However, some or all of these costs could be offset by savings in existing monitoring networks. As a result, to the extent that additional monitoring costs will be incurred at all, EPA expects that these costs will be minimal.

The information collection requirements in this proposed rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An Information Collection Request document has been prepared by EPA (ICR No.0940.11) and a copy may be obtained from Sandy Farmer, Information Policy Branch, EPA, 401 M St., S.W. (Mail Code 2136), Washington, DC 20460, or by calling (202) 260–2740.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch, EPA, 401 M St., S.W. (Mail Code 2136), Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

## C. Impact on Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C., 600 et seq, the Agency must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. Under 5 U.S.C. 605(b), this requirement may be waived if the Agency certifies that the rule will not have a significant economic effect on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and governmental entities with jurisdiction over populations of less than 50,000.

A decision to revise the current NAAQS for SO<sub>2</sub> or set a trigger level for implementation of a section 303 program would impose no new major requirements. It is expected that following the promulgation of a revised SO<sub>2</sub> NAAQS, additional nonattainment areas will be designated and will thus have to submit SIP revisions imposing additional control requirements on affected sources.

Furthermore, the control measures necessary to attain and maintain the NAAQS or implement a section 303 program are developed by the respective States as part of their SIP's. In selecting such measures, the States have considerable discretion so long as the mix of controls selected is adequate to attain and maintain the NAAQS or not

exceed the section 303 trigger level. Whether a particular NAAQS would have a significant effect on a substantial number of small entities, therefore, depends on how the States would choose to implement it. For these reasons, any assessment performed by EPA on the costs of additional SIP requirements at this time would necessarily be speculative. On the basis of the above considerations and findings, and as required by section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., the Administrator certifies that this regulation does not have a significant impact on a substantial number of small entities.

## D. Reduction of Governmental Burden

Executive Order 12875 ("Enhancing the Intergovernmental Partnership") is designed to reduce the burden to State, local, and tribal governments of the cumulative effect of unfunded Federal mandates. The Order recognizes the need for these entities to be free from unnecessary Federal regulation to enhance their ability to address problems they face and provides for Federal agencies to grant waivers to these entities from discretionary Federal requirements. The Order applies to any regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government. The EPA is required by statute to review periodically and, as necessary, revise the national ambient air quality standards, and to call on States to develop plans to attain and maintain these standards. However, this action also includes a request for comment on the adoption of a section 303 program, as well as a proposal to establish a targeted monitoring network, neither of these actions is explicitly mandated by statute. Therefore, in accordance with the purposes of Executive Order 12875, EPA will consult with representatives of State, local, and tribal governments to inform them of the requirements for implementing the alternative regulatory measures being proposed to address short-term peak SO<sub>2</sub> exposures. The EPA will summarize the concerns of the governmental entities and respond to their comments prior to taking final

The EPA anticipates that there will be no additional cost burden imposed on States in order to implement the monitoring requirements proposed in this notice. In general, costs incurred for relocating monitors will be offset by operating costs saved from discontinuing SLAMS and NAMS monitors. For more detail the reader is referred to the section on resource concerns for relocating monitors under

the targeted implementation strategy section discussed earlier in this notice or to the supporting statement for the information collection request.

## E. Environmental Justice

Executive Order 12898 requires that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The requirements of Executive Order 12898 have been addressed in the draft RIA cited above.

On average, approximately 25 percent of the total population and 14 percent of total households residing in geographic areas that are potentially impacted by short-term SO<sub>2</sub> peaks of 0.60 ppm or greater are nonwhite and below the poverty level, respectively. These estimates exceed the national averages of 19.7 percent and 12.7 percent, respectively. It also follows that, on average, 25 percent of the asthmatics potentially exposed to shortterm SO<sub>2</sub> peaks of 0.60 ppm or greater are nonwhite. Upon closer examination, 44 percent of these potentially SO<sub>2</sub>impacted areas have a nonwhite population greater than the national average with 24 percent between 1 and 2 times greater, 10 percent between 2 and 3 times greater, 7 percent between 3 and 4 times greater, and 3 percent between 4 and 5 times greater.

## Appendix A—References

Bennett, K.M. (1982), US EPA, Assistant Administrator for Air, Noise and Radiation, Policy on Excess Emissions During Startup, Shutdown, Maintenance, and Malfunctions, Memorandum to Regional Administrators, Regions I-X, September 28, 1982.

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