final rule will result in a net cost savings of approximately \$500,000 annually, and does not result in any of the other effects that define a significant regulatory action. In this final rule, RQs for 44 of the 47 individual hazardous air pollutants and three of the 11 RCRA wastes are raised. In addition, as noted in Section II.C.1 of this preamble, EPA is assigning no RQ level to the five broad generic categories of hazardous air pollutants. The RQs of the cresols and xylenes categories and the five hazardous wastes with RQs based on the RQ for cresols are being lowered from previously adjusted levels. The estimated net effect of these changes will be to reduce by approximately 1,300 the number of reportable releases for these hazardous substances each year (see the economic analysis mentioned above). The estimated \$500,000 net cost savings reflects only those effects of the RQ adjustments that are readily quantifiable in dollars and are associated with the release notification requirements under section 103 of CERCLA and section 304 of EPCRA (including the associated activities of recordkeeping, notification processing, monitoring, and response).

## B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires that a Regulatory Flexibility Analysis be performed for all rules that are likely to have a "significant impact on a substantial number of small entities." If this criterion is met, the Agency must conduct a Regulatory Flexibility Analysis to examine ways its regulation could be modified to mitigate these adverse impacts. A Regulatory Flexibility Analysis is not necessary for this final rule, because the upper-bound total cost of compliance to small firms is negligible.32 In fact, as noted in Section V.A. of today's preamble, the Agency anticipates that raising most of the statutory one-pound RQs for the hazardous air pollutants, as well as assigning no RQ to the five CAA categories in this rule, will result in a net cost savings. Therefore, EPA hereby certifies that today's final rule is not likely to have a significant impact on a substantial number of small entities. As

a result, no Regulatory Flexibility Analysis is necessary.

## C. Paperwork Reduction Act

The information collection requirements contained in this final rule have been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., and have been assigned OMB control number 2050-0046. The public reporting burden for the collection of information pursuant to CERCLA section 103 is estimated to take, on average, 4.1 hours per response. This estimate includes the determination whether a release requires a report to the National Response Center, the time required to make the call, and the time required to maintain a log of any calls made to government organizations.

Because the RQs for almost all of the substances included in today's final rule are being raised, the net reporting and recordkeeping burden associated with reporting releases of these substances under CERCLA section 103 is expected to decrease. As noted in the economic impact analysis supporting today's final rule, EPA estimates that the annual reporting and recordkeeping burdens associated with reports to the National Response Center will be reduced by more than 5,300 hours as a result of

these RQ adjustments.

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

# D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a statement to accompany any rule in which the estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, will be \$100 million or more in any one year. Under section 205 of this Act, EPA must select the most cost-effective and leastburdensome alternative that achieves the objective of the rule and that is consistent with statutory requirements. Section 203 of the Act requires EPA to establish a plan for informing and advising any small governments that may be significantly impacted by the rule.

EPA has determined that this final rule does not include a Federal mandate

that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

## **List of Subjects**

#### 40 CFR Part 117

Environmental protection, Hazardous substances, Penalties, Reporting and recordkeeping requirements, Water pollution control.

## 40 CFR Part 302

Air pollution control, Chemicals, Emergency Planning and Community Right-to-Know Act, Extremely hazardous substances, Hazardous chemicals, Hazardous materials, Hazardous materials transportation, Hazardous substances, Hazardous wastes, Intergovernmental relations, Natural resources, Pesticides and pests, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

## 40 CFR Part 355

Air pollution control. Chemical accident prevention, Chemical emergency preparedness, Chemicals, Community emergency response plan, Community right-to-know, Contingency planning, Disaster assistance, **Emergency Planning and Community** Right-to-Know Act, Extremely hazardous substances, Hazardous substances, Intergovernmental relations, Natural resources, Penalties, Reportable quantity, Reporting and recordkeeping requirements, Superfund Amendments and Reauthorization Act, Threshold planning quantity, Water pollution control, Water supply.

Dated: May 23, 1995.

## Carol M. Browner,

Administrator.

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

# PART 117—DETERMINATION OF REPORTABLE QUANTITIES FOR HAZARDOUS SUBSTANCES

1. The authority citation for part 117 continues to read as follows:

**Authority:** Secs. 311 and 501(a), Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*), ("the Act") and Executive Order 11735, superseded by Executive Order 12777, 56 FR 54757.

2. Section 117.3 is amended by revising the entries in the "category" column and in the "RQ in pounds (kilograms)" column for "cresol" and "xylene (mixed)" in Table 117.3 from

Hazardous Air Pollutants and RCRA Hazardous Wastes, Volume VI, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202

<sup>&</sup>lt;sup>32</sup> See the Regulatory Impact Analysis of Reportable Quantity Adjustments Under Sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, Volume I, March 1985, available for inspection at the CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.