

D. Operating Permit Program

Under the operating permit program codified at 40 CFR part 70 and 40 CFR part 71, all major sources subject to standards under section 111 or 112 of the CAA must obtain an operating permit (See §§ 70.3(a)(1) and 71.3(a)(1)). Therefore, all major sources subject to the final NESHAP must obtain an operating permit.

Some reinforced plastic composites production facilities may be major sources based solely on their potential to emit, even though their actual HAP emissions are below the major source level. These facilities may choose to obtain a federally enforceable limit on their potential to emit so that they are no longer considered major sources subject to the final NESHAP. Sources that opt to limit their potential to emit (e.g., limits on operating hours or amount of material used) are referred to by the EPA as “synthetic area” sources. To become a synthetic area source, you must contact your local permitting authority to obtain an operating permit with the appropriate operating limits. These limits must be obtained prior to the compliance date for existing sources, which is April 21, 2006. These operating limits will then be federally enforceable under 40 CFR 70.6(b).

VII. Statutory and Executive Order Reviews**A. Executive Order 12866, Regulatory Planning and Review**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether this regulatory action is “significant” and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive 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.

Pursuant to the terms of Executive Order 12866, OMB notified EPA at proposal that it considered this rulemaking a “significant regulatory action” within the meaning of the Executive Order. The EPA submitted the proposed rule to OMB for review. Changes made in response to suggestions or recommendations from OMB are documented and included in the public record. The OMB has informed EPA that it no longer considers this action significant. Therefore, it is not subject to further OMB review. The OMB did request a copy of the final regulation and preamble prior to publication. However, they did not request any changes in the final rule.

B. Paperwork Reduction Act

The information collection requirements in the final rule have been submitted for approval to the OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An information collection request (ICR) document has been prepared by EPA (ICR No. 1976.01) and a copy may be obtained from Susan Auby by mail at the Office of Environmental Information, Collection Strategies Division (2822), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, by e-mail at

“auby.susan@epa.gov,” or by calling (202) 566–1672. A copy may also be downloaded from the internet at <http://www.epa.gov/icr>. The information requirements are not enforceable until OMB approves them.

The final rule contains monitoring, reporting, and recordkeeping requirements. These notices and reports are the minimum needed by us to determine if you are subject to the NESHAP and whether you are in compliance. These recordkeeping requirements are the minimum necessary to determine initial and ongoing compliance. Based on reported information, we would decide which reinforced plastic composites facilities and what records or processes should be inspected. The recordkeeping and reporting requirements are consistent with the General Provisions of 40 CFR part 63.

These recordkeeping and reporting requirements are specifically authorized by section 114 of the CAA (42 U.S.C. 7414). All information submitted to us for which a claim of confidentiality is made will be safeguarded according to our policies in 40 CFR part 2, subpart B.

We expect the final rule to affect a total of approximately 488 facilities over the first 3 years. This includes 435 existing facilities, and 53 new reinforced plastic composites facilities that will become subject to the final NESHAP during the first 3 years.

The estimated average annual burden for the first 3 years after promulgation of the final NESHAP for industry and the implementing agency is outlined below. You can find the details of this information collection in the “Standard Form 83 Supporting Statement for ICR No. 1976.01,” in Docket ID No. OAR–2003–0003 (formerly Docket No. A–94–52).

Affected entity	Total hours	Labor costs	Total annual O&M costs	Total costs
Industry	13,785	\$613,623	\$15,807	\$629,431
Implementing agency	11,120	444,047	NA	444,047

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and

maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Control numbers for EPA’s regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. When the OMB approves the information collection requirements of the final rule, the EPA will amend the table in 40 CFR