

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 entitlement, 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 that it considers this action a "significant regulatory action" within the meaning of the Executive Order, and EPA submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations have been documented in the public record.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. Today's proposal is an Agency determination. It contains no new requirements for reporting. The only new recordkeeping requirement involves customary business practice. The Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations in subpart G of 40 CFR part 82 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control numbers 2060-0226 (EPA ICR No. 1596.05). This ICR included five types of respondent reporting and record-keeping activities pursuant to SNAP regulations: submission of a SNAP petition, filing a SNAP/TSCA Addendum, notification for test marketing activity, record-keeping for substitutes acceptable subject to use restrictions, and record-keeping for small volume uses. Today's proposed rule, if finalized, would require minimal record-keeping for two years from the date of creation of the record to demonstrate that the nPB contains no more than 0.05% iPB. Because it is customary business practice that chemical companies provide certificates of analysis to their customers, we believe this requirement will not impose an additional paperwork burden.

Copies of the ICR document(s) may be obtained from Sandy Farmer, by mail at the Office of Environmental Information, Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW., Washington, DC 20460, by e-mail at farmer.sandy@epa.gov, or by calling (202) 566-1676. A copy may also be downloaded off the Internet at <http://>

www.epa.gov/icr. Include the ICR and/or OMB number in any correspondence.

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. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

C. Regulatory Flexibility Act (RFA)

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business that has fewer than 500 employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. EPA has consulted with the Small Business Administration's Office of Advocacy on the alternate small business definition of 500 employees. For today's rule, we chose to use 500 employees, rather than use the individual size standards for the numerous NAICS subsectors and codes to simplify the economic analysis. Furthermore, this size standard was set by SBA for all NAICS codes for businesses using nPB-based adhesives, which is the end use that could experience the greatest cost impacts under today's rule. We solicit comments

on the choice of this alternate definition for this analysis.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Types of businesses that would be subject to today's proposed rule, if it became final, would include:

- Manufacturers of computers and electronic equipment that clean with nPB cleaning solvents (NAICS subsector 334).
- Manufacturers of fabricated metal parts, including plating, ball and roller bearings, machined parts, and other metal parts that require oil and grease to be cleaned off (NAICS subsectors 332 and 333).
- Manufacturers of transportation equipment, such as aerospace equipment that requires cleaning either in a tank or with aerosols, and aircraft seating, which is assembled using adhesives containing nPB as a carrier solvent (NAICS subsector 336).
- Manufacturers of furniture, including various kinds of furniture with cushions and countertops assembled using adhesives containing nPB as a carrier solvent (NAICS subsector 337).
- Foam fabricators, who assemble foam cushions using adhesives containing nPB as a carrier solvent (NAICS code 326150).

EPA estimates that up to 7330 small industrial end users currently use nPB and thus could be subject to this rule. This number includes approximately 500 to 2300 users of nPB industrial cleaning solvents (*e.g.*, cleaning with vapor degreasers), 900 to 4750 users of nPB-based aerosol solvents, and 40 to 280 users of nPB-based adhesives.

In order to consider the resources that affected small businesses have available to operate and to respond to regulatory requirements, EPA compared the cost of meeting regulatory requirements to small businesses' annual sales. In our analysis for today's proposal, we used the average value of shipments for the products manufactured by the end user as a proxy for sales or revenues, since these data are readily available from the U.S. Department of Commerce. The following tables display the average value of shipments for different sizes of business and different NAICS subsectors or codes in the affected industrial sectors. EPA then used data from these sources to determine the potential economic impacts on small businesses of today's proposed rule.