requirements of section 110 of the Clean Air Act (CAA) and 40 CFR part 51. 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 If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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 document.

**DATES:** Comments on this proposed rule must be received in writing by February 10, 1995.

**ADDRESSES:** Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (AT–082), Air Programs Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule 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 10, Air Programs Section, 1200 6th Avenue, Seattle, WA 98101.

Oregon Department of Environmental Quality, 811 SW. Sixth Avenue, Portland, Oregon 97204.

**FOR FURTHER INFORMATION CONTACT:** Rindy Ramos, Air & Radiation Branch (AT–082), EPA, Seattle, Washington 98101, (206) 553–6510.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: November 16, 1994.

**Chuck Clarke,**

*Regional Administrator.*

[FR Doc. 95–611 Filed 1–10–95; 8:45 am]

**BILLING CODE 6560–50–P**

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## 40 CFR Part 52

**[IN 45–1–6618; FRL–5138–3]**

## Approval and Promulgation of Implementation Plans; Indiana

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Proposed rule.

**SUMMARY:** An important component of the Indiana State Implementation Plan (SIP) for Volatile Organic Compounds (VOCs) consists of a two-part VOC definition. For purposes of remaining consistent with Federal regulations, the State of Indiana submitted a revision to the SIP which incorporates the current Federal VOC definition requirements contained in the Code of Federal Regulations (CFR) part 51 except that, unlike the Federal definition, the Indiana rule contains the exclusion of ''vegetable oils.'' Because the State has committed to correcting this deficiency by January 31, 1996, USEPA is proposing conditional approval of this SIP revision request. If the State fails to correct the deficiency, the conditional approval will convert to a disapproval.

**DATES:** Comments on this revision request and on the proposed USEPA action must be received by February 10, 1995.

**ADDRESSES:** Copies of the SIP revision request and USEPA's analysis are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Rosanne Lindsay at (312) 353–1151, before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Rosanne Lindsay at (312) 353–1151.

**SUPPLEMENTARY INFORMATION:**

### I. Summary of State Submittal

The VOC definition, adopted by the Indiana Air Pollution Control Board on June 2, 1993, is in two parts, located under Title 326 Indiana Administrative Code (IAC) 1–2–48 (for nonphotochemically reactive hydrocarbon) and 326 IAC 1–2–90 (for VOC). The definition, at 326 IAC 1–2–48.1, is amended to add five halocarbon compounds and four classes of perfluorocarbons to the list of organic compounds considered to be ''negligibly reactive'' in the formation of Ozone. In 326 IAC 1–2–90.1, Indiana amends the definition by excluding five carbon compounds that have negligible photochemical reactivity. These amendments, as described, comport with the Federal requirements.

Indiana has also added an exclusion of vegetable oils to the VOC definition, which makes it inconsistent with the revised Federal definition of VOC promulgated as part of the February 3, 1992 (57 FR 3945) final rule. 40 CFR 51.100(s). The exclusion of vegetable oils is based on comments and material presented at a State hearing on March 22, 1993. During the hearing, representatives from Frito-Lay, National Food Processors Association, Corn Refiners Association, and Institute of Shortening and Edible Oils, Inc., provided a 1991 USEPA report entitled, ''The Impact of Declaring Soybean Oil Exempt from VOC Regulations on the Coatings Program.'' Also included, in support of the exclusion, was an August 21, 1990, Memorandum from the Director of USEPA's Air Quality Management Division, to the Director of the Air, Pesticides, and Toxics Management Divisions, Region IV.

### II. Analysis of State Submittal

USEPA does not recognize the exclusion of vegetable oils from the definition of VOC, because this exclusion was not contained in the February 3, 1992 final rule (57 FR 3945). To the extent that the August 21, 1990 Memorandum and the 1991 USEPA report, cited above, are inconsistent with the February 3, 1992 rule, they are superseded by the February 3, 1992 final rule.

Vegetable processing sources cannot be exempted from the VOC definition rule, as proposed by the State of Indiana. Subject sources, however, may be able to seek source category exemptions under the generic non-Control Technology Guideline (non-CTG sources) RACT rule, if supported by documentation acceptable to the USEPA.

Based on EPA's preliminary analysis that the State's submittal was unapprovable, Indiana submitted to USEPA, a letter dated December 14, 1994, committing to the necessary rule revision. In accordance with an attached schedule, Indiana expects a final rule to be adopted and submitted to USEPA by January 1996.

### III. Proposed Rulemaking Action and Solicitation of Public Comment

USEPA is proposing a conditional approval of the Indiana VOC definition rule because the State has committed to correct the rule so that it fully comports with USEPA requirements as established in the February 3, 1992, final rule. Upon a final conditional approval by EPA, if the State ultimately fails to meet its commitment to correct the deficiency, noted herein, by January 31, 1996, the date the State committed to in its commitment letter, then USEPA's action for the State's requested

SIP revision will automatically convert to a final disapproval.

Public comments are solicited on the requested SIP revision and on USEPA's proposed conditional approval. Public comments received by February 10, 1995 will be considered in the development of USEPA's final rulemaking action.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989, (54 FR 2214–2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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, USEPA 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 Act 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids USEPA 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).

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: December 29, 1994.

**Valdas V. Adamkus,**

*Regional Administrator.*

[FR Doc. 95–690 Filed 1–10–95; 8:45 am]

BILLING CODE 6560–50–P

## 40 CFR Part 81

**[ID–A–94–64; FRL–5137–6]**

## Designation of Areas for Air Quality Planning Purposes; State of Idaho

**AGENCY:** United States Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Pursuant to the Clean Air Act as amended in 1990, EPA is authorized to promulgate redesignation of areas as nonattainment for the PM–10 (particulate matter with an aerodynamic diameter of less than or equal to a nominal ten micrometers) National Ambient Air Quality Standards (NAAQS). In a prior action, EPA proposed to redesignate as nonattainment for PM–10 a portion of Kootenai County consisting of the City of Coeur d'Alene. In today's action, EPA is requesting public comment on a proposal to expand the proposed nonattainment boundary and redesignate a larger portion of Kootenai County, Idaho, from unclassifiable to nonattainment for PM–10. EPA is proposing that the portion of Kootenai County outside the exterior boundary of the Coeur d'Alene Indian Reservation be designated nonattainment and classified moderate for PM–10. Monitored violations of the PM–10 NAAQS have been recorded at monitoring sites in Coeur d'Alene and Post Falls, Idaho.

**DATES:** All written comments on this proposal should be submitted by March 13, 1995.

**ADDRESSES:** Written comments should be addressed to: Montel Livingston, SIP Manager, U.S. EPA, Air Programs Development Section (AT–082), 1200 Sixth Avenue, Seattle, Washington 98101.

Information supporting this rulemaking action can be found in Public Docket ID–A–94–64 at U.S. EPA, Air Programs Development Section, 1200 Sixth Avenue, Seattle, Washington 98101. The docket may be inspected from 8 A.M. to 4:30 P.M. on weekdays, except for legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Steven Body, Environmental Protection Agency (ATD–082), Air and Radiation Branch, 1200 6th Avenue, Seattle, Washington 98101, 206/553–0782.

**SUPPLEMENTARY INFORMATION:**

### I. General

EPA is authorized to initiate redesignation of areas as nonattainment for PM–10 pursuant to section 107(d)(3) of the Act [1] on the basis of air quality data, planning and control considerations or any other air quality related considerations the Administrator deems appropriate. A nonattainment area is defined as any area that does not meet, or any area with sources that significantly contribute to ambient air quality in a nearby area that does not meet, the National Ambient Air Quality Standards (NAAQS) (see section 107(d)(1)(A)(i) of the Act).[2] Thus, in determining the appropriate boundary for a nonattainment area, EPA considers not only the areas where the violations occurred but also nearby areas which contain sources that could significantly contribute to such violations.

In the absence of technical information identifying particular sources contributing to violations of the NAAQS, EPA policy for PM–10 is to use political boundaries associated with the area where the monitored violations occurred and in which it is reasonably expected that sources contributing to the violations are located (see, for example, 57 FR 43846 at 43848 (Sept. 22, 1992)). PM–10 nonattainment boundaries are generally presumed to be, as appropriate, the county, township or other municipal subdivision in which the ambient particulate matter monitors recording the PM–10 violations are located. EPA has presumed that this would include both the areas in violation of the PM–10 NAAQS and areas containing sources that significantly contribute to the violations. Moreover, EPA tends to consider and propose more expansive nonattainment area political boundaries to ensure that sources contributing to the nonattainment problem are considered in the State's technical evaluation and analysis of the area's air quality problem. However, a boundary other than a county perimeter or other municipal boundary may be more appropriate. Affected States and Tribes may submit information demonstrating that, consistent with section 107(d)(1)(A)(i) of the Act, a boundary

[1] References herein are to the Clean Air Act, as amended by the Clean Air Act Amendments of 1990, Pub. L. 101–549, 104 Stat. 2399 (''the Act''). The Act is codified, as amended, at the U.S. Code in 42 U.S.C. 7401, *et seq.*

[2] EPA has construed the definition of nonattainment area to require some material or significant contribution in a nearby area. The Agency believes it is reasonable to conclude that something greater than a molecular impact is required.