

generators to properly label all containers of wipes sent for disposal.

In estimating ICR burden, EPA used the current state policies as the baseline since most states have specific policies addressing these materials. ICR burden is reduced because generators of solvent-contaminated wipes obtain regulatory relief from existing subtitle C hazardous waste regulatory requirements, such as use of a manifest in transporting these materials off site to a handling facility.

EPA has carefully considered the burden imposed upon the regulated community by the proposed regulation. We estimate a burden savings of 48,000 hours and approximately \$1.9 million annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, 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.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number RCRA-2003-0004. The public docket is available for viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the RCRA Docket is (202) 566-0270. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or

view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number RCRA-2003-0004. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Office for EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after November 20, 2003, a comment to OMB is best assured of having its full effect if OMB receives it by December 22, 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 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 the purposes of assessing the impacts on small entities of today's rule, *small entity* is defined as (1) a small business as defined by the Small Business Administration at 13 CFR 121.201; (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.

After considering the economic impacts of today's proposed rule on small entities, I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. We have determined that about 83% of the 63,000 to 153,000 establishments in the 13 industries which use industrial wipes and which are potentially subject to today's proposed rulemaking are owned and operated by small companies. In addition, approximately 47% of the 1,175 industrial laundry establishments which supply reusable industrial wipes are owned by small companies. Based on the economic

analysis summarized elsewhere in this preamble, we have estimated that a relatively small proportion of potentially affected small businesses (*i.e.*, up to 3% or 16 small industrial laundries) may be adversely impacted by this proposed solid waste exclusion at or above a 3% threshold of annual business receipts (revenues).

Although this proposed rule will not have a significant impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. In addition to the economic analysis, we conducted outreach activities to ensure that small business interests were informed of our potential actions, and to solicit input and comment from small business interests during our development of the proposal. We had a number of meetings with small business stakeholders, including representatives of the industrial laundries trade associations, to discuss the formulation of this proposed rule, and to obtain small business feedback. In these meetings, stakeholders expressed concerns about the implementation of this rule, and asked questions about the conditions being considered for the proposed regulation.

As part of these outreach efforts, the Agency held a meeting with members of the small business community on August 10, 1998. Following EPA's presentation, the stakeholders attending the meeting discussed potential issues and concerns they envisioned could arise with regard to the implementation of the Agency's preliminary options, particularly with regard to the ability of small businesses to comply with the options. Participants provided their initial reactions to the preliminary options, identified potential issues of concern and, in some cases, offered potential changes or improvements. A summary of the August 10, 1998 meeting can be found in the docket for today's proposed rulemaking.

We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 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 with "Federal mandates" that may