

the standard. For example, a standard level of 0.12 ppm means that measurements are to be rounded to two decimal places (0.005 rounds up to 0.01). Thus, 0.125 ppm is the smallest concentration value in excess of the level of the ozone standard.

Final Action

EPA is approving Kentucky's request to exempt the Kentucky portion of the Huntington-Ashland area moderate O₃ nonattainment area from the section 182(f) NO_x RACT requirement. This approval is based upon the evidence provided by Kentucky and the Commonwealth's compliance with the requirements outlined in the applicable EPA guidance. If a violation of the O₃ NAAQS occurs in the Kentucky portion of the Huntington-Ashland area, the exemption from the NO_x RACT requirement of section 182(f) of the CAA in the applicable area shall no longer apply. This action will be effective June 2, 1995.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the CAA, 42 U.S.C. 7607(b)(2)).

The OMB has exempted these actions from review under Executive Order 12866.

This action is not a SIP revision and is not subject to the requirements of section 110 of the CAA. The authority to approve or disapprove exemptions from NO_x requirements under section 182 of the CAA was delegated to the Regional Administrator from the Administrator in a memo dated July 6, 1994, from Jonathan Cannon, Assistant Administrator, to the Administrator, titled, "Proposed Delegation of Authority: Exemptions from Nitrogen Oxide Requirements Under Clean Air Act Section 182(f) and Related Provisions of the Transportation and General Conformity Rules"—Decision Memorandum."

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, 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, EPA 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. This rule approves an exemption from a CAA requirement. Therefore, I certify that it does not have a significant impact on any small entities affected.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 17, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52, chapter 1, 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 II—Kentucky

2. Section 52.937 is added to read as follows:

§ 52.937 Review of new sources and modifications.

(a) Approval—EPA is approving the section 182(f) oxides of nitrogen (NO_x) reasonably available control technology (RACT) exemption request submitted by the Kentucky Department for Environmental Protection on August 16, 1994, for the Kentucky portion of the Huntington-Ashland ozone (O₃) moderate nonattainment area. This approval exempts this area from implementing NO_x RACT on major sources of NO_x. If a violation of the O₃ NAAQS occurs in the area, the exemption from the requirement of section 182(f) of the CAA in the applicable area shall not apply.

(b) [Reserved]

[FR Doc. 95-10826 Filed 5-2-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[IN44-1-6538a; FRL-5190-6]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: On March 23, 1994, the State of Indiana requested a revision to the Indiana State Implementation Plan (SIP) for lead, in accordance with part D, title I requirements of the Clean Air Act (the Act) for the Marion County lead nonattainment area. Supplemental information was received on September 21, 1994. The submittal provides for the control of both stack and fugitive emissions by requiring, among other things, revised emission limitations, improved monitoring, building enclosures, an amended fugitive lead dust plan, and contingency measures in the event that subsequent violations of the lead National Ambient Air Quality Standard (NAAQS) occur. USEPA made a finding of completeness in a letter dated September 23, 1994. Therefore, because the submittal contains all the necessary elements under part D, USEPA is approving it. In the proposed rules section of this **Federal Register**, USEPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this action, USEPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

DATES: This final rule is effective on July 3, 1995 unless an adverse comment is received by June 2, 1995. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the **Federal Register**.

ADDRESSES: 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. 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.)

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