and facilities. The Agency is interested in comments on this methodology and any data on actual injection volumes and constituents.

The economic analysis of LDR Phase III compliance costs suggests that publicly traded companies affected by the rule will probably not be significantly economically impacted. The limited data available for the privately held companies suggests, however, that they may face significant impacts due to the proportionally larger expenses they may face as a result of the proposed rule.

C. Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 et seq., when an agency publishes a notice of rulemaking, for a rule that will have a significant effect on a substantial number of small entities, the agency must prepare and make available for public comment a regulatory flexibility analysis that considers the effect of the rule on small entities (i.e.: small businesses, small organizations, and small governmental jurisdictions). Under the Agency's Revised Guidelines for Implementing The Regulatory Flexibility Act (May 4, 1992), the Agency committed to considering regulatory alternatives in rulemakings when there were any economic impacts estimated on any small entities. See RCRA sections 3004(d), (e), and (g)(5), which apply uniformly to all hazardous wastes. Previous guidance required regulatory alternatives to be examined only when significant economic effects were estimated on a substantial number of small entities.

In assessing the regulatory approach for dealing with small entities in today's proposed rule, for both surface disposal of wastes and underground injection control, the Agency considered two factors. First, data on potentially affected small entities are unavailable. Second, due to the statutory requirements of the RCRA LDR program, no legal avenues exist for the Agency to provide relief from the LDR's for small entities. The only relief available for small entities is the existing small quantity generator provisions and conditionally exempt small quantity generator exemptions found in 40 CFR 262.11-12, and 261.5, respectively. These exemptions basically prescribe 100 kg per calendar month generation of hazardous waste as the limit below which one is exempted from complying with the RCRA standards.

Given these two factors, the Agency was unable to frame a series of small entity options from which to select the lowest cost approach; rather, the Agency

was legally bound to regulate the land disposal of the hazardous wastes covered in today's rule without regard to the size of the entity being regulated. See also 268.1(c)(1), which states that LDR rules do not apply to small quantity generators.

D. Paperwork Reduction Act

The new information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. Four Information Collection Request (ICR) documents has been prepared by EPA, covering the three programs impacted (i.e., the LDR program, the UIC program, and the CWA NPDES program: LDR ICR# 1442.08; UIC ICR# 1738.01; NPDES Application ICR# 0226.11; and NPDES Discharge Monitoring Report ICR# 0229.10). The overall reporting and recordkeeping burden is estimated to be approximately 632,500 hours (sum from the four ICRs). The average burden per respondent is slightly more than 4,000 hours (sum from the four ICRs.). Only incremental burdens are discussed in the ICRs. These incremental burdens will eventually be merged with: the UIC program ICR, the LDR program ICR, the NPDES permit program ICR, and the **Discharge Monitoring Report program** ICR.

The public reporting burden for these collections is estimated to average: for the LDR program, 75 hours per respondent; for the UIC program, 3800 hours per respondent; for the NPDES application program, 37.5 hours per respondent; and for the NPDES discharge monitoring report, 211.5 hours per respondent. This includes time for reviewing instructions, gathering and compiling data, maintaining the data, and preparing and submitting all data.

A copy of the ICRs for this rule may be obtained from the Sandy Farmer, Environmental Protection Agency, Information Policy Branch, 401 M Street, S.W. (Mail Code 2136), Washington D.C. 20460 or by calling (202) 260-2740. The public should send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing burden to EPA; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20460, marked "Attention: Desk Officer for EPA.'

List of Subjects

40 CFR Part 148

Administrative practice and procedure, Hazardous waste, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 266

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 271

Administrative practice and procedure, Hazardous materials transportation, Hazardous waste, Penalties, Reporting and recordkeeping requirements.

Dated: February 16, 1995.

Carol M. Browner,

Administrator.

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For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 148—HAZARDOUS WASTE INJECTION RESTRICTIONS

1. The authority citation for part 148 continues to read as follows:

Authority: Secs. 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.

2. Section 148.1 is amended by revising paragraphs (a), (b) and (d) to read as follows:

§148.1 Purpose, scope and applicability. * * *

(a) This part identifies wastes that are restricted from disposal into Class I wells and defines those circumstances under which a waste, otherwise prohibited from injection, may be injected.

(b) The requirements of this part apply to owners or operators of Class I hazardous waste injection wells used to inject hazardous waste; and, owners or operators of Class I injection wells used to inject wastes which once exhibited a prohibited characteristic of hazardous waste identified in subpart C of part 261 of this chapter, at the point of generation, and no longer exhibit the characteristic at the point of injection.

(d) Wastes that are only characteristically hazardous and otherwise prohibited are not prohibited if the wastes are disposed into a nonhazardous injection well defined under 40 CFR 144.6(a) and do not