

confidential business information as part of the basis for the final rule, then a nonconfidential version of the document, which summarizes the key data or information, should be sent to the docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, the submission may be made available to the public without notifying the commenters.

B. Public Hearing

Anyone who wants to present testimony about this proposal at the public hearing (see **DATES**) should, if possible, notify the contact person (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days prior to the day of the hearing. The contact person should be given an estimate of the time required for the presentation of testimony and notification of any need for audio/visual equipment. A sign-up sheet will be available at the registration table the morning of the hearing for scheduling those who have not notified the contact earlier. This testimony will be scheduled on a first-come, first-serve basis to follow previously scheduled testimony.

The EPA requests that approximately 50 copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, EPA would find it helpful to receive an advance copy of any statement or material to be presented at the hearing at least 1 week before the scheduled hearing date. This is to give EPA staff adequate time to review such material before the hearing. Such advance copies should be submitted to the contact person listed.

The official records of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submissions should be directed to Docket No. A-94-55 with regard to part 51 and Docket No. A-94-56 with regard to part 58 (see **ADDRESSES**).

Joseph W. Paisie is hereby designated Presiding Officer of the hearing. The hearing will be conducted informally, and technical rules of evidence will apply. A written transcript of the hearing will be placed in the above docket for review. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the court reporter recording the proceeding.

XI. Administrative Requirements

A. Regulatory Impact Analysis

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is "significant" and therefore subject to the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal 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 entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof.

(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, it has been determined that this rule is a "significant regulatory action" because of its potential to have an annual effect on the economy of \$100 million or more as discussed in the related SO₂ NAAQS proposal package on November 15, 1994 (59 FR 58958). As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

The EPA has prepared a draft regulatory impact analysis (RIA) based on information developed by several EPA contractors. It includes estimates of costs, benefits, and net benefits associated with alternative SO₂ NAAQS. The draft analysis, entitled Regulatory Impact Analysis of the National Ambient Air Quality Standards for SO₂-Draft, is available from the address given above. The draft RIA estimates the cost for the short-term SO₂ NAAQS regulatory alternative. The cost estimate for the short-term SO₂ NAAQS alternative represent a snapshot of the estimated total industry costs that could be incurred at some unspecified time in the future following full implementation of a short-term SO₂ NAAQS. The costs are based on the use of add-on control devices and fuel switching to lower-sulfur fuels. Given that EPA believes that many sources will be able to reduce their peaks through other,

nontechnological means, this assumption may result in overstating costs. With this caveat in mind, nonutility annualized costs are estimated to be approximately \$250 million for an ambient SO₂ concentration for a 0.06 ppm, 5 annual exceedance concentration levels are estimated to be approximately \$160 million. It is estimated that SO₂ will be reduced by approximately 910,000 tons, and 560,000 tons for 1 and 5 exceedance cases, respectively. Incremental to the title IV requirements and attainment of the existing SO₂ NAAQS, total utility annualized costs in 2005 are estimated to be an additional \$1.5 billion for the 0.06 ppm, 1 expected exceedance case, and \$400 million for the 5 expected exceedance case. Estimated total utility SO₂ emissions in 2005 are not expected to change given the title IV emissions trading program.

Administrative costs are estimated to be approximately \$18 million for the short-term NAAQS regulatory alternative. Monitoring costs are estimated to be minimal.

However, EPA has not completed its cost analysis of the section 303 regulatory alternative which EPA believes will be less than the SO₂ NAAQS regulatory alternative. The EPA intends to complete this analysis and make it available to the public by the end of January 1995. The EPA will announce the availability of this analysis in the Federal Register as soon as it is available. A final RIA will be issued at the time of promulgation of final standards. Neither the draft RIA nor the other contractor reports have been considered in issuing this proposal.

The regulations, implementation of the revised SO₂ NAAQS, the retained existing NAAQS, and the section 303 program, have been submitted to OMB for review under Executive Order 12866. Any written comments from OMB and any EPA responses to those comments are in the public docket for this rulemaking.

B. Impact on Reporting Requirements

Air quality monitoring activities that would occur as a result of the SO₂ NAAQS proposal could increase the costs and man-hour burdens to State and local agencies for conducting ambient SO₂ surveillance required by 40 CFR part 58 and currently approved under OMB Control Number 2060-0084. Temporarily-increased costs could result from the relocation of some monitors currently operated as part of the SLAMS networks and from the purchase and operation of additional monitors in a small number of agencies.