisfy section 175A, are expected to contribute to the maintenance of air quality. The triggers for the voluntary measures, with the exception of the emissions projection measure, are at ozone levels below the standard, to allow the State to take early action to address a possible violation of the NAAQS before it occurs. The following trigger levels would activate measures: The ozone design value equals or exceeds 85% of the exceedance level of the ozone NAAQS, or 0.106 ppm; or the monitor shows one to four exceedances of the ozone NAAQS during any consecutive three-year period.

If the design value of Victoria County exceeds .106 ppm at any time during the maintenance period, Victoria County officials will establish a voluntary ozone advisory program. The TNRCC will

coordinate the dissemination of information to the county with respect to ozone advisory predictions, voluntary compliance measures on ozone advisory days, and public notification. The ozone advisory program will be functional within 6 months of notification by the TNRCC that the ozone design value for Victoria County has reached the trigger level.

If the monitor records an exceedance of the ozone NAAQS, Victoria County officials will establish a formal ozone advisory program. This formal program will be staffed sufficiently to operate the program on a daily basis during the peak ozone season (May 1–September 30). The formal program will be staffed and functional within 6 months of notification by TNRCC that the trigger level has been reached.

If the monitor records a second exceedance of the ozone NAAQS during any consecutive three-year period, the newly-formed ozone advisory board will institute a voluntary program with area industry to reschedule, revise, or curtail activities for the ozone advisory days. This program will be developed and available for use within 30 days after notification by the TNRCC that this contingency measure will be required.

If Victoria County should violate the ozone NAAQS (4 exceedances during any consecutive three-year period) during the maintenance period, the TNRCC will require an additional voluntary measure to be implemented within one year of a violation of the ozone NAAQS. A complete description of these voluntary measures and their triggers can be found in the State's submittal. Although these voluntary measures do not qualify as contingency measures under section 175A, EPA is hereby approving them under section 110 for whatever strengthening effect they may have on the SIP.

## Final Action

The EPA has evaluated the State's redesignation request for Victoria County, Texas, for consistency with the CAA, EPA regulations, and EPA policy. The EPA believes that, with the concurrent approval of the Texas RACT Catch-up and Victoria County Fix-up submission, the redesignation request and monitoring data demonstrate that Victoria County, Texas, has attained the ozone standard. In addition, the EPA has determined that, with the concurrent approval of the Texas RACT Catch-up and Victoria County Fix-up submission, the redesignation request meets the requirements and policy set forth in the General Preamble and policy memorandum discussed in this notice for area redesignations, and today is approving Texas' redesignation request for Victoria County.

request for Victoria County.
The EPA is publishing this action without prior proposal because the EPA 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. This action will be effective May 8, 1995, unless adverse or critical comments are received by April 6, 1995. If the EPA receives such comments, 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 on this action or the Texas **RACT Catch-up and Victoria County** Fix-up action, the public is advised that this action will be effective May 8, 1995. Similarly, if adverse or critical comments are received on the Texas **RACT Catch-up and Victoria County** Fix-up action, the notice on that action will be converted 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.

The EPA has reviewed this redesignation request for conformance with the provisions of the CAA and has determined that this action conforms to those requirements.

## Regulatory Process

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, under 5 U.S.C. 605(b), the EPA may certify that the rule will not have a significant impact on a substantial number of small entities (see 46 FR 8709). Small entities include small businesses, small not-for-profit enterprises, and governmental entities with jurisdiction over populations of less than 50,000.

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 May 8, 1995. Filing a petition for reconsideration of this final rule by the Administrator does not affect the finality of this rule for purposes of