

Regulatory Process

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 population of less than 50,000.

Because this action does not create any new requirements but simply includes additional information into the SIP, I certify that it does not have a significant impact on any small entities. 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 OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 15, 1994.

David P. HoweKamp,
Acting Regional Administrator.

Subpart F of 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 F—California

2. Section 52.220 is amended by adding paragraph (c)(200)(ii) to read as follows:

§ 52.220 Identification of Plan.

* * * * *

(c) * * *
(200) * * *

(ii) Additional material.

(A) Negative Declarations for the Mojave Desert Air Quality Management District for the following Volatile

Organic Compound Sources: Natural Gas and Gasoline Processing Equipment and Chemical Processing and Manufacturing, adopted on May 25, 1994.

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[FR Doc. 94-32232 Filed 12-30-94; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[IL12-37-6747; FRL-5131-4]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: United States Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is withdrawing two stays pending reconsideration (of emission limitations) applicable to the metal furniture paint and adhesive operations at the Montgomery, Illinois facility owned by Allsteel, Inc. (Allsteel). In the proposed rules section of this **Federal Register** USEPA is withdrawing related proposed rules.

EFFECTIVE DATE: This action is effective January 3, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

Steve Rosenthal, Regulation Development Branch, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886-6052.

SUPPLEMENTARY INFORMATION:

I. Background Information

On June 29, 1990, USEPA promulgated a Federal Implementation Plan (FIP) which contained stationary source Volatile Organic Compound (VOC) control measures representing Reasonably Available Control Technology (RACT) for emission sources located in six Chicago, Illinois counties. On that date, USEPA also took final rulemaking action on certain VOC rules previously adopted and submitted by the State of Illinois for inclusion in its State Implementation Plan (SIP) (55 FR 26814). Among the sources impacted by these actions is Allsteel's plant in Kane County.

As a result of this rulemaking, Allsteel's paint operations became subject to the FIP's VOC emission limitations for metal furniture coating at 40 CFR 52.741(e), while the adhesive operations were required to comply with the FIP's "generic" rule for miscellaneous fabricated product manufacturing at 40 CFR 52.741(u). However, because USEPA had insufficient time to respond to Allsteel's highly technical comments, the Agency deferred the effective date of the applicable rules with regard to Allsteel for six months. Similarly, USEPA deferred action on a site-specific limit for Allsteel's adhesive lines submitted by the State of Illinois for inclusion as a SIP revision.

On August 28, 1990, Allsteel filed a petition for review of USEPA's June 29, 1990 rulemaking in the United States Court of Appeals for the Seventh Circuit. Nine other parties filed petitions for review, which were ultimately consolidated by the Court as *Illinois Environmental Regulatory Group (IERG) et al. v. Reilly*, No. 90-2778. In addition, Allsteel filed petitions for reconsideration of the FIP as it applied to both the adhesive and specialty paint operations. Pursuant to these petitions, USEPA convened proceedings for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act (Act) 42. U.S.C. 7607(d)(7)(B). On May 31, 1991 (56 FR 24722), USEPA issued a stay of the FIP rules pending reconsideration for the adhesive operations; on June 4, 1993 (58 FR 31653), USEPA issued a stay of the FIP rules pending reconsideration for the specialty paint operations. Both stays, issued pursuant to section 307(d)(7)(B) of the Act, were issued only as necessary to complete reconsideration of the subject rules.

On May 13, 1993, USEPA proposed site-specific RACT requirements for the paint operations (58 FR 28376). On June 18, 1993, USEPA proposed to disapprove the State's SIP submission and to promulgate a new rule for the adhesive operations (58 FR 33578).

On July 11, 1994, Allsteel filed with USEPA a Withdrawal of Requests for Reconsideration in which it represented that the adhesive operations were permanently shut down on March 18, 1994, and that the paint operations were to be discontinued by July 15, 1994. In addition, on August 15, 1994, the State of Illinois withdrew its SIP revision request for the adhesive lines.

II. Summary and Conclusions

As a result of Allsteel's July 11, 1994, Withdrawal of Requests for Reconsideration and the State of

Illinois' August 15, 1994, withdrawal of its SIP submission, in the proposed rules section of this **Federal Register** USEPA is withdrawing its May 13, 1993, proposed site-specific RACT requirements for Allsteel's paint operations and its June 18, 1993, proposal to disapprove the State's SIP submission and to promulgate a new rule for the adhesive operations. In this final rule USEPA is withdrawing the May 31, 1991, and the June 4, 1993, stays pending reconsideration, since they are no longer necessary to complete reconsideration of the subject rules. It should be noted that USEPA's June 29, 1990, FIP regulations remain in place.

Pursuant to the good cause exception in section 553(b)(B) of the Administrative Procedure Act, USEPA is taking final action without proposal. The USEPA believes notice-and-comment rulemaking is unnecessary to rescind the stay of the FIP rules because the stay affects only one party and that party requested the stay. Furthermore, there were no comments when USEPA initially promulgated the stay. In addition, USEPA believes it is in the public interest to forego notice-and-comment rulemaking and to rescind the stay as expeditiously as possible because (1) Allsteel has withdrawn the petition for reconsideration upon which the stay was based, and (2) as a result of the rescission of the stay, the June 29, 1990 FIP regulations are fully enforceable.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Volatile organic compound.

Dated: December 23, 1994.

Carol M. Browner,
Administrator.

For the reasons stated in the preamble, 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 O—Illinois

§ 52.74 [Amended]

2. Section 52.741 is amended by removing and reserving paragraphs (z)(1)(ii) and (z)(5), and in paragraph (z)(1)(i), by removing the semicolon and the word "and" at the end of the paragraph and adding a period.

[FR Doc. 94-32278 Filed 12-30-94; 8:45 am]

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40 CFR Parts 52 and 81

[FL54-1-6026a; FRL-5089-2]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Florida

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On June 23, 1993, the State of Florida, through the Florida Department of Environmental Protection (FDEP), submitted a maintenance plan and a request to redesignate the Duval County area from transitional nonattainment to attainment for ozone (O₃). The O₃ nonattainment area consists only of Duval County. Under the Clean Air Act (CAA), designations can be revised if sufficient data are available to warrant such revisions. In this action, EPA is approving Florida's request because it meets the maintenance plan and redesignation requirements set forth in the CAA and EPA is approving the 1990 base year emissions inventory. The approved maintenance plan will become a federally enforceable part of the State Implementation Plan (SIP) for the Duval County nonattainment area.

DATES: This final rule will be effective March 6, 1995 unless adverse or critical comments are received by February 2, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Joey LeVasseur, at the EPA Regional Office listed below. Copies of the documents relative to this action 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

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460
Environmental Protection Agency, Region IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365
Air Resources Management Division, Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

FOR FURTHER INFORMATION CONTACT: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs

Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 ext. 4215. Reference file FL54-1-6026.

SUPPLEMENTARY INFORMATION: The CAA, as amended in 1977 (1977 Act) required areas that were designated nonattainment based on a failure to meet the O₃ national ambient air quality standard (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. Duval County was designated under section 107 of the 1977 Act as nonattainment with respect to the O₃ NAAQS on March 3, 1978. [43 FR 8964, 40 CFR Section 81.310] In accordance with section 110 of the 1977 Act, the State submitted a part D O₃ SIP on April 30, 1979, which was supplemented on August 27, 1979, and January 23, 1980, which EPA conditionally approved on March 18, 1980, and fully approved on May 14, 1981, as meeting the requirements of section 110 and part D of the 1977 Act.

On November 15, 1990, the CAA Amendments of 1990 were enacted (1990 Amendments) [Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. §§ 7401-7671q]. The nonattainment designation of Duval County was continued by operation of law pursuant to section 107(d)(1)(C)(i) of the 1990 Amendments. Furthermore, it was classified by operation of law as transitional for O₃ according to section 181(a)(1). (See 56 FR 56694 (Nov. 6, 1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR 81.310.)

Duval County more recently has ambient monitoring data that show no violations of the O₃ NAAQS, during the period from 1987 through 1993. In addition, there have been no exceedences reported for the 1994 O₃ season, to date. Therefore, in an effort to comply with the amended CAA and to ensure continued attainment of the NAAQS, Florida submitted an O₃ maintenance SIP for the Duval County area on June 23, 1993, and a supplemental revision on August 23, 1994. Florida also requested redesignation of the area to attainment with respect to the O₃ NAAQS.

The 1990 Amendments revised section 107(d)(1)(E) to provide five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;

2. The area must meet all relevant requirements under section 110 and part D of the CAA;