cost associated with installing and dismantling Stage II equipment before the remediation is completed and the low environmental impact occasioned by temporary noncompliance before March 31, 1995, the IPCB found that requiring Sweeney to have installed Stage II equipment by November 1, 1993, does constitute an unreasonable hardship. Illinois submitted this variance as a revision to the Illinois ozone SIP on September 26, 1994.

## **Final Rulemaking Action**

The USEPA is approving this SIP revision on the basis that the uncontrolled emissions generated by Sweeney as a result of the variance will not contribute significantly to ozone formation, given that the variance will expire on March 31, 1995, before the onset of the ozone season which is April 1

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial amendment and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on July 3, 1995, unless adverse or critical comments are received by June 2, 1995.

If USEPÅ receives comments adverse to or critical of the approval discussed above, USEPA will withdraw the approval before its effective date by publishing a subsequent rule that withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking notice. Please be aware that USEPA will institute another rulemaking notice on this action only if warranted by significant revision to the rulemaking based on any comments receives in response to today's action.

Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises that this action will be effective July 3, 1995.

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 Office of Management and Budget 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 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 economic 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.

The SIP approvals under section 110 and subchapter I, part D, of the 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, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the USEPA to base its actions concerning SIPs on such grounds. Union Electric Co. v. U.S. E.P.A., 427 U.S. 246, 256-66 (1976).

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 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 purpose 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, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: March 29, 1995.

#### Valdas V. Adamkus,

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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(110) to read as follows:

#### § 52.720 Identification of plan.

(c) \* \* \*

(110) On September 26, 1994, the State of Illinois submitted a revision to its ozone State Implementation Plan for the J. M. Sweeney Company located in Cicero, Cook County, Illinois. It grants a compliance date extension from Stage II vapor control requirements (35 Ill. Adm. Code 218.586) from November 1, 1993, to March 31, 1995.

(i) Incorporation by reference.

(A) Illinois Pollution Control Board Final Opinion and Order, PCB 93–257, adopted on September 1, 1994, and effective on September 1, 1994. Certification dated 9/23/94 of Acceptance by J. M. Sweeney.

[FR Doc. 95–10819 Filed 5–2–95; 8:45 am] BILLING CODE 6560–50–P

### 40 CFR Part 52

[DE-16-1-5887a, DE20-1-6548a; FRL-5180-5]

Approval and Promulgation of Air Quality Implementation Plans; Delaware: Regulation 24—Control of Volatile Organic Compound Emissions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware on January 11, 1993 and January 20, 1994. The revision pertains to Delaware Regulation 24—"Control of Volatile Organic Compound Emissions", sections 1 to 9, 13 to 35, 37 to 43, and Appendices A to H. These sections of Regulation 24 establish emission standards that represent the application of reasonably available control technology (RACT) to categories of stationary sources of volatile organic compounds (VOCs), and establish associated testing, monitoring, recordkeeping, compliance certification, and permit requirements. This revision was submitted to comply with the RACT "Catch-up" provisions of the Clean Air Act Amendments of 1990 (CAAA). This action is being taken