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-forprofit 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.

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- * *
- (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.

[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