

required to develop a plan with regard to small governments.

#### *D. Paperwork Reduction Act*

Information collection requirements associated with this regulation (those included in 40 CFR part 63, subpart A and subpart X) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and have been assigned OMB control number 2060-0296. An Information Collection Request (ICR) document has been prepared by the EPA (ICR No. 1686.02) to reflect the revised information requirements of the final rule and has been submitted to OMB for review. A copy may be obtained from Sandy Farmer, Information Policy Branch, 401 M Street, SW. (2136), Washington, DC 20460, or by calling (202) 260-2740.

The annual industry recordkeeping and reporting burden and costs averaged over the first 3 years for secondary lead smelters are 11,300 hours and \$452,000 per year. This collection of information is estimated to have an annual government recordkeeping and reporting burden averaging 1,600 hours over the first 3 years. These burden estimates include 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 aspects of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch (EPA 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 the EPA."

#### *E. 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 regulatory flexibility analysis must be prepared if a screening analysis indicates a regulation will have a significant economic impact on a substantial number of small entities. For this industry, a small entity is defined as one with 500 or fewer employees. A "substantial number" of small entities is generally considered to be more than 20 percent of the small entities in the affected industry.

Regulatory impacts are considered significant if:

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

(2) Annual compliance costs as a percent of sales are at least 20 percent higher for small entities;

(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.

The results of the economic assessment performed at proposal served as the regulatory flexibility analysis and indicated that the rule will have an economic impact on small business entities. The assessment has not been updated because the impacts on the small entities have not increased since proposal. However, adverse economic impacts have been minimized to the greatest extent possible in this rulemaking, and those that remain are unavoidable. All of the small entities that are currently operating and that are impacted are major sources of HAP's for which the EPA is required to adopt MACT standards. Consequently, the economic impacts cannot be minimized by promulgating less stringent standards based on generally achievable control technology (GACT). The final standards are based on MACT floor controls, and in no instance did the EPA establish standards based on controls more stringent than the floor. The EPA was also able to identify alternatives to add-on controls (e.g., work practice controls) in the MACT floors that offered equivalent levels of control. The EPA has minimized the impacts associated with monitoring by adopting a surrogate pollutant approach and by allowing for alternative monitoring strategies when available. The impacts on all entities have been reduced since proposal by withdrawing the HCl/Cl<sub>2</sub> emission standards and by revising the metal HAP monitoring requirements. Finally, the EPA has minimized the impacts associated with recordkeeping and reporting by promulgating only the minimum requirements needed to document continuous compliance with the emission limits.

#### **List of Subjects**

##### *40 CFR Part 9*

Environmental protection, Reporting and recordkeeping requirements.

##### *40 CFR Part 63*

Air pollution control, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements, Secondary lead smelters.

Dated: May 31, 1995.

**Carol M. Browner,**  
*Administrator.*

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

#### **PART 9—[AMENDED]**

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 et seq., 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 et seq., 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by adding a new entry to the table under the indicated heading to read as follows:

#### **§ 9.1 OMB approvals under the Paperwork Reduction Act.**

40 CFR citation	OMB control No.
* * *	* * *
National Emission Standards for Hazardous Air Pollutants for Source Categories <sup>3</sup>	
* * *	* * *
63.548-63.550	2060-0296
* * *	* * *

<sup>3</sup> The ICRs referenced in this section of the Table encompass the applicable general provisions contained in 40 CFR part 63, subpart A, which are not independent information collection requirements.

#### **PART 63—[AMENDED]**

1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401 et seq.

2. Part 63 is amended by adding subpart X to read as follows:

#### **Subpart X—National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting**

Sec.

63.541 Applicability.

63.542 Definitions.

63.543 Standards for process sources.

63.544 Standards for process fugitive sources.

63.545 Standards for fugitive dust sources.

63.546 Compliance dates.

63.547 Test methods.

63.548 Monitoring requirements.

63.549 Notification requirements.

63.550 Recordkeeping and reporting requirements.