

with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA 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, EPA certifies 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 CAA, preparation of a regulatory flexibility analysis would constitute 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.

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 March 6, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 10, 1994.

William Rice,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart CC—Nebraska

2. Section 52.1420 is amended by adding paragraph (c)(41) to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

(41) On February 16, 1994, the Director of the Nebraska Department of Environmental Quality submitted revisions to the State Implementation Plan (SIP) to create a Class II operating permit program, Part D NSR rule changes, SO₂ rule corrections, and the use of enhanced monitoring.

(i) Incorporation by reference.

(A) Revised rules “Title 129—Nebraska Air Quality Regulations,” effective December 17, 1993. This revision approves all chapters except for parts of Chapters 5, 7, 8, 9, 10, 11, 12, 13, 14, and 15 that pertain to Class I permits; Chapter 17 as it relates to hazardous air pollutants; and excludes Chapters 23, 25, 26, 27, 28, 29, and 31.

(B) “Title 115—Rules of Practice and Procedure,” effective August 8, 1993, and submitted as an SIP revision on February 16, 1994.

(ii) Additional material.

(A) Letter from Nebraska to EPA Region VII dated February 16, 1994, regarding a commitment to submit information to the RACT/BACT/LAER Clearinghouse as required in section 173(d) of the Clean Air Act.

(B) Letter from Nebraska to EPA Region VII dated June 10, 1994, regarding the availability of state operating permits to EPA and specified emissions limitations in permits.

(C) Letter from Nebraska to EPA Region VII dated November 7, 1994, regarding the increase in New Source Review (NSR) permitting thresholds.

[FR Doc. 95–00146 Filed 1–3–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IN43–3–6716; FRL–5133–4]

Approval and Promulgation of Implementation Plan; State of Indiana

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On July 19, 1994, the United States Environmental Protection Agency (USEPA) published direct final rulemaking approving a 1990 base year ozone precursor emissions inventory for Lake and Porter Counties, Indiana as a revision to the Indiana State Implementation Plan (SIP). On the same day (July 19, 1994), a proposed rule was also published which established a 30-day public comment period, noting that, if adverse comments were received regarding the direct final rule, the

USEPA would withdraw the direct final rule and publish an additional final rule to address the public comments.

Adverse comments were received during the public comment period and the USEPA published a withdrawal of the direct final rule on September 15, 1994. This revised final rule summarizes the public comments and USEPA’s responses and finalizes the approval of the 1990 base year ozone precursor emissions inventory for Lake and Porter Counties as a revision to the Indiana SIP.

EFFECTIVE DATE: This action will be effective February 3, 1995.

ADDRESSES: Copies of the SIP revision, public comments and USEPA’s response are available for inspection at the following address: (It is recommended that you telephone Edward Doty at (312) 886–6057 before visiting the Region 5 office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Edward Doty, Regulation Development Section (AR–18J), Regulation Development Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886–6057.

SUPPLEMENTARY INFORMATION:

I. Background Information

The 1990 base year emissions inventory for Lake and Porter Counties, Indiana discussed in this rule was submitted by the Indiana Department of Environmental Management (IDEM) on January 15, 1994. The emissions inventory submittal covers the emissions of Volatile Organic Compounds (VOC), Oxides of Nitrogen (NO_x), and Carbon Monoxide (CO) for the Indiana portion of the Chicago-Northwest Indiana ozone nonattainment area. In addition to emissions from the nonattainment area, the submittal also covers VOC, NO_x, and CO emissions from major stationary sources (with actual emissions for any of the covered pollutants equal to or in excess of 100 tons per year) in all counties located within 25 miles of the ozone nonattainment area.

On July 19, 1994 (59 FR 36700), USEPA published a direct final rule approving the emissions inventory as a revision of the Indiana ozone SIP. On the same day, USEPA published a proposed rule noting that if adverse comments were received regarding the direct final rule, the USEPA would withdraw the direct final rule and