

(c) \* \* \*

(6) Reviewing and, where the United States Receiving Office is not the competent Receiving Office under § 1.421(a) and PCT Rule 19.1 or 19.2, transmitting the international application to the International Bureau for processing in its capacity as a Receiving Office unless prescriptions concerning national security prevent the application from being so transmitted (PCT Rule 19.4).

3. Section 1.421 is amended by revising paragraph (a) to read as follows:

**§ 1.421 Applicant for international application.**

(a) Only residents or nationals of the United States of America may file international applications in the United States Receiving Office. If an international application does not include an applicant who is indicated as being a resident or national of the United States of America, and at least one applicant:

(1) Has indicated a residence or nationality in a PCT Contracting State, or

(2) Has no residence or nationality indicated; applicant will be so notified and, if the international application includes a fee amount equivalent to that required by § 1.445(a)(5), the international application will be forwarded for processing to the International Bureau acting as a Receiving Office. (See also § 1.412(c)(6)).

\* \* \* \* \*

4. Section 1.445 is amended by adding new paragraph (a)(5) to read as follows:

**§ 1.445 International application filing, processing and search fees.**

(a) \* \* \*

(5) A fee equivalent to the transmittal fee in paragraph (a)(1) of this section for transmittal of an international application to the International Bureau for processing in its capacity as a Receiving Office (PCT Rule 19.4).

\* \* \* \* \*

5. The authority citation for 37 CFR part 10 would continue to read as follows:

**Authority:** 5 U.S.C. 500; 15 U.S.C. 1123; 35 U.S.C. 6, 31, 32, 41.

6. Section 10.9 is amended by revising paragraph (c) to read as follows:

**§ 10.9 Limited recognition in patent cases.**

\* \* \* \* \*

(c) An individual not registered under § 10.6 may, if appointed by applicant to do so, prosecute an international application only before the U.S. International Searching Authority and

the U.S. International Preliminary Examining Authority, provided: The individual has the right to practice before the national office with which the international application is filed (PCT Art. 49, Rule 90 and § 1.455) or before the International Bureau when acting as Receiving Office pursuant to PCT Rules 83.1<sup>bis</sup> and 90.1.

Dated: April 25, 1995.

**Lawrence J. Goffney, Jr.,**  
*Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[AZ 42-1-6916a; FRL-5186-7]

**Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Pinal County Air Quality Control District; and Section 112(l) Approval of Pinal County Air Quality Control District Program for the Issuance of Permits Containing Voluntarily Accepted Federally Enforceable Conditions**

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is taking direct final action on revisions to the Arizona State Implementation Plan. The revisions concern synthetic minor permit rules from the Pinal County Air Quality Control District (Pinal or District). The intended effect of approving these synthetic minor regulations is to allow facilities to voluntarily accept federally enforceable limits on their potential emissions. This approval action will incorporate these rules into the federally approved SIP. In order to extend the federal enforceability of conditions in permits to hazardous air pollutants (HAP), EPA is also approving Pinal's synthetic minor regulations pursuant to section 112 of the Act.

**DATES:** This final rule is effective on July 3, 1995 unless adverse or critical comments are received by June 1, 1995. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the rules and EPA's Technical Support Document for the synthetic minor program are available for public inspection at the following location:

Operating Permits Section (A-5-2), 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.

Copies of the submitted rules are also available for inspection at the following location:

Pinal County Air Quality Control District, 457 South Central Avenue, Florence, Arizona 85232.

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, Arizona 85012.

**FOR FURTHER INFORMATION CONTACT:**

Regina Spindler, Operating Permits Section (A-5-2), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1251.

**SUPPLEMENTARY INFORMATION:**

**Applicability**

The rules being approved into the Arizona SIP include: Pinal County Air Quality Control District (Pinal) Code of Regulations, Chapter 1, Article 3, section 1-3-140, Definitions, subsections 5, 15, 21, 32, 33, 35, 50, 51, 58, 59, 103, and 123; Chapter 3, Article 1, section 3-1-081, Permit conditions, subsection (A)(8)(a); Chapter 3, Article 1, section 3-1-084, Voluntarily Accepted Federally Enforceable Emissions Limitations; Applicability; Reopening; Effective Date; and Chapter 3, Article 1, section 3-1-107, Public Notice and Participation. These rules were submitted by the Arizona Department of Environmental Quality to EPA on August 15, 1994 for approval into the State Implementation Plan. Pinal submitted these provisions for approval under section 112(l) on October 25, 1994.

**Background**

On June 28, 1989 (54 FR 27274), EPA published criteria for approving and incorporating into the SIP regulatory programs for the issuance of federally enforceable state operating permits (FESOP). Permits issued pursuant to an operating permit program approved into the SIP as meeting these criteria may be considered federally enforceable. On November 3, 1993, EPA announced in a guidance document entitled, "Approaches to Creating Federally Enforceable Emissions Limits," signed by John S. Seitz, Director, Office of Air Quality Planning and Standards, that this mechanism could be extended to create federally enforceable limits for