

OMB suggestions or recommendations will be documented in the public record.

D. Enhancing the Intergovernmental Partnership Under Executive Order 12875

In compliance with Executive Order 12875 we have involved State, local, and tribal Governments in the development of this rule. These governments are not directly impacted by the rule; i.e., they are not required to purchase control systems to meet the requirements of the rule. However, they will be required to implement the rule; e.g., incorporate the rule into permits and enforce the rule. They will collect permit fees that will be used to offset the resource burden of implementing the rule. Two representatives of the State governments have been members of the EPA Work Group developing the rule. The Work Group has met numerous times, and comments have been solicited from the Work Group members, including the State representatives; and their comments have been carefully considered in the rule development. In addition, all States are encouraged to comment on this proposed rule during the public comment period, and the EPA intends to fully consider these comments in the final rulemaking.

E. Paperwork Reduction Act

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 (ICR) document has been prepared by the EPA, and a copy may be obtained from Sandy Farmer, Information Policy Branch, EPA, 401 M Street SW. (2136), Washington, DC 20460, or by calling (202) 260-2740. The public reporting burden for this collection of information is estimated to average 587 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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, 2136, U. S. Environmental Protection Agency, 401 M Street SW., 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.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (or RFA, Public Law 96-354, September 19, 1980) requires Federal agencies to give special consideration to the impact of regulation on small businesses. The RFA specifies that a final regulatory flexibility analysis must be prepared if a proposed regulation will have a significant economic impact on a substantial number of small entities. To determine whether a final RFA is required, a screening analysis, otherwise known as an initial RFA, is necessary.

Regulatory impacts are considered significant if:

(1) Annual compliance costs increase total costs of production by more than 5 percent, or

(2) Annual compliance costs as a percent of sales are at least 20 percent (percentage points) higher for small entities, or

(3) Capital cost of compliance represents a significant portion of capital available to small entities, or

(4) The requirements of the regulation are likely to result in closures of small entities.

A "substantial number" of small entities is generally considered to be more than 20 percent of the small entities in the affected industry.

Consistent with Small Business Administration (SBA) size standards, a resin producing firm is classified as a small entity if it has less than 1,000 employees, and is unaffiliated with a larger entity. Based upon this, 5 of the 18 firms affected are classified as small.

Data were not readily available to compare compliance costs to production costs (criterion 1) or to capital available to small firms (criterion 3), because the needed data were considered proprietary by those firms. Data were available to examine the remaining two criteria: the potential for closure, and a comparison of compliance costs as a percentage of sales.

No facilities are expected to close; therefore, the fourth criteria was not met. The final criteria was not met either, because the increase in annual compliance costs as a percentage of sales ranged from 0.04 percent to 1.11 percent, and therefore, the increases were not considered significant.

In conclusion, and pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. The basis for the certification is that the economic impacts for small entities do not meet or exceed the criteria in the Guidelines to the Regulatory Flexibility

Act of 1980, as shown above. Further information on the initial RFA is available in the background information package (see **SUPPLEMENTARY INFORMATION** section near the beginning of this preamble).

G. Miscellaneous

In accordance with section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. The Administrator will welcome comments on all aspects of the proposed regulation, including health, economic and technical issues, and on the proposed test methods.

This regulation will be reviewed 8 years from the date of promulgation. This review will include an assessment of such factors as evaluation of the residual health and environmental risks, any overlap with other programs, the existence of alternative methods, enforceability, improvements in emission control technology and health data, and the recordkeeping and reporting requirements.

List of Subjects in 40 CFR Part 63

Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 30, 1995.

Carol M. Browner,
Administrator.

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40 CFR Part 63

[FRL-5217-5]

Methods for the Polymers and Resins I Rule; Appendix A, Test Methods 310, 312, 313

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Methods 310, 312, and 313 are being proposed in conjunction with the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Manufacture of Major Elastomers, commonly referred to as the Polymers and Resins I Rule. The proposed methods were adapted from industrial methods submitted by the facilities in the polymers and resins industry and reviewed by the EPA. After consideration of public comments, the methods will be promulgated, in conjunction with the Polymers and Resins I rule, as EPA methods 310, 312, and 313, 40 CFR part 63, appendix A.