

(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.

EPA has determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review. Today's action would codify emission standards that manufacturers currently adhere to (nearly all in-production engines already meet the standards). The proposed standards are equivalent to the ICAO international consensus standards. These proposed standards would not impose any additional burden on manufacturers because they are already designing new engines to meet the ICAO standards. Thus, the annual effect on the economy of today's proposed standards would be minimal, and none of the other thresholds identified in the executive order would be triggered by this action.

#### B. Paperwork Reduction Act

This action does not impose any information collection burden under provisions of the Paperwork Reduction

Act, 44 U.S.C. 3501 *et seq.* Any reporting and recordkeeping requirements associated with these standards would be defined by the Secretary of Transportation in enforcement regulations issued later under the provisions of section 232 of the Clean Air Act. Since most if not all manufacturers already measure NO<sub>x</sub> and report the results to the FAA, any additional reporting and record keeping requirements associated with FAA enforcement of these proposed regulations would likely be very small.

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 in 40 CFR are listed in 40 CFR part 9.

#### C. Regulatory Flexibility Act

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 meet the definition for business based on SBA size standards; (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; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. The following table 1 provides an overview of the primary SBA small business categories potentially affected by this proposed regulation.

TABLE X.C-1—PRIMARY SBA SMALL BUSINESS CATEGORIES POTENTIALLY AFFECTED BY THIS PROPOSED REGULATION

Industry	NAICS <sup>a</sup> codes	Defined by SBA as a small business if: <sup>b</sup>
Manufacturers of new aircraft engines .....	336412	<1,000 employees
Manufacturers of new aircraft .....	336411	<1,500 employees
Scheduled air carriers, passenger and freight .....	481	<1,500 employees

<sup>a</sup> North American Industry Classification System (NAICS)

<sup>b</sup> According to SBA's regulations (13 CFR part 121), businesses with no more than the listed number of employees or dollars in annual receipts are considered "small entities" for purposes of a regulatory flexibility 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. This proposed rule will not impose any requirements on small entities. Because of the limited classes of aircraft engines to which today's proposed regulations apply, no small entities would be affected. Our review of the list of manufacturers of commercial aircraft gas turbine engines with rated thrust greater than 26.7 kN indicates that there are no U.S. manufacturers of these engines that qualify as small businesses. We are unaware of any foreign manufacturers with a U.S.-based facility that would qualify as a small business. In addition,

the proposed rule will not impose significant economic impacts on engine manufacturers. As discussed earlier, today's action would codify emission standards that manufacturers currently adhere to (nearly all in-production engines already meet the standards). The proposed standards are equivalent to the ICAO international consensus standards. These proposed standards would not impose any additional burden on manufacturers because they are already designing new engines to meet the ICAO standards. Also, the test procedure amendments (revisions to criteria on calibration and test gases) necessary to determine compliance are already being adhered to by manufacturers during current engine certification tests. Therefore, EPA

believes that the proposed regulations would impose no additional burden on manufacturers. The existence of ICAO's requirements results in minimal cost from today's proposed requirements. We invite comments on all aspects of the proposal and its impacts on small entities.

#### D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules