relation to relevant statutory and regulatory requirements.

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 this action, 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 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 EPA's approval of this program does not impose any new regulatory requirements on small businesses, the Administrator certifies that it does not have a economic impact on any small entities affected.

This action has been classified as a Table 2 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 an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve the Pennsylvania Small Business Stationary Source Technical and Environmental Compliance Assistance Program must be filed in the United States Court of Appeals for the appropriate circuit by March 6, 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 judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Small business assistance program.

Dated: August 11, 1994.

## W.T. Wisniewski,

Acting Regional Administrator, Region III. 40 CFR part 52 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 NN-Pennsylvania

2. Section 52.2060 is added to read as follows:

# § 52.2060 Small Business Assistance Program.

On February 1, 1993, the Secretary of the Pennsylvania Department of Environmental Resources submitted a plan for the establishment and implementation of the Small Business Assistance Program as a state implementation plan (SIP) revision, as required by Title V of the Clean Air Act Amendments. EPA approved the Small Business Assistance Program on March 6, 1995, and made it part of the Pennsylvania SIP. As with all components of the SIP, Pennsylvania must implement the program as submitted and approved by EPA.

[FR Doc. 95–259 Filed 1–4–95; 8:45 am] BILLING CODE 6560–50–P

# 40 CFR Part 70

# [AD-FRL-5134-2]

Clean Air Act Final Interim Approval of the Operating Permits Program; Washoe County District Health Department, Nevada

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

**ACTION:** Final rule.

SUMMARY: The EPA is promulgating interim approval of the operating permits program submitted by the Washoe County District Health Department (Washoe or District) for the purpose of complying with Federal requirements that mandate that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

**EFFECTIVE DATE:** March 6, 1995. **ADDRESSES:** Copies of the District's submittal and other supporting information used in developing the final interim approval are available for inspection (docket number NV–WSH–94–1–OPS) during normal business hours at the following location: U.S. Environmental Protection Agency,

Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Celia Bloomfield (telephone 415/744–1249), Mail Code A–5–2, U.S. Environmental Protection Agency, Region IX, Air & Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

#### SUPPLEMENTARY INFORMATION:

### I. Background and Purpose

Title V of the Clean Air Act (Act), and implementing regulations at 40 CFR part 70 require that states develop and submit operating permit programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal

On August 24, 1994, EPA proposed interim approval of the operating permits program for Washoe County, Nevada. See 59 FR 43523. The August 24, 1994 Federal Register document also proposed approval of Washoe's interim mechanism for implementing section 112(g) and program for delegation of section 112 standards as promulgated. Public comment was solicited on these proposed actions. EPA received one comment on the section 112(g) proposal and is responding to that comment in this document and in a separate "Response to Comments" document that is available in the docket. The proposed actions have not been altered as a result of public comment or for any other reason. Hence, this final rule is granting interim approval to Washoe's operating permits program and approving the 112(g) and 112(l) mechanisms noted above.

## **II. Final Action and Implications**

# A. Analysis of State Submission

Washoe's title V operating permits program was submitted by the Nevada Division of Environmental Protection, on behalf of Washoe, on November 18, 1993 and found to be complete on January 13, 1994. The regulations that comprise the program were adopted by the Washoe County District Board of