

section 112(l) to approve programs to limit potential to emit of HAP directly under section 112(l) prior to this revision to Subpart E. The EPA is therefore approving Pinal's synthetic minor program now so that Pinal may begin to issue federally enforceable synthetic minor permits as soon as possible.

The EPA believes that Pinal's synthetic minor program meets the approval criteria specified in the June 28, 1989 **Federal Register** notice and in section 112(l)(5) of the Act. Please refer to the Technical Support Document for a thorough analysis of the June 28, 1989 criteria and the statutory criteria of section 112(l)(5) as applied to Pinal's synthetic minor program.

The EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, Pinal County Air Quality Control District 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 Participation, are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D and under section 112(l) of the CAA as meeting the requirements of section 112(l)(5).

Pinal has already begun to issue permits containing voluntarily accepted limits pursuant to the regulations listed above. If the District followed its own procedures, each of these permits was subject to public notice and prior EPA review. Therefore, EPA will consider all voluntarily accepted limits in District permits that were processed in a manner consistent with the District regulations being acted upon today and the five June 28, 1989 criteria to be federally enforceable with the promulgation of this rule provided that any such permits containing the voluntarily accepted limits that the District wishes to make federally enforceable are submitted to EPA and accompanied by documentation that the procedures approved today have been followed. The EPA will expeditiously review any individual permits so submitted to ensure their conformity to the program requirements.

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.

The 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, EPA is proposing to approve the SIP revision and section 112(l) submittal should adverse or critical comments be filed. This action will be effective July 3, 1995, unless by June 1, 1995, adverse or critical comments are received.

If 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 July 3, 1995.

**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.

Application for limits under Pinal's synthetic minor provisions is voluntary and therefore this approval under sections 110 and 112 of the Act does not create any new requirements. Therefore, because the federal SIP-approval and section 112(l) approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. 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, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

**Note:** Incorporation by reference of the State Implementation Plan for the State of Arizona was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 28, 1995.

**Felicia Marcus,**

*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 D—Arizona**

2. Section 52.120 is amended by adding paragraphs (c)(71) to read as follows:

**§ 52.120 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(71) New and amended regulations for the following agencies were submitted on August 15, 1994 by the Governor's designee.

(i) Incorporation by reference.

(A) Pinal County Air Quality Control District.

(1) Chapter 1, Article 3, section 1-3-140, subsections 5, 15, 21, 32, 33, 35, 50, 51, 58, 59, 103, and 123, adopted on November 3, 1993; Chapter 3, Article 1, section 3-1-081(A)(8)(a), adopted on November 3, 1993; Chapter 3, Article 1, section 3-1-084, adopted on August 11, 1994; and Chapter 3, Article 1, section 3-1-107, adopted on November 3, 1993.

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[FR Doc. 95-10698 Filed 5-1-95; 8:45 am]

BILLING CODE 6560-50-W

**40 CFR Part 52**

[MS-20-1-6562a; FRL-5173-9]

**Approval and Promulgation of Implementation Plans; Mississippi: Approval of Revisions to Construction and Operation Permit Regulations**

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

**ACTION:** Direct final rule.