

service (measured as total facility costs and expenditures, including operating, overhead and debt service costs and expenses). None of the affected governments incur costs that cause them to exceed the thresholds for impacts on taxpayers or for government debt burden. EPA therefore estimated no significant budgetary impacts for any of the governments owning these facilities. In accordance with this finding, EPA determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

c. POTW Administrative Costs

Since all indirect dischargers are excluded from the final rule, EPA expects the rule to impose no new POTW administrative costs.

3. Consultation

In addition to private industry, stakeholders affected by this rule include State and local government regulators. During development of the proposed and final rule, EPA consulted with all of these stakeholder groups on topics such as options development, cost models, pollutants to be regulated, cost of the regulation, and compliance alternatives. Some stakeholders provided helpful comments on the cost models, technology options, pollution prevention techniques, and monitoring alternatives.

Because many MP&M facilities in the proposed rule were indirect dischargers, the Agency involved POTWs as they would have had to implement the rule. EPA consulted with POTWs individually and through the Association of Municipal Sewerage Agencies (AMSA). In addition, EPA consulted with Regional pretreatment coordinators and State and local regulators. However, EPA is not promulgating new or revised pretreatment standards in today's final rule. See the proposed rule preamble (see 66 FR 519) for a summary of these consultation activities.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (see 64 FR 43255, August 10, 1999), requires Federal agencies to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government."

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The rule establishes effluent limitations imposing requirements that apply to metal product and machinery facilities, as defined by this final rule, when they discharge wastewater. The rule applies to States and localities if they own and operate in-scope MP&M facilities that discharge directly to surface waters. EPA estimates that 458 facilities subject to the regulation are owned and operated by state and local governments. EPA estimates that these facilities will experience an impact of \$0 to \$125,000, with an average impact of \$20,000 per year (\$2001).

In addition, the final rule will affect State governments responsible for administering CWA permitting programs. The final rule, at most, imposes minimal administrative costs on States that have an authorized NPDES program. (These States must incorporate the new limitations and standards in new and reissued NPDES permits). This rule does not change the current status of this administrative burden because this rule does not impose any further regulation on any indirect dischargers. The total cost of today's final rule to state and local governments is \$9.0 million (\$2001). Thus, Executive Order 13132 does not apply to this rule.

Although Executive Order 13132 does not apply to this rule, EPA did consult with State and local government representatives in developing this rule. See 66 FR 525 for a discussion of consultation activities.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (see 65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal

government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes."

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Based on the information collection efforts for this industry category, EPA does not expect any Indian tribal governments to own or operate in-scope MP&M facilities. In addition, EPA estimates few, if any, new facilities subject to the rule will be owned by tribal governments. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

1. Executive Order 13045 Requirements

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (see 62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate affect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866. Nevertheless, since the final rule is expected to reduce numerous pollutants, including lead, in fish tissue and drinking water that exceed human health criteria, EPA performed an analysis of children's health impacts reduced by the final rule.

2. Analysis of Children's Health Impacts

EPA assessed whether the final regulation will benefit children, including reducing health risk from exposure to MP&M pollutants from consumption of contaminated fish tissue and drinking water and improving recreational opportunities. The Agency was able to quantify only one category of benefits specific to children: avoided health damages to