

review and assure that information for small business stationary sources is easily understandable; and (4) to develop and disseminate the reports and advisory opinions made through the SBAP. The State has partially met these requirements by specifying that, when operational, the panel will evaluate the effectiveness of the SBAP, issue advisory opinions, prepare periodic reports to EPA regarding the program's compliance with the Paperwork Reduction Act, the Regulatory Flexibility Act and the Equal Access to Justice Act. The State has not indicated that the CAP will review and assure that information for small business stationary sources is easily understandable.

4. Eligibility

Section 507(c)(1) of the CAA defines the term "small business stationary source" as a stationary source that:

(A) is owned or operated by a person who employs 100 or fewer individuals,
(B) is a small business concern as defined in the Small Business Act;
(C) is not a major stationary source;
(D) does not emit 50 tons per year (tpy) or more of any regulated pollutant; and

(E) emits less than 75 tpy of all regulated pollutants.

The State of Nevada has not established a definition of a small business and therefore has not established procedures for including or excluding sources from that definition. Although the program has been developed to assist small businesses, the State has determined that assistance will be provided to any business seeking assistance.

III. Today's Action

In today's action, EPA is proposing to partially approve and to partially disapprove the SIP revision submitted by the State of Nevada. The submittal does not adequately meet all of the requirements for the Compliance Advisory Panel. EPA is proposing to partially approve this submittal for satisfying all of the requirements for the Small Business Assistance Program, the Ombudsman and most of the requirements for the Compliance Advisory Panel. EPA is also proposing to partially disapprove this submittal for not satisfying the Compliance Advisory Panel requirements for indicating an implementation schedule of milestones showing when the officials will be appointed and when the program will be operational and for not indicating

that the Compliance Advisory Panel will review and assure that information for small business stationary sources is easily understandable. If the State submits the necessary information to correct these deficiencies before EPA goes final, then EPA will fully approve the submittal.

The OMB has exempted this action from review under Executive Order 12866.

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.

By today's action, EPA is partially approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being partially approved today does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the state. Therefore, because the EPA's partial approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations.

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

Dated: April 24, 1995.

John Wise,

Acting Regional Administrator.

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40 CFR Part 52

[WA25-1-6520b; FRL-5190-2]

Approval and Promulgation of State Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of

Washington for the purpose of approving the Southwest Air Pollution Control Authority's (SWAPCA) 400 General Regulations for Air Pollution Sources. In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document.

DATES: Comments on this proposed rule must be received in writing by June 2, 1995.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (AT-082), Air Programs Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency,
Region 10, Air Programs Section, 1200
6th Avenue, Seattle, WA 98101.

The State of Washington Department of
Ecology, 300 Desmond Drive, Lacey,
WA 98504.

FOR FURTHER INFORMATION CONTACT:

Kelly McFadden, Environmental
Engineer, Air Programs Branch (AT-
082), EPA, 1200 6th Avenue, Seattle,
WA 98101, (206) 553-1059.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: March 30, 1995.

Chuck Clarke,

Regional Administrator.

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CAP to report on whether the SBAP is adhering to the general principles of these Federal statutes.