receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by the EPA six months after receipt of the submission.

The State of Texas held a public hearing on February 24, 1992, to entertain public comment on the June 8, 1992 SIP submittal. The State held a public hearing on July 27, 1992, to entertain public comment on the November 13, 1992 SIP revision. Subsequent to the public hearings and consideration of hearing comments, the June 8, 1992 SIP revision was adopted by the State on May 8, 1992. The November 13, 1992 SIP revision was adopted by the State on October 16, 1992.

These SIP revisions were reviewed by the EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V. A letter dated July 20, 1992, was forwarded to the Governor finding the submittal complete and indicating the next steps to be taken in the review process. The November 16, 1992 submittal was ruled complete on January 15, 1993.

EPA Evaluation

In determining the approvability of a VOC rule, the EPA must evaluate the rule for consistency with the requirements of the CAA and the EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in various EPA policy guidance documents.

To evaluate these rules, the EPA used the CTGs and "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations", dated May 25, 1988. The technical review of these rule revisions is included in the RACT "Catch-up" Technical Support Document (TSD). Please refer to this document for an explanation of the specific revisions. The following rules have been submitted. For a detailed description of the rule changes, see the TSD.

Revisions to the General Rules and Regulation V, Submitted June 8, 1992

Section 101.1 of the General Rules (Definitions), and the following sections of regulation V: 115.010 (Definitions), 115.112–115.119 (Storage of Volatile Organic Compounds), 115.121–115.129 (Vent Gas Control), 115.131–115.139 (Water Separation), 115.211–115.219 (Loading/Unloading of VOCs), 115.221–

115.229 (Stage I), 115.234-115.239 (VOC Leaks from Gasoline Tank Trucks), 115.242–115.249 (Gasoline Reid Vapor Pressure), 115.311-115.319 (Process Unit Turnaround), 115.322-115.329 (Petroleum Refinery Fugitives), 115.332-115.339 (Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether (MTBE) Manufacturing Fugitives), 115.342-115.349 (Natural Gas/Gasoline Processing Fugitives), 115.412-115.249 (Degreasing Operations), 115.421–115.429 (Surface Coating Processes), 115.432–115.439 (Graphic Arts), 115.512-115.519 (Cutback Asphalt), 115.531-115.539 (Pharmaceutical Manufacturing), and 115.612-115.619 (Consumer Solvent Products).

Revisions to the General Rules and Regulation V, Submitted November 13, 1992

Section 101.1 of the General Rules (Definitions), and the following sections of regulation V: 115.010 (Definitions), 115.116–115.119 (Storage of Volatile Organic Compounds), 115.126–115.219 (Vent Gas Control), 115.136–115.139 (Water Separation), 115.211–115.219 (Loading/Unloading of VOCs), 115.249 (Reid Vapor Pressure), 115.316–115.319 (Process Unit Turnaround), 115.421– 115.429 (Surface Coating Processes), 115.436–115.439 (Graphic Arts), and 115.536–115.539 (Pharmaceutical Manufacturing).

These revisions accomplish the following requirements of section 182(b)(2):

1. Expand RACT requirements to the newly designated nonattainment counties:

2. Eliminate the distinction between "rural" and "urban" nonattainment areas, and;

3. Ensure that RACT is applied to all major sources in the ozone nonattainment areas.

The EPA has determined that the RACT revisions to the Texas General Rules and Regulation V meet the applicable Federal requirements.

Final Action

The EPA has evaluated the State's submittal for consistency with the CAA, EPA regulations, and EPA policy. The EPA has determined that the rules meet the CAA's requirements and today is approving under section 110(k)(3) the above mentioned VOC rules.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this FR publication, the EPA is proposing to approve these SIP revisions should adverse or critical comments be received. Thus, this action will be effective on May 8, 1995, unless adverse or critical comments are received by April 6, 1995.

If such comments are received, this action will be withdrawn before the effective date by publishing two subsequent documents. One document will withdraw the final action, and another final action will be published addressing any adverse comments. If no such adverse comments are received, the public is advised that this action will be effective on May 8, 1995.

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

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the 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, under 5 U.S.C. 605(b), the EPA may certify that the rule will not have a significant impact on a substantial number of small entities (see 46 FR 8709). Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over population of less than 50,000.

SIP approvals under section 110 and subchapter I, part D, of the CAA 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, 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 the EPA to base its actions concerning SIPs on such grounds (Union Electric Co. v. U.S. EPA, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2)).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 8, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of