substantially through the use of national C. Paperwork Reduction Act or regional default values.

# III. Regulatory Analyses

# A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is "significant" and, therefore, subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The Agency has determined that this proposed rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is, therefore, not subject to OMB review.

These proposed exemptions will result in an estimated net cost savings to the regulated community of \$455,000 annually, as demonstrated by an economic analysis (Estimated Economic Effects of Administrative Reporting Exemptions for Certain Releases of Radionuclides) performed by the Agency, available for inspection in the U.S. EPA CERCLA Docket Office (Mail Code 5201G), Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202.

### 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." Because this proposed rule would grant reporting relief to certain sources of radionuclide releases, the rule would not result in a significant impact on a substantial number of small entities. EPA certifies that this proposed rule is not likely to have a significant impact on a substantial number of small entities and, therefore, that a Regulatory Flexibility Analysis is not necessary.

Because this rule provides an exemption from CERCLA section 103 and EPCRA section 304 reporting requirements for certain radionuclide releases, there are no unique reporting or recordkeeping provisions that require approval from OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et. seq.

Approval has previously been granted by OMB for other release reporting requirements referenced in this rule: collection of information pursuant to CERCLA section 103 for releases of hazardous substances equal to or greater than their RQs (OMB control # 2050-0046).

# 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 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 302

Environmental protection, 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, Threshold planning quantity, Water pollution control, Water supply.

Dated: July 25, 1995.

# Carol M. Browner,

#### Administrator.

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

# PART 302—DESIGNATION, **REPORTABLE QUANTITIES, AND** NOTIFICATION

1. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

2. Section 302.6 is amended by revising paragraph (c) to read as follows:

#### § 302.6 Notification requirements. \*

(c) The following categories of releases are exempt from the notification requirements of this section:

(1) Releases of those radionuclides that occur naturally in the soil from land holdings such as parks, golf courses, or other large tracts of land;

(2) Releases of naturally occurring radionuclides from land disturbance activities, including farming, construction, and land disturbance incidental to extraction activities, except that which occurs at uranium, phosphate, tin, titanium, zirconium, hafnium, vanadium, and rare earth mines (including monazite mined for its thorium content);

(3) Releases of radionuclides from the dumping of coal and coal ash; and

(4) Releases of radionuclides from coal and coal ash piles.

\* \*

# PART 355—EMERGENCY PLANNING AND NOTIFICATION

3. The authority citation for part 355 continues to read as follows:

Authority: 42 U.S.C. 11002, 11004, and 11048

4. Section 355.40 is amended by revising paragraph (a)(2)(vi) to read as follows:

§355.40 Emergency release notification.

- (a) \* \* \*
- (2) \* \* \*