

Biennial Report ICR (EPA ICR Number 976): Claimants are expected to be relieved of the need to prepare a Waste Generation and Management (GM) Form for their excluded materials. Destination facilities will be relieved of the need to prepare a Waste Received from Off-Site (WR) Form. O&M costs are associated with maintaining copies of GM and WR Forms.

Specific Units ICR (EPA ICR Number 1572): EPA assumes that recyclers with a storage permit will be relieved of the need to comply with their permit conditions for their storage units, if they receive and recycle only hazardous materials generated, reclaimed, and legitimately reused within their same four digit NAICS code. Based on 1999 BRS data, EPA estimates that each year approximately 12 recyclers would be relieved of these requirements.

Part B ICR (EPA ICR Number 1573): EPA assumes that recyclers with a storage permit will be relieved of the need for a permit under the rule, if they receive and recycle only hazardous materials generated, reclaimed, and legitimately reused within their same four digit NAICS code. Based on 1999 BRS data, EPA estimates that each year approximately 12 recyclers would be relieved of the requirement to renew their permit.

EPA estimates the total annual burden to respondents to be approximately 226 hours and \$7,018. The total bottom-line burden to respondents over three years is estimated to be approximately 678 hours and \$21,054. EPA estimates the total annual aggregate burden savings to respondents to be approximately 15,985 hours and \$531,169. The total bottom-line burden savings over three years is estimated to be approximately 47,955 hours and \$1,593,507. EPA estimates the total annual burden to the Agency under the proposed rule to be about 260 hours and \$10,807. The total bottom-line burden to the Agency over three years is estimated to be about 780 hours and \$32,421.

EPA believes the proposed notification requirement is needed to ensure safe and compliant management of waste. Because the exclusion at 40 CFR 261.2(g) is self-implementing, EPA believes that submittal of the notification is necessary to inform the regulatory agency of the exclusion claim and the claimant's excluded waste. As shown in Exhibit 3 of ICR No. 2106.01, EPA believes the notification requirement would result in only a minor burden to respondents. This burden would be greatly offset by the expected savings for no longer complying with the existing RCRA

paperwork requirements for the excluded waste. The public reporting burden from the notification requirement is estimated to be about 30 minutes per respondent. This time includes reading the rule and preparing/submitting the one-time notification. 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.

Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the Director, Collection Strategies Division; U.S. Environmental Protection Agency (2823); 1200 Pennsylvania Avenue NW., Washington, DC 20460-0001; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St. NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA." Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after October 28, 2003, a comment to OMB is best assured of having its full effect if OMB receives it by November 28, 2003. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 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 1000 or 100 employees per firm depending upon the SIC code the firm primarily is classified; (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.

The economic impact analysis conducted for today's proposal indicates that these revisions to the definition of solid waste would generally result in savings to affected entities compared to baseline requirements. The rule is not expected to result in a net cost to any affected entity. Thus, adverse impacts are not anticipated.

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.

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 the proposed and final rules with "federal mandates" that may result in expenditures by State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year.

Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least