Flexibility Act²; (3) to 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 met these requirements: (A) By enacting the State law creating the CAP and providing it with the enumerated responsibilities; and (B) by committing to appoint members to the Panel by November 1994. Sections 1.-2. of Arkansas Act 251 of 1993 creates the State Compliance Advisory Panel with responsibilities consistent with the requirements in title V of the Federal CAA and specifies the panel's make-up, qualifications, terms, and duties. Adequate support sources and sufficient resources to conduct business will be provided to the Panel by the ADPC&E through the SBAP administered by the Air Division, which shall serve as secretariat to the Panel. Section 2. of Act 251 (i.e., Arkansas Code 8-4 314(1)(A)(4)) authorizes the SBAP to serve as the secretariat to the Panel. Details of these commitments to appoint the members of the CAP as stated above, and to designate to the CAP the four responsibilities listed in the CAA, are discussed in section (e) "Compliance Advisory Panel" of its SIP revision.

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 Arkansas has established a mechanism for ascertaining the eligibility of a source to receive assistance under the Program, including an evaluation of a source's eligibility using the criteria in section 507(c)(1) of the CAA. This mechanism is contained in the State's narrative SIP revision, section (b) entitled "Eligibility and Program Scope".

The State of Arkansas has provided for public notice and comment on grants of eligibility to sources that do not meet the provisions of sections 507(c)(1) (C), (D), and (E) of the CAA but do not emit more than 100 tpy of all regulated pollutants.

The State has also provided for exclusion from the small business stationary source definition, after consultation with the EPA and the Small Business Administration Administrator and after providing notice and opportunity for public hearing, of any category or subcategory of sources that the State determines to have sufficient technical and financial capabilities to meet the requirements of the CAA.

III. Final Action

In this action, the EPA is approving the SIP revision submitted by the State of Arkansas for establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program.

The State of Arkansas has submitted a SIP revision for establishing each of the required PROGRAM elements required by section 507 of the CAA. The EPA has reviewed this revision to the Arkansas SIP and is approving it as submitted because the State's PROGRAM meets the requirements of section 507 of the CAA. The SIP includes a schedule of implementation which commits the State to have all three principal PROGRAM elements fully implemented by November 15, 1994. SIP schedule implementation milestones are being tracked and monitored by the Region as part of the State's normal Program review. Currently, the State has selected and staffed the SBAP coordinator and initiated the SBAP (i.e., in the Air Division of the ADPC&E), designated the State Office to serve as Small Business Ombudsman, hired the Ombudsman in November 1993, and created a CAP (and begun appointing its members).

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 **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Thus, today's direct final action will be effective May 8, 1995 unless, by April 7, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document 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 May 8, 1995.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

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, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

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, the 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-forprofit enterprises, and government entities with jurisdiction over populations of less than 50,000.

By this action, the EPA is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved in this action 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 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.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United

² Section 507(e)(1)(B) of the CAA requires the CAP to report on the compliance of the SBAP with these three Federal statutes. However, since State agencies are not required to comply with them, the EPA believes that the State PROGRAM must merely require the CAP to report on whether the SBAP is adhering to the general principles of these Federal statutes.