

concentration will not exceed 150 µg/m<sup>3</sup> more than once per year in any location in the area. Similarly, the demonstration shows that, in the attainment year, the annual PM-10 concentration will not exceed the annual PM-10 NAAQS of 50 µg/m<sup>3</sup>. The analysis is also sufficient to demonstrate that the PM-10 NAAQS will be maintained in future years because the population the area not increasing. The analysis was performed in a manner that is consistent with the Guideline on Air Quality Models (40 CFR 51 Appendix W). For more details regarding the attainment demonstration, see the Technical Support Document.

These revisions correct the deficiencies that resulted in EPA's limited disapproval of the attainment demonstration and emissions inventory.

## II. Today's Proposal

Today, EPA is proposing to approve West Virginia's November 22, 1995 additions to its attainment demonstration and to approve the demonstration as meeting the requirements of section 189(a)(1)(B) for an attainment demonstration and the 172(c)(3) requirement for an accurate emissions inventory. By separate notice today, EPA is making an interim final determination that the revised demonstration remedies the deficiencies identified in the rulemaking of July 25, 1994. As a result, the sanctions which could have resulted from the July 1994 rulemaking shall not apply.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state 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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air 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, the Administrator certifies 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 flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

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 populations of less than 50,000.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ('Unfunded Mandates Act'), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

The Administrator's decision to approve or disapprove West Virginia's PM-10 attainment demonstration and emissions inventory for the Follansbee area will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter.

Authority: 42 U.S.C. 7401-7671q.

Dated: January 25, 1996.

W. Michael McCabe,

*Regional Administrator, Region III.*

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## 40 CFR Part 70

[AD-FRL-5417-4]

### Approval and Promulgation of Implementation Plans; State of Missouri;

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

**ACTION:** Notice of extension of the public comment period.

**SUMMARY:** EPA is giving notice that the public comment period for a notice of proposed rulemaking published December 15, 1995 (60 FR 64404), has been extended 30 days. The December 15, 1995, notice proposed interim approval of the operating permits program and delegation 112(l) authority for the state of Missouri. EPA is extending the comment period based on an extension request by a Missouri industry. The request is based on the fact that EPA was unavailable, during the government shutdown, to provide necessary information to the public.

**DATES:** Comments are now due on or before February 13, 1996.

**ADDRESSES:** Comments may be mailed to Joshua A. Tapp, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Joshua Tapp at (913) 551-7606 or at the aforementioned address.

Authority: 42 U.S.C. 7401-7671q.

Dated: January 29, 1996.

Dennis Grams,

*Regional Administrator.*

[FR Doc. 96-2354 Filed 2-2-96; 8:45 am]

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