

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[IN45-3a; FRL-5698-5]

**Approval and Promulgation of Implementation Plans; Indiana****AGENCY:** Environmental Protection Agency (USEPA).**ACTION:** Direct final rule.

**SUMMARY:** On September 20, 1996, Indiana submitted a request to incorporate revisions to the definitions of "nonphotochemically reactive hydrocarbon" and "volatile organic compounds" (VOC) into the Indiana State Implementation Plan (SIP). The term "VOC" denotes chemical compounds which react with nitrogen dioxide (NO<sub>2</sub>) and sunlight to form ozone. The term "nonphotochemically reactive hydrocarbon" refers to chemical compounds which USEPA has determined will not react with NO<sub>2</sub> and sunlight to form ozone. In this action, USEPA is approving the State's request to incorporate into the SIP the revisions to these definitions through a "direct final" rulemaking; the rationale for this approval is set forth below. Part of this submittal is in response to USEPA's May 4, 1995 conditional approval of the State's VOC definition. Among other things, in this rulemaking, USEPA is finding that the condition identified in USEPA's May 4, 1995 action have been satisfied; therefore, USEPA is converting the conditional approval to a full approval. Elsewhere in this **Federal Register**, USEPA is proposing approval and soliciting comment on these direct final actions; if adverse comments are received, USEPA will withdraw the direct final rule and address the comments received in a new final rule; otherwise, no further rulemaking will occur on the State's request to incorporate revisions to these definitions into the Indiana SIP.

**DATES:** This action will be effective June 17, 1997 unless adverse comments not previously addressed by the State or USEPA are received by May 19, 1997. 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, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the Indiana submittal are available for public review during

normal business hours, between 8:00 a.m. and 4:30 p.m., at the above address. A copy of this SIP revision is also available for inspection at: Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), Room 1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Randolph O. Cano, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone: (312) 886-6036.

**SUPPLEMENTARY INFORMATION:****I. Background**

1. On May 4, 1995 (60 FR 22241), USEPA conditionally approved as a SIP revision the State of Indiana's modified definition of "nonphotochemically reactive hydrocarbon" at Title 326 Indiana Administrative Code (326 IAC) 1-2-48 and of "VOC" at 325 IAC 1-2-90. The intention of these revisions was to comport with the February 2, 1992 revisions to the Federal definition of "VOC" (57 FR 3945). In addition to making the changes authorized by the revised Federal definition, Indiana also added "vegetable oils" as an exclusion to the VOC definition. This additional exclusion was added at the request of commentors who cited August 21, 1990 and August 4, 1992 EPA policy memoranda in support of their request. As discussed more fully in the May 4, 1995 rulemaking, this exclusion was not consistent with Federal requirements. By letter dated December 14, 1994, Indiana committed to the necessary rule revision to correct this identified deficiency, thus providing the basis for the Agency's conditional approval.

2. In addition, on October 5, 1994 (59 FR 3945), USEPA excluded two compounds determined to be negligibly photochemically reactive from the Federal definition of VOC—"parachlorobenzotrifluoride" (PCBTF) and "cyclic, branched, or linear completely methylated siloxanes." In response to this Federal action, Indiana modified its definition of "nonphotochemically reactive hydrocarbon" at 326 IAC 1-2-48 to include these two compounds.

3. The September 20, 1996 SIP revision request also includes an additional change to the State's definition of "nonphotochemically reactive hydrocarbon" at 326 IAC 1-2-48—the addition of "acetone." This modification reflects USEPA's June 16, 1995 (60 FR 31634) final rule which added acetone to the list of organic

chemicals considered to have negligible photochemical reactivity.

4. By this direct final rule, USEPA finds that the conditions of USEPA's May 4, 1995 rulemaking have been satisfied. The conditional approval is, therefore, converted to a full approval. Furthermore, the additional definitional revisions submitted by Indiana are consistent with the applicable Federal definition and are, therefore, approvable.

**II. Rulemaking Action**

Because the Indiana SIP revision requests are consistent with changes to the Federal requirements, USEPA is approving them for incorporation in the Indiana SIP. The deletion of the exclusion of "vegetable oil" from the definition of "VOC", codified at 326 IAC 1-2-90, satisfies USEPA's May 4, 1995 (60 FR 22241) conditional approval of 326 IAC 1-2-48 and 1-2-90, and means that "vegetable oil" will be regulated as a "VOC.". The approval of these rules supersedes USEPA's earlier conditional approval of them.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the USEPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective on June 17, 1997 unless, by May 19, 1997, adverse or critical comments are received.

If the USEPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent rulemaking that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The USEPA 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, the public is advised that this action will be effective on June 17, 1997.

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 the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

**III. Administrative Requirements****A. Executive Order 12866**

This action has been classified as a Table 3 action for signature by the

Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

#### *B. Regulatory Flexibility.*

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 Clean Air Act (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, the Administrator 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

#### *C. Unfunded Mandates*

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. This Federal action approves pre-existing requirements under state or local law, and imposes no new Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

#### *D. Submission to Congress and the General Accounting Office*

Under 5 section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, USEPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a major rule as defined by 5 section 804(2).

#### *E. Petitions for Judicial Review*

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 17, 1997. 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, Hydrocarbons, Ozone, Volatile organic compounds.

Dated: February 18, 1997.

**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. 7401-7671(q).

#### **Subpart P—Indiana**

##### **§ 52.769 [Amended]**

2. Section 52.769 is amended by removing and reserving paragraph (a).

3. Section 52.770 is amended by adding paragraph (c)(116) to read as follows:

##### **§ 52.770 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(116) On September 20, 1996 the Indiana Department of Environmental Management submitted a request to revise the Indiana State Implementation Plan by adding parachlorobenzotrifluoride (PCBTF), cyclic, branched or linear completely

methylated siloxanes and acetone to the definition of "nonphotochemically reactive hydrocarbon," and by deleting "vegetable oil" from a list of compounds not considered to be volatile organic compounds (VOC) from the definition of VOC (thus including "vegetable oil" as a "VOC").

(i) Incorporation by reference.

(A) 326 IAC 1-2-48

"nonphotochemically reactive hydrocarbon". Sections 48(a)(22) "parachlorobenzotrifluoride" and (23) "cyclic, branched, or linear completely methylated siloxanes." 326 IAC 1-2-90 "volatile organic compound (VOC)" definition. Section 90. Published in Indiana Register, Volume 19, Number 1, October 1, 1995, page 29. Filed with the Secretary of State September 5, 1995, effective October 5, 1995.

(B) 326 IAC 1-2-48

"nonphotochemically reactive hydrocarbon." Section 48(a)(24) "acetone" (CAS Number 67-64-1). Published in Indiana Register, Volume 19, Number 10, July 1, 1996, page 2856. Filed with the Secretary of State, May 13, 1996, effective June 12, 1996.

[FR Doc. 97-10128 Filed 4-17-97; 8:45 am]

BILLING CODE 6560-50-P

#### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Parts 52 and 64**

[CC Docket No. 92-237; FCC 97-125]

#### **Administration of the North American Numbering Plan, Carrier Identification Codes (CICs)**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** On April 11, 1997, the Commission released a Second Report and Order setting January 1, 1998, as the end for the transition, or permissive dialing period, for the expansion from three digit to four digit Feature Group D carrier identification codes (CICs), and modifying the CIC conservation plan to allow for up to two CICs per entity. The Second Report and Order is intended to alert the industry and the general public that after January 1, 1998, only four digit CICs, and the corresponding seven digit carrier identification codes (CACs), will be recognized.

**DATES:** Effective May 19, 1997.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Nightingale, Attorney,