section, from the date of the sale of the property to a date (to be determined by the director) preceding the date of return by not more than 30 days.

(e) *Effective date.* This section is effective as of December 30, 1994.

Approved: December 13, 1994.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

Leslie Samuels,

Assistant Secretary of the Treasury.

[FR Doc. 94–31665 Filed 12–30–94; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

28 CFR Part 16

[A.G. Order No. 1943–94]

Fee for Production of Identification Record

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Final rule.

SUMMARY: The cost for production of a Federal Bureau of Investigation (FBI) identification record has increased from $17 to $18. This final rule will permit the FBI to increase the fee from $17 to $18 for the production of identification records for the subjects of such records.

EFFECTIVE DATE: February 2, 1995.

FOR FURTHER INFORMATION CONTACT: Bennie F. Brewer, FBI, Criminal Justice Information Services Division, Programs Support Section, Washington, D.C. 20535, telephone number (202) 324–2607.

SUPPLEMENTARY INFORMATION: A proposed rule to increase the fee for the production of identification records to the subjects of such records was published for notice and comment in the **Federal Register** on August 29, 1994 (59 FR 44383). Interested persons were allowed 30 days to submit comments on the proposal. No comments were received.

Departmental Order 556–73 (38 FR 32806, November 28, 1973) directed that the FBI publish rules for dissemination of arrest and conviction records upon request. That order resulted from a determination that 28 U.S.C. 534 does not prohibit the subjects of arrest and conviction records from having access to those records. In accordance with the Attorney General's directive, the FBI has been releasing copies of identification records to the subjects of such records upon submission of a written request, a set of rolled-inked fingerprint impressions, and the appropriate processing fee. Based on current cost analysis, the cost for production of an FBI identification record has increased from $17 to $18.

This regulation has been drafted and reviewed in accordance with Executive Order No. 12866, Section 1(b), Principles of Regulation. The Attorney General has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, Section 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

The Attorney General, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, and Sunshine Act.

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. 509 and 510, and 5 U.S.C. 301, Part 16 of Title 28 of the CFR is amended as follows:

PART 16—[AMENDED]

1. The authority citation for Part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. Section 16.33 is revised to read as follows:

§ 16.33 Fee for production of identification record.

Each written request for production of an identification record must be accompanied by a fee of $18 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each identification record requested as specified in § 16.10. Any request for waiver of the fee shall accompany the original request for the identification record and shall include a claim and proof of indigency.

Dated: December 20, 1994.

Janet Reno,

Attorney General.

[FR Doc. 94–32197 Filed 12–30–94; 8:45 am]

BILLING CODE 4410–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 96–1–6799a FRL–5130–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of direct final rulemaking.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern negative declarations from the Mojave Desert Air Quality Management District (MDAQMD) for two source categories that emit volatile organic compounds (VOC): Natural Gas or Gasoline Processing Equipment and Chemical Processing and Manufacturing. The MDAQMD has certified that these source categories are not present in the District and this information is being added to the federally approved State Implementation Plan. The intended effect of approving these negative declarations is to meet the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on these negative declarations serves as a final determination that the finding of nonsubmittal for these source categories has been corrected and that on the effective date of this action, any Federal Implementation Plan (FIP) clock is stopped. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

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

ADDRESSES: Copies of the submitted negative declarations are available for public inspection at EPA's Region IX office and also at the following locations during normal business hours.

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Air Docket (6102), U.S. Environmental Protection Agency, 401 ''M'' Street, SW., Washington, DC 20460
California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 92123–1095
Mojave Desert Air Quality Management District (formerly San Bernardino County Air Pollution Control District), 15428 Civic Drive, Suite 200, Victorville, CA 92392–2382

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1184.

SUPPLEMENTARY INFORMATION:

Applicability

The revisions being approved as additional information for the California SIP include two negative declarations from the MDAQMD regarding the following source categories: (1) Natural Gas and Gasoline Processing Equipment and (2) Chemical Processing and Manufacturing. These negative declarations were submitted by the California Air Resources Board (CARB) to EPA on July 13, 1994.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the portions of San Bernardino County Air Pollution Control District [1] within the Southeast Desert Air Quality Management Area (AQMA). 43 FR 8964, 40 CFR 81.305. Because this area was unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. (40 CFR 52.222). On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above district's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(b)(2) of the CAA, Congress statutorily adopted the requirement that nonattainment areas submit reasonably available control technology (RACT) rules for all major sources of VOC and for all VOC sources covered by a Control Techniques Guideline document by November 15, 1992.[2]

Section 182(b)(2) applies to areas designated as nonattainment prior to enactment of the amendments and classified as moderate or above as of the date of enactment. The Southeast Desert AQMA is classified as severe;[3] therefore, this area was subject to the RACT catch-up requirement and the November 15, 1992 deadline.

The negative declarations were adopted on May 25, 1994 and submitted by the State of California for the MDAQMD on July 13, 1994. The submitted negative declarations were found to be complete on July 22, 1994 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V[4] and are being finalized for approval into the SIP. This notice addresses EPA's direct-final action for the MDAQMD negative declarations for Natural Gas and Gasoline Processing Equipment and Chemical Processing and Manufacturing.

The submitted negative declarations certify that there are no VOC sources in these source categories located inside MDAQMD's portion of the Southeast Desert AQMA. VOCs contribute to the production of ground level ozone and smog. These negative declarations were adopted as part of MDAQMD's effort to meet the requirements of section 182(b)(2) of the CAA.

EPA Evaluation and Action

In determining the approvability of a negative declaration, EPA must evaluate the declarations for consistency with the requirements of the CAA and EPA regulations, as found in section 110 of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

In a letter dated May 25, 1994, the District certified to EPA that no sources of Natural Gas and Gasoline Processing Equipment exist in the District. This certification is based on the definition ''natural gas processing plant'' found in EPA's Control Technique Guideline, No. EPA–450/3–83–007, ''Leaks from Natural Gas/Gasoline Processing Equipment. In a separate letter dated May 25, 1994, the District certified to EPA that its emission inventory analysis revealed no Chemical Processing and Manufacturing facilities located within the federal nonattainment planning area.

EPA has evaluated these negative declarations and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. MDAQMD's negative declarations for Natural Gas and Gasoline Processing Equipment and Chemical Processing and Manufacturing are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D. Therefore, if this direct final action is not withdrawn, on March 6, 1995, any FIP clock is stopped.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 6, 1995, unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA 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 March 6, 1995.

[1] On July 1, 1993, the San Bernardino County Air Pollution Control District was renamed the Mojave Desert Air Quality Management District.

[2] Mojave Desert Air Quality Management District did not make the required SIP submittals by November 15, 1992. On January 15, 1993, the EPA made a finding of failure to make a submittal pursuant to section 179(a)(1), which started an 18-month sanction clock. The negative declarations being acted on in this direct final rulemaking were submitted in response to the EPA finding of failure to submit.

[3] Southeast Desert Air Quality Management Area retained its designation of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

[4] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

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.

* * * * *

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

BILLING CODE 6560–50–P

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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