

have negligible photochemical reactivity as well as excluding the organic compounds listed in 326 IAC 1-2-48. The amendments, as described, comport with the Federal requirements.

However, Indiana also added an exclusion of vegetable oils to the VOC definition, which USEPA has not determined to have negligible photochemical reactivity and is not listed for exclusion in the February 3, 1992 final rule. This exclusion of vegetable oils makes the Indiana VOC definition inconsistent with Federal requirements. 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 USEPA's preliminary analysis that the State's submittal was unapprovable because the exclusion of vegetable oil from the definition of VOC is inconsistent with the February 3, 1992, Federal VOC definition, Indiana submitted to USEPA, a letter dated December 14, 1994, committing to the necessary rule revision to correct the deficiency. In accordance with an attached schedule, Indiana expects a final rule to be adopted and submitted to USEPA by January, 1996.

#### Final Rulemaking Action

The USEPA conditionally approves the two-part VOC definition located under 326 IAC 1-2-48 and 326 IAC 1-2-90 because Indiana has committed to correct the rule so that it fully comports with USEPA requirements as established in the February 3, 1992 final rule. If the State ultimately fails to meet its commitment within one year of final conditional approval, then USEPA's action for the State's requested SIP

revision will automatically convert to a final disapproval.

This action has been classified as a Table 3 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 OMB has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting or 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 Section 307(b)(1) of the Clean Air Act, 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 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) of the Act.)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Volatile organic compounds.

Dated: March 22, 1995.

**David A. Ullrich,**

*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 P—Indiana

2. Section 52.769 is added to read as follows:

#### § 52.769 Identification of plan—conditional approval.

The plan revision commitment listed in paragraph (a) of this section was submitted on the date specified.

(a) On February 25, 1994, Indiana submitted a revision to the definition of Volatile Organic Compound (VOC) in two parts as amendments to Title 326 of the Indiana Administrative Code (326 IAC) 1-2-48 (for nonphotochemically reactive hydrocarbon) and 1-2-90 (for VOC). The United States Environmental Protection Agency (USEPA) is conditionally approving the State's VOC definition, contingent on fulfillment of the State's commitment to adopt and submit a State Implementation Plan revision that would eliminate provisions which exclude vegetable oil from the State's definition of VOC by May 6, 1996. If the State fails to meet its commitment by the date listed above, the USEPA's conditional approval will automatically become a disapproval without further regulatory action.

(1) *Incorporation by reference.*

(i) (A) 326 IAC 1-2-48 Nonphotochemically reactive hydrocarbon definition and 1-2-90 Volatile Organic Compound definition. Filed with the Secretary of State, August 9, 1993, effective September 8, 1993, Published at Indiana Register, Volume 16, Number 12, September 1, 1993.

(b) (Reserved)

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