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Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY (EPA)

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Agenda of Regulatory and Deregulatory Actions

AGENCY: Environmental Protection Agency.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the Semiannual Regulatory Agenda to update the public about:

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Regulations and major policies completed or canceled since the last Agenda.

TO BE PLACED ON THE AGENDA MAILING LIST: If you would like to subscribe, please send an e-mail with your name and address to: ncepimal@one.net, or call 800-490-9198. There is no charge for single copies of the Agenda.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each Agenda entry. If you have general questions about or suggestions for improving the Agenda or questions about EPA's decision making process, please contact: Phil Schwartz (1803A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone: (202)564-6564; e-mail: schwartz.philip@epa.gov.

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A. What are EPA's Goals in Developing Regulations and Policies and What Key Principles, Statutes, and Executive Orders Drive Our Rule and Policymaking Process?

Our primary objective is to protect human health and the environment. To achieve this objective and ensure that our decisions are cost-effective and fully protective, we conduct high quality scientific, economic, and policy analyses. These analyses are planned and initiated at early stages in the regulatory development process, so that Agency decision makers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches. It is also important that we continue to apply new and improved methods to protect the environment, such as: building flexibility into regulations from the very beginning, creating strong partnerships with the regulated community, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. Research, testing and adoption of new environmental protection methods are also a central tenet in environmental problem solving. The integration of all these elements via a well managed regulatory development process and a strong commitment to innovative solutions will ensure that we all benefit from significant environmental improvements that are fair, efficient, and protective. Our overall success is measured by our effectiveness in protecting human health and the environment.

Besides the fundamental environmental laws authorizing EPA actions such as the Clean Air Act and Clean Water Act, there are legal requirements that apply to the issuance of regulations that are generally contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act.

We also must meet a number of requirements contained in Executive Orders. Of particular significance for EPA rulemakings are Executive Orders 12866 (Regulatory Planning and Review; 58 FR 51735; October 4, 1993), 12898 (Environmental Justice; 59 FR 7629; February 16, 1994), 13045 (Children's Health Protection; 62 FR 19885; April 23, 1997), 13132 (Federalism; 64 FR 43255, August 10, 1999), 13175 (Consultation and Coordination with Indian Tribal Governments; 65 FR 67249, November 9, 2000), and 13211 (Energy; 66 FR 28355, May 22, 2001).

You can find information on these laws and Executive orders through links from www.epa.gov/regagenda.

B. How Can You Be Involved in EPA's Rule and Policymaking Process?

You can make your voice heard by getting in touch with the contact person provided in each Agenda entry. We urge you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the Federal Register. To be most effective, comments should contain information and data that support your position, and you also should explain why we should incorporate your suggestion in the rule or non-regulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems and we stress this point most strongly in all of our training programs for rule and policy developers. Democracy gives real power to individual citizens, but with that power comes responsibility. Democracy is not a spectator sport. We urge you to become involved in EPA's rule and policymaking process.

C. What Actions Are Included in the Agenda?

EPA includes regulations and certain major policy documents in the Agenda. We generally do not include minor amendments or the following categories of actions:

- Administrative actions such as delegations of authority, changes of address or phone numbers.
- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list;

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Delegations of Authority to States; Area Designations for Air Quality Planning Purposes.

- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Decision documents defining and establishing registration standards; decision documents and termination decisions for the Special Review Registration process; and data call-in requests made under section 3(c)(2)(B).
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations, including the tolerance reassessment process.
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions.
- Under the Clean Water Act: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States.
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

There is no legal significance to the omission of an item from the Agenda.

D. How Is the Agenda Organized?

We have organized the Agenda:

First, into fourteen divisions based on the law that would authorize a particular action. These divisions are:

1. General, which includes cross-cutting actions, such as rules authorized by multiple statutes and general acquisition rules
2. The Clean Air Act (CAA)
3. The Atomic Energy Act (AEA)
4. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
5. The Federal Food, Drug, and Cosmetic Act (FFDCA)
6. The Toxic Substances Control Act (TSCA)
7. The Emergency Planning and Community Right-to-Know Act (EPCRA)
8. Chemical Safety Information, Site Security and Fuels Regulatory Relief Act
9. The Resource Conservation and Recovery Act (RCRA)
10. The Oil Pollution Act (OPA)
11. The Comprehensive Environmental Response, Compensation, and Liability Act Superfund (CERCLA)
12. The Clean Water Act (CWA)
13. The Safe Drinking Water Act (SDWA)
14. The Shore Protection Act (SPA)

Second, by the current stage of development. The stages are:

1. Prerulemaking - Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Ac, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.
2. Proposed Rule - This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rule - This section includes rules that will be issued as a final rule within a year.
4. Long-Term Action - This section includes rulemakings for which the next scheduled regulatory action is after April 2005.
5. Completed Action - This section contains actions that have been promulgated and published in the **Federal Register** since publication of the Fall 2003 Agenda. It also includes actions that we are no longer considering. If an action appears in the completed section, it will not appear in future Agendas unless we decide to initiate action again, in which case it will appear as a new entry. EPA also announces the results of our Regulatory Flexibility Act section 610 reviews in this section of the Agenda.

Third, by the Regulation Identifier Number assigned when an action is added to the Agenda.

E. What Information Is in Agenda Entries?

Agenda entries include the following information, where applicable:

Sequence Number: This indicates where the entry appears in the Agenda.

Title: Titles for new entries (those that have not appeared in previous Agendas) are preceded by a bullet (•). The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below. OMB reviews all significant rules including both of the first two categories, ''economically significant'' and ''other significant.''

Economically Significant: Under Executive Order 12866, a rulemaking action that may 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.

Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or
3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

Substantive, Nonsignificant: A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (e.g., certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Tolerance exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under E.O. 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

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Informational/Administrative/Other: An action that is not a rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the Agency's regulatory mandate, but that the Agency places in the Agenda to inform the public of the activity; or other action that is not within the scope of E.O. 12866.

Also, if we believe that a rule may be ''major'' as defined in the Congressional Review Act (5 U.S.C. 801, *et seq.*) because it is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in this law, we indicate this under the ''Priority'' heading with the statement ''Major under 5 U.S.C. 801.''

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (P.L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

*Timetable:*The dates (and citations) that documents for this action were published in the **Federal Register** and, where possible, a projected date for the next step. Projected publication dates frequently change during the course of developing an action. The projections in the Agenda are our best estimates as of the date we submit the Agenda for publication. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the Regulatory Flexibility Act (RFA). Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether we expect the rule to have any effect on small businesses, small governments, or small nonprofit organizations

Government Levels Affected: Indicates whether we expect the rule to have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Unfunded Mandates: Section 202 of the Unfunded Mandates Reform Act generally requires an assessment of anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than $100 million in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. If we expect to exceed this $100 million threshold, we note it in this section.

Energy Impacts: Indicates whether the action is a significant energy action under Executive Order 13211.

Agency Contact: The name, address, phone number, and e-mail address, if available, of a person who is knowledgeable about the regulation.

SAN Number: A code number that EPA uses to identify and track rulemakings.

URLs: For some of our actions we include the Internet addresses for: reading copies of rulemaking documents; submitting comments on proposals; and getting more information about the rulemaking and the program of which it is a part.

RIN: The Regulatory Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN stand for the EPA office with lead responsibility for developing the action.

F. How Can You Find Out More About EPA Rulemakings?

1. **Public Dockets** When EPA publishes either an advance notice of proposed rulemaking or a notice of proposed rulemaking in the **Federal Register,** the Agency may establish an official docket to accumulate materials throughout the development process for that rulemaking. The official docket serves as the repository for the collection of documents or information related to a particular agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for Regulatory Flexibility Act section 610 reviews of rules with significant impacts on a substantial number of small entities and various non-rulemaking activities, such as Federal Register documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other non-rule activities. In 2002, EPA released its online electronic docket and comment system, EDOCKET at http://www.epa.gov/edocket.
2. **EPA Websites** Some of the actions listed in the Agenda include a URL that provides additional information.
3. **Regulatory Agenda Databases and Search Engines** If you have access to the Internet you can use databases and their accompanying search engines developed by the EPA and the Regulatory Information Service Center (RISC) at the General Services Administration to help you locate actions that are of interest to you. The EPA Regulatory Agenda search engine is located at www.epa.gov/regAgenda. We thoroughly update this database each spring and fall and we partially update it several other times during the year. RISC's searchable databases are at http://www.ciir.cs.umass.edu/ua/
4. **Appendices to the Agenda** There are five appendices that provide:

a. A list of the existing rules that we are reviewing under section 610 of the Regulatory Flexibility Act
b. A list of actions that may have a significant impact on a substantial number of small businesses, small governments, or small non-profit organizations
c. A list of actions that may have some impact on some small businesses, small governments, or small non-profit organizations but which may either have less than a significant impact or affect fewer than a substantial number of them
d. A list of actions that may affect State, local, or tribal governments
e. A list of actions that may have federalism implications as defined in Executive Order 13132

There is a sixth appendix included in the Unified Regulatory Agenda, a subject matter index. This appendix is not included in EPA's Agenda reprints

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for reasons of costs and because of the availability of the search engines described in #3, immediately above.

5. **The Regulatory Agenda Collection in the EPA History Office** has a complete collection of Regulatory Agendas and related materials. A list of the contents including exact citations for all Agendas is at: http://www.epa.gov/history/collection/aid41.htm
6. **Listservers** If you want to get automatic e-mails about areas of particular interest, we maintain 12 collections including:

a. Air
b. Water
c. Wastes and emergency response
d. Pesticides
e. Toxic substances
f. Right-to-know and toxic release inventory
g. Environmental impacts
h. Endangered species
i. Meetings
j. The Science Advisory Board
k. Daily full-text notices with page numbers, and
l. General information.

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7. **EPA's FY04 Regulatory Plan** The Regulatory Plan covers the core of our priority actions that we expected to be published by September 2004. We have 30 actions in the Plan which was published December 22, 2003. There are entries for each of these actions in the Spring 2004 Regulatory Agenda, but we discuss them in greater detail in the Plan. You can view the Plan at http://www.epa.gov.regagenda

G. What Special Attention Do We Give to the Impacts of Rules on Small Businesses, Small Governments, and Small Nonprofit Organizations?

For each of our rulemakings we consider whether there will be any adverse impact on any small entity. We attempt to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation. Under RFA/SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit the RFA/SBREFA website at http://www.epa.gov/sbrefa/.See Appendix B at the end of the Agenda, ''Index to Environmental Protection Agency Entries for which a Regulatory Flexibility Analysis is Required'' for a list of these rules. See Appendix C for a list of the rules that may affect small entities, but which we do not expect will have a significant economic impact on a substantial number of them.

The Regulatory Flexibility Act (RFA) section 610 requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SISNOSE). There are nine rules for which we are conducting section 610 reviews this year. We undertake these reviews to decide whether we should continue the rule unchanged, amend it, or withdraw it. We announce our forthcoming section 610 reviews in the ''Prerule'' section of the Agenda. We encourage small entities to provide comments on the need to change these rules. We will consider all of your comments as we decide whether to continue, amend, or withdraw these rules. We particularly encourage comments by small entities about how these rules could be made clearer, more effective, or remove conflicting or overlapping requirements with other Federal or State regulations. The nine reviews are:

Review RIN# and EDOCKET ID#	Rule Being Reviewed
2050-AG19; RCRA-2004-0004	Land Disposal Restrictions Phase III: Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners
2050-AG17 RCRA-2004-0003	Land Disposal Restrictions Phase II: Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes
2070-AD65; OPPT-2003-0015	Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities
2070-AD66; OPP-2003-0115	Worker Protection Standards for Pesticides
2040-AD96; OW-2003-0016	Sewage Sludge Round 1
2060-AM39; OAR-2004-0054	Emission Standards for New Nonroad Spark-Ignition Engines At or Below 19 Kilowatts
2060-AM38; OAR-2004-0053	Fuels and Fuel Additives Registration Regulations
2060-AM41; OAR-2004-0055	NESHAP: Petroleum Refineries
2060-AM40; OAR-2004-0056	NESHAP: Secondary Lead Smelting

EPA has established an official public docket for each of these 610 Reviews under a docket identification (ID) number as indicated above. The official public docket is the collection of materials that is available for public viewing at the docket facility. An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket to submit or view public comments, access the index listing of the contents of the official 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 appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as confidential business information (CBI) and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public

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docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

Unless otherwise indicated, please direct your comments to the identified Docket ID number for the specific 610 Review item. For these 610 Reviews, please DO NOT submit CBI or information that is otherwise protected by statute. You may submit comments electronically, by mail, or through hand delivery/courier using one of the following methods:

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

   i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at http://www.epa.gov/edocket, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in the appropriate Docket ID number. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

   ii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified below. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments, identified by the appropriate Docket ID number, to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Mailcode: [insert #], 1200 Pennsylvania Ave., NW, Washington, DC, 20460

3. *By Hand Delivery or Courier.* Deliver your comments, identified by the appropriate Docket ID number, to: 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) 566-1742. Such deliveries are only accepted during the Docket's normal hours of operation as identified below.

For public comments, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket. Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. For these actions, please DO NOT submit CBI or information that is otherwise protected by statute.

H. Acknowledgment of Those Involved in the Rulemaking Process

Finally, I would like to thank the members of the public who have taken the time to get involved in the rulemaking process. Experience has taught us that we must listen to and involve our stakeholders if we hope to fully understand the issues and write the most effective rules. Over the years you, the public, have submitted an enormous number of comments on our rulemakings. We have heard all of them and adopted many. Protecting human health and the environment is one of our nation's most important quests. We thank you for joining us in this endeavor.

Dated: May 17, 2004

Jessica L. Furey,

Associate Administrator, Office of Policy, Economics, and Innovation.

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3040	SAN 3580. Incorporation of Class Deviations Into EPAAR	2030–AA37
3041	SAN 4292. Proposed Revision to EPA's Implementing NEPA Regulations	2020–AA42

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GENERAL—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3042	SAN 4693. Privacy Act Regulations (Revised)	2025–AA13
3043	SAN 4191. Revision to EPAAR 1552.211-73, Level of Effort	2030–AA64
3044	SAN 4319. Revisions to Acquisition Regulation Concerning Conflict of Interest	2030–AA67
3045	SAN 4742. Continuation of Implementing the Empowerment Initiative	2030–AA81
3046	SAN 4814. On-Site and Off-Site Background Checks Performed by EPA and Contractors	2030–AA85
3047	SAN 4812. Contract Bundling Requirements	2030–AA86
3048	SAN 4904. Security Requirements for Toxic Substances Control Act Confidential Business Information Access for Contractors	2030–AA88
3049	SAN 4903. Award Term Contracting	2030–AA89
3050	SAN 4761. Waste Isolation Pilot Plant (WIPP) FY 2002 Report to Congress	2060–AK79
3051	SAN 4463. Persistent, Bioaccumulative, and Toxic (PBT) Pollutants Strategy	2070–AD45
3052	SAN 4836. Project XL Site Specific Rulemaking for the NASA White Sands Test Facility in Las Cruces, New Mexico (Phases III-VI)	2090–AA35

GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3053	SAN 4747. Implementation of Authority To Appoint Research Scientists Under 42 USC	2030–AA83
3054	SAN 4270. Cross-Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR)	2025–AA07
3055	SAN 4733. Background Investigations for Contractors Performing Services Onsite	2030–AA80
3056	SAN 4813. Miscellaneous Revisions to EPAAR Clauses	2030–AA84
3057	SAN 4925. Technical Amendments to the Federal Policy for the Protection of Human Subjects	2080–AA11
3058	SAN 4536. Project XL Site Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I and II)	2090–AA27

GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3059	SAN 4056. Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements	2020–AA39
3060	SAN 3240. Public Information and Confidentiality Regulations	2025–AA02
3061	SAN 3671. Guidelines for Carcinogen Risk Assessment	2080–AA06

GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3062	SAN 4842. Report to Congress on Enforcement Data Concerning Small Entities	2020–AA45
3063	SAN 4473. Regulatory Incentives for the National Environmental Performance Track Program	2090–AA13

CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3064	SAN 4699. Revisions to Clarify the Scope of Certain Monitoring Requirements for Federal and State Operating Permits Programs	2060–AK29
3065	SAN 4759. Revision to Policy on Control of Volatile Organic Compounds (VOC)	2060–AK75
3066	SAN 4871. Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder	2060–AM06

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CLEAN AIR ACT (CAA)—Prerule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3067	SAN 4922. Fuels and Fuel Additives Registration Regulations **(Section 610 Review)**	2060–AM38
3068	SAN 4921. Emission Standards for New Nonroad Spark-Ignition Engines At or Below 19 Kilowatts **(Section 610 Review)**	2060–AM39
3069	SAN 4924. NESHAP: Secondary Lead Smelting **(Section 610 Review)**	2060–AM40
3070	SAN 4923. NESHAP: Petroleum Refineries **(Section 610 Review)**	2060–AM41

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3071	SAN 4266. Review National Ambient Air Quality Standards for Carbon Monoxide	2060–AI43
3072	SAN 4255. Review of the National Ambient Air Quality Standards for Particulate Matter	2060–AI44
3073	SAN 3649. Amendments to Method 24 (Water-Based Coatings)	2060–AF72
3074	SAN 4070. General Conformity Regulations; Revisions	2060–AH93
3075	SAN 3939. NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins-Amendments	2060–AH47
3076	SAN 3751. NSPS and Emission Guidelines for Other Solid Waste Incinerators	2060–AG31
3077	SAN 3975. Review of New Sources and Modifications in Indian Country	2060–AH37
3078	SAN 4752. Clean Air Fine Particle Implementation Rule	2060–AK74
3079	SAN 3380. NSPS: SOCMI—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60	2060–AE94
3080	SAN 4119. Performance Specification 16 - Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources	2060–AH84
3081	SAN 4478. Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills: Amendment	2060–AJ41
3082	SAN 4310. NESHAP: Printing and Publishing Industry; Amendments	2060–AI66
3083	SAN 4585. Portland Cement Manufacturing Industry NESHAP: Amendment to Implement Court Remand	2060–AJ78
3084	SAN 4620. National Emission Standards for Coke Oven Batteries - Residual Risk Standards	2060–AJ96
3085	SAN 4655. NESHAP: Gasoline Distribution (Stage I) Residual Risk Standards	2060–AK10
3086	SAN 4660. NESHAP: Industrial Process Cooling Towers Residual Risk Standards	2060–AK16
3087	SAN 4662. NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards	2060–AK18
3088	SAN 4667. NESHAP: Wood Furniture Manufacturing Operations — Residual Risk Standards	2060–AK21
3089	SAN 4782. Petition To Delist Hazardous Air Pollutant: 4,4'-Methylene Diphenyl Diisocyanate	2060–AK84
3090	SAN 4309. National VOC Emission Standards for Consumer Products; Proposed Amendments	2060–AI62
3091	SAN 4748. Control of Hazardous Air Pollutants From Mobile Sources	2060–AK70
3092	SAN 4535. Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide	2060–AJ63
3093	SAN 4599. Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	2060–AK26
3094	SAN 4697. Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries	2060–AK45
3095	SAN 4542. Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO2) Area	2008–AA00
3096	SAN 3262. Inspection/Maintenance Recall Requirements	2060–AE22
3097	SAN 4421. Ambient Air Quality Monitoring Regulations: Revisions	2060–AJ25
3098	SAN 4570. Control of Air Pollution From Motor Vehicles and Engines: Alternative Low-Sulfur Highway Diesel Fuel Transition Program for Alaska	2060–AJ72
3099	SAN 4547. Modification of Authority to Grant Alternative Method Approvals	2060–AJ83
3100	SAN 4584. Performance Specifications for Continuous Parameter Monitoring Systems	2060–AJ86
3101	SAN 4632. Modification of Anti-dumping Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska and the U.S. Territories	2060–AK02
3102	SAN 4633. Performance-Based Measurement System For Fuels: Criteria For Self-Qualifying Alternative Test Methods; Description of Optional Statistical Quality Control Measures	2060–AK03
3103	SAN 4634. Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline	2060–AK04
3104	SAN 4811. 20 Transportation Conformity Rule Amendments for New 8-Hour Ozone and PM2.5 National Ambient Air Quality Standards	2060–AL73
3105	SAN 4793. Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Allowables Plantwide Applicability Limit (PAL), Aggregation, and Debottlenecking	2060–AL75
3106	SAN 4794. Clean Air Interstate Rule; Formerly Titled Interstate Air Quality Rule	2060–AL76
3107	SAN 4095.1. Section 126 Rule: Lifting the 8-Hour Stay	2060–AL79
3108	SAN 4796. Section 126 Rule: Withdrawal of Findings for Sources in Michigan	2060–AL83

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CLEAN AIR ACT (CAA)—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3109	SAN 4797. Lifting the Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport (NOx SIP Call)	2060–AL84
3110	SAN 4802. Amendments to Leather Finishing NESHAP	2060–AL89
3111	SAN 4804. Protection of Stratospheric Ozone; Allowance System for Controlling HCFC Production, Import and Export; Correction	2060–AL90
3112	SAN 4808. Amendments to the NESHAP for Cellulose Products Manufacturing	2060–AL91
3113	SAN 4809. Control of Emissions of Air Pollution From New Motor Vehicles: On-Board Diagnostic Requirements for Heavy-Duty Engines and Vehicles Above 14,000 Pounds and In-Use, Not-To-Exceed Emission Standard Test	2060–AL92
3114	SAN 4820. Protection of Stratospheric Ozone: Quantity Allocation of Methyl Bromide for Critical Use Exemptions After the Phaseout	2060–AL95
3115	SAN 4829. 5-Year Review of MACT Standards for Large MWC	2060–AL97
3116	SAN 4830. Alternative Work Practice for Leak Detection and Repair	2060–AL98
3117	SAN 4846. NESHAP: Municipal Solid Waste Landfills—Amendments	2060–AM08
3118	SAN 4844. Addition of CO Emission Limit for Large MWC Using Fluid Bed Combustion Technology (Section 129)	2060–AM11
3119	SAN 4859. NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization	2060–AM14
3120	SAN 4851. Protection of Stratospheric Ozone: Restriction on the Sales of Pre-Charged Split Systems	2060–AM15
3121	SAN 4845. Control of Air Pollution from New Motor Vehicles: In-Use, Not-To-Exceed Emission Standard Testing for Heavy-Duty Diesel Engines and Vehicles	2060–AM17
3122	SAN 4849. Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)	2060–AM20
3123	SAN 4854. Amendments to Vehicle Inspection and Maintenance Program Requirements To Address New 8-Hour Ozone Standard	2060–AM21
3124	SAN 4867. NESHAP: Hydrochloric Acid Production Amendments	2060–AM25
3125	SAN 4865. Strategy for Addressing Air Emissions from Animal Feeding Operations	2060–AM26
3126	SAN 4853. Requirements for Transmix Processing and Blending Under the Reformulated Gasoline and Gasoline Sulfur Rules	2060–AM27
3127	SAN 4866. NESHAP: Site Remediation; Amendments	2060–AM30
3128	SAN 4868. Exemption of Area Sources From Title V Operating Permit Program	2060–AM31
3129	SAN 4880. Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Amendments to Evaporative Emissions Regulations and Technical Amendments	2060–AM32
3130	SAN 4881. Prevention of Significant Deterioration for Nitrogen Oxides	2060–AM33
3131	SAN 4882. Control of Emissions from Spark-Ignition Engines and Fuel Systems From Marine Vessels and Small Equipment	2060–AM34
3132	SAN 4883. Test Procedures for Highway and Nonroad Engines	2060–AM35
3133	SAN 4891. National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing; Amendments	2060–AM43
3134	SAN 4885. Flexible Air Permit Rule	2060–AM45
3135	SAN 4905. National Volatile Organic Compound Emission Standards for Architectural Coatings; Amendments	2060–AM47
3136	SAN 4899. Control of Ultra Low Sulfur Diesel Fuel Lubricity	2060–AM48
3137	SAN 4916. Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use with Substitute Refrigerants	2060–AM49
3138	SAN 4893. Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2005	2060–AM50
3139	SAN 4901. Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	2060–AM55
3140	SAN 4894. Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone Depleting Substances	2060–AM56

CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3141	SAN 4315. Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	2009–AA00
3142	SAN 3569. Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant	2009–AA01
3143	SAN 4768. Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon from DOE Facilities	2060–AK81
3144	SAN 3470.1. Revision to the Guideline on Air Quality Models (Appendix W to 40 CFR Part 51): Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions	2060–AK60

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CLEAN AIR ACT (CAA)—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3145	SAN 3656. NESHAP: Reciprocating Internal Combustion Engine	2060–AG63
3146	SAN 3837. NESHAP: Industrial, Commercial and Institutional Boilers and Process Heaters	2060–AG69
3147	SAN 3525. Prot. of Strat. Ozone: Update of the Substitutes List Under (SNAP) Program	2060–AG12
3148	SAN 4683. Air Quality: Revision to Definition of Volatile Organic Compounds - Exclusion of 4 Compounds	2060–AK37
3149	SAN 2915. Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51	2060–AF83
3150	SAN 3900. Addition of Method 207 to Appendix M of 40 CFR Part 51 Method for Measuring Isocyanates in Stationary Source Emissions	2060–AG88
3151	SAN 4625. Clean Air Ozone Implementation Rule (Part 1 and 2)	2060–AJ99
3152	SAN 3958. Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements (40 CFR Part 60, Appendix F, Procedure 3)	2060–AH23
3153	SAN 4555. Electric Arc Furnace NSPS Amendment	2060–AJ68
3154	SAN 4681. Revision of Combustion Turbines NSPS—Part 60, Subpart GG	2060–AK35
3155	SAN 4161. Update of Continuous Instrumental Test Methods	2060–AK61
3156	SAN 3820. NESHAP: Plywood and Composite Wood Products	2060–AG52
3157	SAN 4115. NESHAP: Chromium Electroplating Amendment	2060–AH69
3158	SAN 4107. NESHAP: Asphalt/Coal Tar Application on Metal Pipes	2060–AH78
3159	SAN 4313. Petitions To Delist Hazardous Air Pollutants: MEK	2060–AI72
3160	SAN 4571. Electric Utility Steam Generating Unit MACT Regulation	2060–AJ65
3161	SAN 4672. NESHAP: Solvent Extraction for Vegetable Oil: Amendments	2060–AK32
3162	SAN 4712. NESHAP: Hazardous Organic NESHAP (HON) Amendments	2060–AK49
3163	SAN 4713. NESHAP for Primary Aluminum Reduction Plants; Amendments	2060–AK50
3164	SAN 4714. NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units; Amendments	2060–AK51
3165	SAN 4719. NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	2060–AK54
3166	SAN 4751. National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines—Petition to Delist	2060–AK73
3167	SAN 4763. NESHAP: Ethylene Processes; Amendments	2060–AK80
3168	SAN 4464. Rulemaking on Section 126 Petitions from New York and Connecticut Regarding Sources in Michigan; Revision of Definition of Applicable Requirement for Title V Operating Permit Programs	2060–AJ36
3169	SAN 4689. Section 126 Rule Withdrawal Provision	2060–AK41
3170	SAN 4340. Transportation Conformity Amendments: Response to March 2, 1999, Court Decision	2060–AI56
3171	SAN 4030. Expanded Definitions for Alternative-Fueled Vehicles and Engines Meeting Low-Emission Vehicle Exhaust Emission Standards	2060–AH52
3172	SAN 4604. Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline	2060–AJ82
3173	SAN 4675. Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel	2060–AK27
3174	SAN 4757. Emissions Durability Procedures for New Light-Duty Vehicles and Light-Duty Trucks	2060–AK76
3175	SAN 2665. Importation of Nonconforming Vehicles; Amendments to Regulations	2060–AI03
3176	SAN 4682. Revisions to the Appeal Procedures and the Federal NOx Budget Trading Program, Parts 78 and 97	2060–AK36
3177	SAN 4487. Federal Implementation Plans for Indian Reservations in Idaho, Oregon and Washington	2012–AA01
3178	SAN 4254. Revision to the Definition of Volatile Organic Compound (VOC) to Exclude Tertiary Butyl Acetate	2060–AI45
3179	SAN 4450. Clean Air Visibility Rule	2060–AJ31
3180	SAN 4621. Control of Hazardous Air Pollutants From Mobile Sources: Default Baseline Revision and Minor Corrections	2060–AJ97
3181	SAN 4631. Adoption of the Amended International NOx Standard for Aircraft Engines	2060–AK01
3182	SAN 4722. California Gasoline Technical Correction	2060–AK56
3183	SAN 4706. Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition	2060–AK69
3184	SAN 4758. Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline Including Butane Blenders and Attest Engagements	2060–AK77
3185	SAN 3560.1. Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use with Substitute Refrigerants	2060–AL77
3186	SAN 4800. Consideration of Industry Petition to Remove Ethylene Glycol Monobutyl Ether from the Clean Air Act List of Hazardous Air Pollutants	2060–AL87
3187	SAN 4819. Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	2060–AL94
3188	SAN 4837. National Ambient Air Quality Standards for Particulate Matter; Amendment to Reflect Court Order Vacating Certain Rules	2060–AM02
3189	SAN 4839. Clean Air Ozone Designations	2060–AM03

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CLEAN AIR ACT (CAA)—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3190	SAN 4840. Clean Air Fine Particle Designations	2060–AM04
3191	SAN 3560.2. Protection of Stratospheric Ozone; Refrigerant Recycling; Substitute Refrigerants; Leak Repair Requirements for Refrigeration and Air-conditioning Equipment	2060–AM05
3192	SAN 4863. NESHAP: Reinforced Plastic Composites—Amendments	2060–AM23
3193	SAN 4857. Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances—Fire Suppression and Explosion Protection	2060–AM24
3194	SAN 4864. NESHAP: Surface Coating of Metal Cans—Amendments	2060–AM28
3195	SAN 4862. NESHAP: Printing, Coating, and Dyeing of Fabrics and Other Textiles—Amendments	2060–AM29
3196	SAN 4895. Regulation of Fuel and Fuel Additives: Gasoline and Diesel Test Methods	2060–AM42
3197	SAN 4900. Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels	2060–AM46
3198	SAN 4892. National Emission Standards for Pharmaceuticals Production; Amendments	2060–AM52
3199	SAN 4918. Protection of the Stratospheric Ozone: Alternatives for the Mobile Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program	2060–AM54
3200	SAN 4816. National Emission Standards for Hazardous Air Pollutants: Site-Specific Regulation for Packaging Corporation of America in Tomahawk, Wisconsin	2090–AA33

CLEAN AIR ACT (CAA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3201	SAN 4695. NESHAP: Off-Site Waste and Recovery Operations Residual Risk Standard	2060–AK68
3202	SAN 4607. Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Availability of Information to the Public; Technical Amendment	2050–AE95
3203	SAN 4619. Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act, Section 112(r)(3); Revisions to the List of Substances	2050–AE96
3204	SAN 4531. Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives	2060–AJ61
3205	SAN 1002. NAAQS: Sulfur Dioxide (Response to Remand)	2060–AA61
3206	SAN 3919. Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas	2060–AH01
3207	SAN 4096. Phase I (FIP) To Reduce the Regional Transport of Ozone in the Eastern United States	2060–AH87
3208	SAN 4653. NESHAP: Aerospace Manufacturing and Rework Facilities Residual Risk Standards	2060–AK08
3209	SAN 4654. NESHAP: Ethylene Oxide for Sterilization Facilities - Residual Risk Standards	2060–AK09
3210	SAN 4657. NESHAP: Group II Polymers and Resins - Residual Risk Standards	2060–AK13
3211	SAN 4661. NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations - Residual Risk Standard	2060–AK17
3212	SAN 4665. NESHAP: Secondary Lead Smelting Residual Risk Standards	2060–AK19
3213	SAN 4666. NESHAP: Shipbuilding and Ship Repair Surface Coating — Residual Risk Standards	2060–AK20
3214	SAN 4668. NESHAP: Halogenated Solvent Cleaning - Residual Risk Standards	2060–AK22
3215	SAN 4669. NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard	2060–AK23
3216	SAN 4664. NESHAP: Printing and Publishing Industry - Residual Risk Standards	2060–AK24
3217	SAN 4663. NESHAP: Petroleum Refineries—Residual Risk Standards	2060–AK25
3218	SAN 4750. National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks - Residual Risk Standards	2060–AK72
3219	SAN 4656. NESHAP: Group I Polymers and Resins — Residual Risk Standards	2060–AK12
3220	SAN 4659. NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards	2060–AK14
3221	SAN 4658. NESHAP: Group IV Polymers and Resins—Residual Risk Standards	2060–AK15
3222	SAN 4383. Interstate Ozone Transport: Rulemaking on Section 126 Petitions From the District of Columbia, Delaware, Maryland, and New Jersey	2060–AI99
3223	SAN 3910. Streamlined Evaporative Test Procedures	2060–AH34
3224	SAN 4393. Control of Methyl Tertiary Butyl Ether (MTBE)	2060–AJ00
3225	SAN 3412. Operating Permits: Revisions (Part 70)	2060–AF70
3226	SAN 3922. Revised Permit Revision Procedures for the Federal Operating Permits Program-Part 71	2060–AG92
3227	SAN 4700. Selection of Sequence of Mandatory Sanctions to be Applied Pursuant to Section 502 of the Clean Air Act	2060–AK46
3228	SAN 3263. Performance Warranty and Inspection/Maintenance Test Procedures	2060–AE20
3229	SAN 3917. Transportation Conformity Rule Amendment: Clarification of Trading Provisions	2060–AH31

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CLEAN AIR ACT (CAA)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3230	SAN 4348. Inspection Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule	2060–AI97
3231	SAN 4391. Rescinding Finding That Preexisting PM10 Standards No Longer Applicable in Northern Ada County/Boise, Idaho	2060–AJ05
3232	SAN 4691. Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Clean Units	2060–AK42
3233	SAN 4557.1. Amendments to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program	2060–AK62
3234	SAN 4783. Voluntary Superior Monitoring	2060–AK85
3235	SAN 4798. Deferral of Effective Date of Nonattainment Designations for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas	2060–AL85
3236	SAN 4799. Consideration of Industry Petition To Remove the 2-Piece Can Subcategory From the Clean Air Act Hazardous Air Pollutant Source Category List	2060–AL86
3237	SAN 4810. NESHAP: Ferroalloys Production: Ferromanganese and Silicomanganese Residual Risk Standards	2060–AL93
3238	SAN 4825. Mineral Wool Production Residual Risk Standard	2060–AL96
3239	SAN 4831. NESHAP for Flexible Polyurethane Foam Production: Residual Risk Standards	2060–AL99
3240	SAN 4832. NESHAP: Pharmaceuticals Production: Residual Risk Standards	2060–AM00
3241	SAN 4861. NESHAP: Area Source Standards—Paint Stripping	2060–AM07
3242	SAN 4856. Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations	2060–AM09
3243	SAN 4855. NESHAP: Asphalt Processing and Asphalt Roofing Manufacturing—Amendments	2060–AM10
3244	SAN 4873. NESHAP: Area Source Standards—Glass Manufacturing Industry	2060–AM12
3245	SAN 4860. NESHAP: Area Source Standards—Acrylic/ Modacrylic Fiber (AMF) Production	2060–AM13
3246	SAN 4875. NESHAP: Area Source Standards—Oil and Natural Gas Production	2060–AM16
3247	SAN 4847. NESHAP: Oil and Natural Gas Production Residual Risk Standards	2060–AM18
3248	SAN 4874. NESHAP: Area Source Standards—Industrial Inorganic Chemicals Manufacturing	2060–AM19
3249	SAN 4848. NESHAP: Total Facility Low Risk Determination (TFLRD) for Residual Risk	2060–AM22
3250	SAN 4879. Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries	2060–AM36
3251	SAN 4886. NESHAP: Area Source Standards—Plating and Polishing	2060–AM37
3252	SAN 4884. Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers	2060–AM44
3253	SAN 4917. Protection of Stratospheric Ozone: Substitute Refrigerant Recycling; Amendment to the Definition of Refrigerant	2060–AM51
3254	SAN 4906. NESHAP: Area Source Standards—Clay Ceramics Industry	2060–AM53

CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3255	SAN 4755. Accidental Release Prevention Requirements: Risk Management Programs Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements	2050–AF09
3256	SAN 4415. Petitions to Delist Source Categories from the Source Category List, Developed Pursuant to Section 112(c) of the Clean Air Act	2060–AJ23
3257	SAN 4532. Motor Vehicle and Engine Compliance Program Fees for: Light-Duty Vehicles and Trucks; Heavy-Duty Vehicles and Engines; Nonroad Engines; and Motorcycles	2060–AJ62
3258	SAN 3657. NESHAP: Combustion Turbine	2060–AG67
3259	SAN 3343. NESHAP: Iron and Steel Foundries	2060–AE43
3260	SAN 3452. National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing	2060–AE82
3261	SAN 2841. NESHAP: Chromium Electroplating Amendment (Tin-Free Steel)	2060–AH08
3262	SAN 3452.1. National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing	2060–AK59
3263	SAN 4433. Interstate Ozone Transport: Response to Court Decisions on the NOx SIP Call, NOx SIP Call Technical Amendments, and Section 126 Rules	2060–AJ16
3264	SAN 4508. Standards of Performance for New Stationary Sources: Volatile Organic Liquid Storage Vessels; Amendments	2060–AJ53
3265	SAN 4605. Proposed Amendments to Performance Standards and Monitoring Requirements for Particulate Matter at Stationary Sources	2060–AJ88
3266	SAN 3449. NESHAP: Mercury Cell Chlor-Alkali Plants	2060–AE85

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CLEAN AIR ACT (CAA)—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3267	SAN 3825. NESHAP: Miscellaneous Metal Parts and Products (Surface Coating)	2060–AG56
3268	SAN 3651. NESHAP: Lime Manufacturing	2060–AG72
3269	SAN 3906. NESHAP: Surface Coating of Metal Cans	2060–AG96
3270	SAN 3907. NESHAP: Surface Coating of Automobiles and Light-Duty Trucks	2060–AG99
3271	SAN 3924. NESHAP: Primary Magnesium Refining	2060–AH03
3272	SAN 3968. NESHAP: Site Remediation	2060–AH12
3273	SAN 3971. NESHAP: Organic Liquids Distribution (Non-Gasoline)	2060–AH41
3274	SAN 4380. NESHAP: Taconite Iron Ore Processing Industry	2060–AJ02
3275	SAN 4426. Clarification to Existing Part 63 NESHAP Delegations' Provisions	2060–AJ26
3276	SAN 4479. NESHAP: Gasoline Distribution Facilities—Amendment	2060–AJ42
3277	SAN 4591. Benzene Waste Operations NESHAP; Amendments	2060–AJ87
3278	SAN 4685. NESHAP: Chlorine Production	2060–AK38
3279	SAN 4785. NESHAP: Perchlorethylene Dry Cleaning Facilities **(Completion of a Section 610 Review)**	2060–AK64
3280	SAN 4441. Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units Constructed On or Before November 30, 1999	2060–AJ28
3281	SAN 4626. Control of Emissions from Highway Motorcycles	2060–AJ90
3282	SAN 4756. Protection of Stratospheric Ozone: Ban on Trade of Methyl Bromide to Non-Parties to the Montreal Protocol	2060–AK67
3283	SAN 3556. Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608	2060–AF36
3284	SAN 3560. Protection of Stratospheric Ozone: Refrigerant Recycling; Substitute Refrigerants	2060–AF37
3285	SAN 3673. Protection of Stratospheric Ozone: Reconsideration of Section 608 Sales Restriction	2060–AG20
3286	SAN 4548. Compilation of Source-Specific Alternative Methods Being Approved for Source-Category Wide Application	2060–AJ84
3287	SAN 4569.1. Control of Air Pollution from New Motor Vehicles; Addendum to Second Amendment to the Tier 2/Gasoline Sulfur Regulations	2060–AK63
3288	SAN 4622.1. Amendment to Marine Diesel Rule	2060–AL81
3289	SAN 4791. Revisions to Federal Operating Permits Program Fee Payment Deadlines for California Agricultural Sources	2060–AL82
3290	SAN 4801. Amendments to the Phase 2 Requirements for Spark-Ignition Nonroad Engines less than 19 Kilowatts	2060–AL88
3291	SAN 4833. Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2004	2060–AM01
3292	SAN 4278. Project XL Site-Specific Rulemaking for Andersen Corporation's Facility in Bayport, Minnesota	2090–AA21

ATOMIC ENERGY ACT (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3293	SAN 4054. Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste	2060–AH63

ATOMIC ENERGY ACT (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3294	SAN 4403. Revision of the 40 CFR Part 194 Waste Isolation Pilot Plant Compliance Criteria	2060–AJ07

ATOMIC ENERGY ACT (AEA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3295	SAN 4003. Technical Change to Dose Methodology for 40 CFR Part 190, Subpart B and 40 CFR 191, Subpart A	2060–AH90

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ATOMIC ENERGY ACT (AEA)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3296	SAN 4054.1. Approaches to an Integrated Framework for Management and Disposal of Low-Activity Radioactive Waste: Request for Comment	2060–AL78

ATOMIC ENERGY ACT (AEA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3297	SAN 4686. Waste Isolation Pilot Plant (WIPP) FY 2001 Report to Congress	2060–AK39

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3298	SAN 4727. Endocrine Disruptor Screening Program (EDSP); Chemical Selection Approach for Initial Round of Screening	2070–AD59
3299	SAN 4789. Pesticide Worker Protection Rule **(Section 610 Review)**	2070–AD66

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3300	SAN 2687. Pesticides; Data Requirements for Conventional Chemicals	2070–AC12
3301	SAN 4173. Pesticides; Data Requirements for Antimicrobials	2070–AD30
3302	SAN 4728. Endocrine Disrupter Screening Program (EDSP); Implementing the Screening and Testing Phase	2070–AD61
3303	SAN 4170. Pesticides; Procedures for the Registration Review Program	2070–AD29
3304	SAN 4216. Pesticides; Emergency Exemption Process Revisions	2070–AD36

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3305	SAN 2659. Pesticide Management and Disposal; Standards for Pesticide Containers and Containment	2070–AB95
3306	SAN 3731. WPS; Pesticide Worker Protection Standard (WPS); Glove Amendment	2070–AC93
3307	SAN 3892. Pesticides; Registration Requirements for Antimicrobial Pesticide Products	2070–AD14

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3308	SAN 4596. Pesticides; Data Requirements for Biochemical and Microbial Products	2070–AD51
3309	SAN 4027. Pesticides; Tolerance Processing Fees	2070–AD23
3310	SAN 4175. Pesticide Tolerance Reassessment Program	2070–AD24
3311	SAN 4602. Plant Incorporated Protectants (PIPs); Exemption for those Based on Viral Coat Proteins	2070–AD49
3312	SAN 4611. Plant-Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants	2070–AD55
3313	SAN 4612. Plant Incorporated Protectants (PIPs); Exemption for PIPs that Act by Primarily Affecting the Plant	2070–AD56
3314	SAN 4610. Acceptability of Research Using Human Subjects	2070–AD57
3315	SAN 4618. Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	2020–AA44

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FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3316	SAN 3222. Groundwater and Pesticide Management Plan Rule	2070–AC46
3317	SAN 4609. Pesticides; Exemption of Medical Devices Treated with Antimicrobial Pesticides	2070–AD54

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3318	SAN 4876. Voluntary Children's Chemical Evaluation Program (VCCEP)	2070–AC27
3319	SAN 4788. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities **(Section 610 Review)**	2070–AD65
3320	SAN 4858. Notification of Chemical Exports Under TSCA Section 12(b)	2070–AJ01
3321	SAN 3557.1. Lead-Based Paint Activities; Voluntary Program for Renovation and Remodeling	2070–AJ03
3322	SAN 4878. TSCA Inventory Nomenclature for Enzymes and Proteins	2070–AJ04

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3323	SAN 4635. Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers	2070–AD58
3324	SAN 2563. Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	2070–AB79
3325	SAN 4395. Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity	2070–AD44
3326	SAN 3301.1. TSCA Inventory Update Rule Revisions	2070–AD63
3327	SAN 1923. Follow-Up Rules on Existing Chemicals	2070–AA58
3328	SAN 4512. Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture	2070–AD48
3329	SAN 4870. Significant New Use Rule (SNUR); Pentabromodiphenylether and Octabromodiphenylether	2070–AJ02
3330	SAN 2150.1. Polychlorinated Biphenyls (PCBs); Exemption Request From U.S. Maritime Administration (MARAD)	2070–AJ05

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3331	SAN 1976. Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances	2070–AA59
3332	SAN 3495. Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders	2070–AB27
3333	SAN 3493. Test Rules and Enforceable Consent Agreements Under the Toxic Substances Control Act (Generic Entry)	2070–AB94
3334	SAN 3990. Test Rule; Testing of Certain High Production Volume (HPV) Chemicals	2070–AD16
3335	SAN 2178. TSCA Section 8(a) Preliminary Assessment Information Rules	2070–AB08
3336	SAN 1139. TSCA Section 8(d) Health and Safety Data Reporting Rules	2070–AB11
3337	SAN 3493.1. Testing Agreement for Perfluorooctanoic Acid (PFOA)	2070–AJ06

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3338	SAN 3148. Asbestos Model Accreditation Plan Revisions	2070–AC51
3339	SAN 3252. Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban	2070–AC21
3340	SAN 4376. Lead-Based Paint Activities; Training, Accreditation, and Certification Rule and Model State Plan Rule—Bridges and Structures	2070–AC64
3341	SAN 3508. Lead; Management and Disposal of Lead-Based Paint Debris	2070–AC72

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TOXIC SUBSTANCES CONTROL ACT (TSCA)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3342	SAN 3557. Lead-Based Paint Activities; Abatement Amendments for Renovation and Remodeling	2070–AC83
3343	SAN 2150. Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce	2070–AB20
3344	SAN 4597. Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues	2070–AD52
3345	SAN 3487. Test Rule; Hazardous Air Pollutants (HAPs)	2070–AC76
3346	SAN 3882. Test Rule; Certain Metals	2070–AD10
3347	SAN 4174. Testing Agreement for Certain Oxygenated Fuel Additives	2070–AD28
3348	SAN 3528. Significant New Use Rule (SNUR); Refractory Ceramic Fibers (RCFs)	2070–AC37
3349	SAN 4176. Voluntary High Production Volume (HPV) Chemical Challenge Program	2070–AD25
3350	SAN 4598. TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	2070–AD53
3351	SAN 4777. Lead; Amendments to Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing	2070–AD64

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3352	SAN 4172. Lead; Notification Requirements for Lead-Based Paint Abatement Activities and Training	2070–AD31
3353	SAN 4425. Test Rule; In Vitro Dermal Absorption Rate Testing of Certain Chemicals of Interest to the Occupational Safety and Health Administration	2070–AD42
3354	SAN No. 3118 TSCA Section 8(e) Policy; Notice of Clarification	2070–AC80

EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3355	SAN 4753. Emergency Planning and Community Right-to-Know Act: Modification to the Threshold Planning Quantity Methodology for the Extremely Hazardous Substances that are Solids in Solution.	2050–AF08
3356	SAN 4692. Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-like Compounds Category Under EPCRA, Section 313	2025–AA12
3357	SAN 4896. Toxics Release Inventory Reporting Burden Reduction Rule	2025–AA14

EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3358	SAN 3994. Response to a Petition Requesting Deletion of Phosmet From the Extremely Hazardous Substances (EHS) List	2050–AE42
3359	SAN 4595. Rulemaking to Change Toxic Release Inventory (TRI) Reporting Requirements From Standard Industrial Classification (SIC) Codes to North American Industrial Classification System (NAICS) Codes	2025–AA10

EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3360	SAN 3215. Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule	2050–AE17
3361	SAN 4015. TRI; Review of Chemicals on the Original TRI List	2025–AA03
3362	SAN 2425. TRI; Responses to Petitions Received To Add or Delete or Modify Chemical Listings on the Toxic Release Inventory	2025–AA00
3363	SAN 4265. TRI; Revisions to the Otherwise Use Activity Exemptions and the Coal Extraction Activities Exemption	2025–AA06
3364	SAN 2847. TRI; Pollution Prevention Act Information Requirements	2025–AA09

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EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3365	SAN 4616. Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation	2025–AA11

EMERGENCY PLANNING AND COMMUNITY RIGHT—TO—KNOW ACT (EPCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3366	SAN 4781. Trade Secrecy Claims for Emergency Planning and Community Right-to-Know Information; and Trade Secret Disclosures to Health Professionals; Amendment	2050–AF10

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3367	SAN 4898. Land Disposal Restrictions Phase III: Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners **(Section 610 Review)**	2050–AG17
3368	SAN 4897. Land Disposal Restrictions Phase II: Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes **(Section 610 Review)**	2050–AG19

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3369	SAN 4230. Revisions to Solid Waste Landfill Criteria—Leachate Recirculation on Alternative Liners	2050–AE67
3370	SAN 4606. Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development	2050–AE93
3371	SAN 2647. RCRA Subtitle C Financial Test Criteria (Revision)	2050–AC71
3372	SAN 4743. Land Disposal Restrictions: Determination of Equivalent Treatment for Macroencapsulation of Radioactive Lead Solids; Definition of Macroencapsulation	2050–AF12
3373	SAN 4828. RCRA Incentives for Performance Track Members	2090–AA34

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3374	SAN 4028. Standardized Permit for RCRA Hazardous Waste Management Facilities	2050–AE44
3375	SAN 3545. Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials	2050–AE23
3376	SAN 3989. Methods Innovation Rule	2050–AE41
3377	SAN 3147. Hazardous Waste Manifest Regulation	2050–AE21
3378	SAN 4084. Office of Solid Waste Burden Reduction Initiative	2050–AE50
3379	SAN 3066. Listing Determination and LDR for Wastes Generated During the Manufacture of Azo, Anthraquinone, and Triarylmethane Dyes and Pigments	2050–AD80
3380	SAN 4092. Recycling of Cathode Ray Tubes (CRTs) and Mercury-Containing Equipment: Changes to Hazardous Waste Regulations	2050–AE52
3381	SAN 4501. Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures	2050–AE84
3382	SAN 3333. NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors	2050–AE01
3383	SAN 4439. Project XL — Ortho-McNeil Pilot Project Allowing On-Site Treatment of Low-Level Mixed Wastes Without RCRA Permit	2090–AA14

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RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3384	SAN 4565. Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York	2090–AA29

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3385	SAN 3856. Management of Cement Kiln Dust (CKD)	2050–AE34
3386	SAN 4470. Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers	2050–AE81
3387	SAN 4469. Standards for the Management of Coal Combustion Wastes—Non-Power Producers and Minefilling	2050–AE83
3388	SAN 4411. Regulation of Hazardous Oil-bearing Secondary Materials from Petroleum Refining Industry and other Hazardous Secondary Materials Processed in a Gasification System to Produce Synthesis Gas-Final Rule	2050–AE78
3389	SAN 4735. RCRA Burden Reduction Initiative, Phase 2	2050–AF01
3390	SAN 4701. E-Cycling Pilot Project for Region 3 States (ECOS); Streamlining RCRA Regulations to Encourage Reuse, Recycling, and Recovery of Electronic Equipment	2003–AA00
3391	SAN 3189. Final Determination of the Applicability of the Toxicity Characteristic Rule to Petroleum Contaminated Media and Debris from Underground Storage Tanks	2050–AD69
3392	SAN 4091. Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	2050–AE51
3393	SAN 4651. Increase Metals Reclamation from F006 Waste Streams	2050–AE97
3394	SAN 4670. Revisions to the Definition of Solid Waste	2050–AE98
3395	SAN 4778. Revisions of the Lead-Acid Battery Export Notification and Consent Requirements	2050–AF06
3396	SAN 4834. Regulatory Amendments to the F019 Hazardous Waste Listing To Exclude the Wastewater Treatment Sludges From the Chemical Conversion Coating Process (Zinc Phosphating) of Automobile Bodies of Aluminum	2050–AG15
3397	SAN 4920. Streamlining Laboratory Waste Management in Academic and Research Laboratories	2050–AG18

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3398	SAN 4588. Research, Development, and Demonstration Permits for Municipal Solid Waste Landfill	2050–AE92
3399	SAN 4534. Project XL Site-Specific Rulemaking for Anne Arundel County Millersville Landfill, Severn, Maryland	2090–AA25

OIL POLLUTION ACT (OPA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3400	SAN 2634. Revisions to the Spill Prevention, Control, and Countermeasures (SPCC) Rule	2050–AG16

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3401	SAN 3439. National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules	2050–AD75
3402	SAN 4739. Standards and Practices for Conducting All Appropriate Inquiries	2050–AF04
3403	SAN 4177. Revise 40 CFR Part 35 Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Actions	2050–AE62

EPA

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3404	SAN 3423. Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste (K178)	2050–AE12

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3405	SAN 4201. Criteria for the Designation of Hazardous Substances Under CERCLA Section 102(a)	2050–AE63
3406	SAN 4736. Administrative Reporting Exemption for Certain Air Releases of NOx	2050–AF02
3407	SAN 4737. Correction of Errors and Adjustment of CERCLA Reportable Quantities	2050–AF03

CLEAN WATER ACT (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3408	SAN 4344. Water Quality Standards for Indian Country Waters	2040–AD46

CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3409	SAN 4526. Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	2050–AE87
3410	SAN 4357. Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II	2040–AD39
3411	SAN 4543. Minimizing Adverse Environmental Impact from Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 3	2040–AD70
3412	SAN 3999. NPDES Permit Requirements for Municipal Sanitary and Combined Sewer Collection Systems, Municipal Satellite Collection Systems, Sanitary Sewer Overflows, and Peak Excess Flow Treatment Facilities	2040–AD02
3413	SAN 4690. Policy Regarding National Pollutant Discharge Elimination System Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions	2040–AD87
3414	SAN 4852. Water Quality Standards for Pathogens and Pathogen Indicators for Coastal Recreation Waters	2040–AE63

CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3415	SAN 4280. Effluent Guidelines and Standards for the Construction and Development Industry	2040–AD42
3416	SAN 4406. Effluent Guidelines and Standards for the Concentrated Aquatic Animal Production Industry	2040–AD55
3417	SAN 4407. Effluent Guidelines and Standards for the Meat and Poultry Products Point Source Category (Revisions)	2040–AD56
3418	SAN 4766. Effluent Guidelines Program Plan for 2004/2005	2040–AD92
3419	SAN 4378. Test Procedures: Revisions to Method Detection and Quantitation for the Clean Water Act	2040–AD53
3420	SAN 4540. Test Procedures: New and Updated Test Procedures for the Analysis of Pollutants Under the Clean Water Act and Safe Drinking Water Act	2040–AD71
3421	SAN 4474. Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 2	2040–AD62
3422	SAN 3663. Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution	2040–AC58
3423	SAN 3288. Comparison of Dredged Material to Reference Sediment	2040–AC14
3424	SAN 4822. Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines	2040–AE61
3425	SAN 3925. Uniform National Discharge Standards for Armed Forces Vessels—Phase II	2040–AE64

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CLEAN WATER ACT (CWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3426	SAN 4370. Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Point Source Category, Dissolving Kraft and Dissolving Sulfite Subcategories (Phase III)	2040–AD49
3427	SAN 3702. Test Procedures for the Analysis of Trace Metals Under the Clean Water Act	2040–AC75
3428	SAN 3714. Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring	2040–AC92
3429	SAN 3713. Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures	2040–AC93
3430	SAN 4049. Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act	2040–AD09
3431	SAN 3786. NPDES Streamlining Rule — Round III	2040–AC84
3432	SAN 4623. Watershed Rule: Total Maximum Daily Load (TMDL) Program Revisions	2040–AD82
3433	SAN 4493. Clean Water State Revolving Fund Regulation Revisions Re: Use as Matching Funds	2040–AD68
3434	SAN 4746. Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters	2040–AD89

CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3435	SAN 4776. Effluent Guidelines and Standards for the Centralized Waste Treatment Point Source Category (Revision)	2040–AD95
3436	SAN 4264. Water Quality Standards for Alabama—Phase II	2040–AD35
3437	SAN 3488. Round 2 Standards for the Use or Disposal of Sewage Sludge	2040–AC25
3438	SAN 4624. Modification to Competitive Process Used by EPA for Wetland Program Development Grants	2040–AD83
3439	SAN 4792. Sewage Sludge Round I **(Completion of a Section 610 Review)**	2040–AD96
3440	SAN 4803. Sludge: Agency Response to the National Research Council Report on Biosolids Applied to Land and the Results of EPA's Review of Existing Sewage Sludge Regulations	2040–AE59

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3441	SAN 3238. National Primary Drinking Water Regulations: Aldicarb	2040–AC13
3442	SAN 4770. Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions	2040–AD93
3443	SAN 4826. National Primary Drinking Water Regulations: Analytical Method for Uranium	2040–AE62

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3444	SAN 2340. National Primary Drinking Water Regulations: Groundwater Rule	2040–AA97
3445	SAN 4795. National Primary Drinking Water Regulations: Minor Corrections and Clarification to Drinking Water Regulations	2040–AE58

SAFE DRINKING WATER ACT (SDWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3446	SAN 2281. National Primary Drinking Water Regulations: Radon	2040–AA94
3447	SAN 4341. National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule	2040–AD37
3448	SAN 4342. National Primary Drinking Water Regulations: Stage 2 Disinfection Byproducts Rule	2040–AD38

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SAFE DRINKING WATER ACT (SDWA)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3449	SAN 4404. National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	2040–AD54
3450	SAN 4775. National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements	2040–AD94
3451	SAN 4745. Drinking Water Contaminant Candidate List 3	2040–AD99
3452	SAN 4236. Underground Injection Control: Update of State Programs	2040–AD40
3453	SAN 4821. Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List	2040–AE60
3454	SAN 4703. Drinking Water Contaminant Candidate List 2	2060–AD86

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3455	SAN 4769. National Primary and Secondary Drinking Water Regulations: Approval of Additional Method for the Detection of Coliforms and E. Coli. in Drinking Water	2040–AD90

SHORE PROTECTION ACT (SPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3456	SAN 2820. Shore Protection Act, Section 4103(b) Regulations	2040–AB85

Environmental Protection Agency (EPA) — Proposed Rule Stage

General

3040. INCORPORATION OF CLASS DEVIATIONS INTO EPAAR

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 1537; 48 CFR 1552

Legal Deadline: None

Abstract: The Agency has approved a number of class deviations (e.g., changes to reporting requirements and monthly progress reports) to the EPAAR since its promulgation in April 1994. This proposed rule would incorporate most of the class deviations to the EPAAR.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Direct Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3580.

Agency Contact: Frances Smith, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202–564–4368
Fax: 202 565–2475
Email: smith.frances@epamail.epa.gov

RIN: 2030–AA37

3041. PROPOSED REVISION TO EPA'S IMPLEMENTING NEPA REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321

CFR Citation: 40 CFR 6

Legal Deadline: None

Abstract: The proposed revision is necessary to clarify and update EPA's National Environmental Policy Act (NEPA) regulation. The revision would clarify Agency responsibilities for: Congressionally funded special appropriation projects and EPA-funded grant programs. The revision would clarify public involvement procedures and organization responsibilities. The proposal would revise the list of actions which are categorically excluded from analyses. The revision is also needed to incorporate a number ofExecutive orders and other cross-cutting requirements into the NEPA process.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4292.

Agency Contact: Katherine Biggs, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2252A, Washington, DC 20460
Phone: 202–564–7144
Fax: 202 564–0070
Email: biggs.katherine@epamail.epa.gov

Joseph Montgomery, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2252A, Washington, DC 20460
Phone: 202–564–7157
Fax: 202–564–0072
Email: montgomery.joseph@epamail.epa.gov

RIN: 2020–AA42

3042. PRIVACY ACT REGULATIONS (REVISED)

Priority: Info./Admin./Other

Legal Authority: 5 USC 552a

CFR Citation: 40 CFR 16 (Revised)

Legal Deadline: None

Abstract: This action proposed to revise the Privacy Act regulation to exempt new systems and systems currently claiming to be exempt from the Act. Other revisions are generally minor and include revising the access provision so that a copy of a record can be obtained without a personal inspection; changing the time limit for appeals of denials from 10 days to 30 days; changing the process for accessing Privacy Act records and contesting Privacy Act records from the system manager to the Freedom of Information Office; and referring appeals from denials of system of records maintained by the Office of Inspector General to that office for decision. The proposed rule does not have implications on small businesses nor state/local/tribal government.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4693.

Agency Contact: Judy Hutt, Environmental Protection Agency, Office of Environmental Information, 2822T, Washington, DC 20460
Phone: 202–566–1668
Fax: 202 566–1639
Email: hutt.judy@epamail.epa.gov

Deborah Williams, Environmental Protection Agency, Office of Environmental Information, 2822T, Washington, DC 20460
Phone: 202–566–1659
Fax: 202 566–1648
Email: williams.deborah@epamail.epa.gov

RIN: 2025–AA13

3043. REVISION TO EPAAR 1552.211–73, LEVEL OF EFFORT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301 ''Sec 205(c)''; ''63 Stat 390 as amended''

CFR Citation: 48 CFR 1552

Legal Deadline: None

Abstract: This rule will revise EPAAR 1552.211-73, Level of Effort, to define more concisely the services being acquired, and to more accurately reflect the relationship between services provided and fee payments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4191.

Agency Contact: Larry Wyborski, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202–564–4369
Fax: 202 565–2551
Email: wyborski.larry@epamail.epa.gov

RIN: 2030–AA64

3044. REVISIONS TO ACQUISITION REGULATION CONCERNING CONFLICT OF INTEREST

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The purpose of this rule is to revise the Agency's conflict of interest (COI) acquisition regulations. The specific revisions involve more stringent requirements for submission of relevant information from Agency contractors and potential contractors regarding their relationships with parent companies, affiliates, subsidiaries, and sister companies. Current Agency regulations do not require the submission of this level of information. Receipt and evaluation of this information is critical in order for the Agency to decide whether or not COI situations exist and how they are to be handled. This revised rule will also codify several COI clauses that have been developed since the issuance of the previous rule in 1994.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4319.

Sectors Affected: 5413 Architectural, Engineering and Related Services; 54162 Environmental Consulting Services; 5416 Management, Scientific and Technical Consulting Services; 5417 Scientific Research and Development Services; 562 Waste Management and Remediation Services

Agency Contact: Daniel Humphries, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202–564–4377
Fax: 202 565–2552
Email: humphries.daniel@epamail.epa.gov

Cal McWhirter, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202–564–4379
Fax: 202 565–2552
Email: mcwhirter.cal@epamail.epa.gov

RIN: 2030–AA67

3045. CONTINUATION OF IMPLEMENTING THE EMPOWERMENT INITIATIVE

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA's Office of Acquisition Management conducted an internal assessment of its organization and determined that in some situations there were too many levels of review required prior to making contract awards and other contract-related decisions. Consequently, steps were taken to revise internal policies to eliminate certain higher level reviews and give authority and responsibility for making decisions relating to contract actions to the qualified individuals most familiar with the contracting action. This rule is being issued as a direct final rule because the changes being made are not considered controversial and adverse comments are not expected.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4742.

Agency Contact: Jill Robbins, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202–566–1981
Fax: 202 565–2475
Email: robbins.jill@epamail.epa.gov

RIN: 2030–AA81

3046. ON–SITE AND OFF–SITE BACKGROUND CHECKS PERFORMED BY EPA AND CONTRACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; Sec 205(c), 63 Stat 390, as amended; 40 USC 486 (c); 41 USC 418 (b)

CFR Citation: 48 CFR 1511; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule was published in the Federal Register, Jan. 22, 2003, and required contractors to perform background checks and make suitability determinations before contractors can perform services on site. On Feb. 10, 2003, EPA transmitted an information collection request (ICR) to OMB. On May 13, 2003, OMB disapproved the ICR and the proposed rule, citing concerns regarding contractors performing suitability determinations which OMB considers to be an inherently governmental function. Since that time, EPA staff have been in discussions with OMB, and we are currently developing different options to address the issue of background checks for contractors. The current proposed rule is expected to be replaced with a revised proposed rule in FY 2004.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4814.

Agency Contact: Judy Davis, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202–564–4310
Email: davis.judy@epamail.epa.gov

RIN: 2030–AA85

3047. CONTRACT BUNDLING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 41 USC 418 (b); Sec 205(c), 63 Stat 390, as amended

CFR Citation: 48 CFR 1519; 48 CFR 1552

Legal Deadline: None

Abstract: In March of 2003, the President called on the Office of Management and Budget to prepare a strategy for unbundling federal contracts. Federal contracting opportunities for Small Businesses have been dramatically reduced because of contract bundling. Contract bundling occurs when two or more procurement requirements for goods or services previously provided or performed under separate, smaller contracts is consolidated into a solicitation of offers for a single contract that is unlikely to be suitable for award to a small business concern. OMB's plan will require all agencies to uniformly review requirements prior to contract bundling. In addition, the plan will require contract bundling reviews for task and delivery orders under multiple award contract vehicles. Senior agency management will be held accountable for eliminating unnecessary contract bundling and mitigating the effects of necessary and justified contract bundling. In acquisitions where contract bundling is determined tobe necessary and justified, actions will be taken to mitigate the effects by increasing subcontracting opportunities for small business. EPA's Office of Small and Disadvantage Business Utilization and OAM will be working closely to eliminate unnecessary contract bundling and mitigating the effects of necessary contract bundling. Additional agency guidance and training will be forthcoming.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4812.

Agency Contact: Patrick Murphy, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202–564–4382
Email: murphy.patrick@epamail.epa.gov

RIN: 2030–AA86

3048. • SECURITY REQUIREMENTS FOR TOXIC SUBSTANCES CONTROL ACT CONFIDENTIAL BUSINESS INFORMATION ACCESS FOR CONTRACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301 sec 205 (c), 63 Stat. 390, as amended; 40 USC 486 (c); 41 USC 418b

CFR Citation: 48 CFR 1552; 48 CFR 1535

Legal Deadline: None

Abstract: Current security requirements for Toxic Substances Contract Act Confidential Business Information (TSCA CBI) access for contractors are implemented in three Environmental Protection Agency contract clauses, 1552.235-75, 1552.235-76, and

1552.235-78. Security requirements for the Government and contractors have been updated in a 2003 TSCA CBI Protection Manual. This rulemaking will implement the new TSCA CBI requirements into the three EPAAR clauses cited above.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4904.

Agency Contact: Linda Clement, Environmental Protection Agency, Administration and Resources Management, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202–564–4356
Fax: 202 565–2552
Email: clement.linda@epamail.epa.gov

Harry Lewis, Environmental Protection Agency, Administration and Resources Management, 7407, Washington, DC 20460
Phone: 202–564–8642
Email: lewis.harry@epamail.epa.gov

RIN: 2030–AA88

3049. • AWARD TERM CONTRACTING

Priority: Info./Admin./Other

Legal Authority: 41 USC 418(b; 5 USC 301, sec 205(c); 63 Stat 390, as amended

CFR Citation: 48 CFR 1516 and 1552

Legal Deadline: None

Abstract: The Environmental Protection Agency (EPA) is proposing to amend the EPA Acquisition Regulation (EPAAR) to add guidance on the use of award-term contracts. The guidance is necessary for contracting officers seeking to include award-term provisions in contracts. This guidance will establish a solicitation provision and contract clause in the EPAAR.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 4903.

Agency Contact: Ed Chambers, Environmental Protection Agency, Administration and Resources Management, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202–564–4376
Email: chambers.ed@epamail.epa.gov

RIN: 2030–AA89

3050. WASTE ISOLATION PILOT PLANT (WIPP) FY 2002 REPORT TO CONGRESS

Priority: Info./Admin./Other

Legal Authority: PL 102–579 sec 23(a)(2)

CFR Citation: 00 CFR NYD

Legal Deadline: None

Abstract: This Report to Congress is required by Section 23(a)(2) of the WIPP Land Withdrawal Act, which requires EPA to submit an annual report to Congress ''on the status of and resources required for the fulfillment of the Administrator's responsibilities under the Act'' regarding the Waste Isolation Pilot Plant (WIPP). This report summarizes the activities and progress EPA has made in fulfilling its responsibilities under the Act and outlines the resources required for the Agency to meet its commitments. The WIPP is an underground repository for the permanent disposal of radioactive waste generated as by-products from nuclear weapons production. It was constructed by the Department of Energy (DOE) and is located near Carlsbad, New Mexico. In 1998, EPA certified that the WIPP complies with EPA's radioactive waste disposal standards at subpart B and C of 40 CFR 191 and EPA's WIPP compliance criteria at 40 CFR 194, and thus is safe to contain radioactive waste. Since that time, the DOE has begun emplacing waste in the WIPP. The waste is stored approximately 2,100 feet underground in excavated, natural salt formations. EPA also has responsibility for assuring continual compliance with EPA's radioactive waste disposal standards. EPA continues to have an oversight role at the WIPP to ensure that it continues to protect human health and the environment. This Report summarizes EPA's activities past and present.

Timetable:

Action	Date	FR Cite
Report to Congress	06/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 4761.

Agency Contact: Ray Lee, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202–564–4625
Fax: 202 343–2305
Email: lee.ray@epamail.epa.gov

RIN: 2060–AK79

3051. PERSISTENT, BIOACCUMULATIVE, AND TOXIC (PBT) POLLUTANTS STRATEGY

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: As described in the Agency's 1998 PBT Strategy, EPA is developing and implementing National Action Plans for certain priority PBT pollutants. These pollutants pose risks because they are toxic, persist in ecosystems, and accumulate in fish and up the food chain. The PBT challenges remaining stem from the pollutants' ability to travel long distances, to transfer rather easily among air, water, and land, and to linger for generations. EPA is forging a new approach to reduce risks from and exposures to priority PBT pollutants through increased coordination among EPA national and regional programs. This approach also requires the significant involvement of stakeholders, including international, state, local, and tribal organizations, the regulated community, environmental groups, and private citizens. EPA is initially focusing action on 12 substances either individually or as categories and two major cross-cutting issues (monitoring and outreach/risk communication). The action plans will use the full range of tools to prevent and reduce releases of these substances. These tools include international, voluntary, outreach, programmatic, remedial, compliance monitoring and assistance, enforcement, research, and regulatory tools. EPA will integrate and sequence actions within and across action plans, and will seek to leverage these actions on international and industry-sector bases. Beyond these first 12 substances EPA will identify additional PBTs for

development of National Action Plans. Although these Plans are not regulatory actions, EPA has included them in the Regulatory Agenda to inform the public and regulated community because the Action Plans may discuss regulatory alternatives for consideration.

Timetable:

Action	Date	FR Cite
Notice: Draft for Mercury	11/17/98	63 FR 63926
Notice: PBT Strategy	11/17/98	63 FR 63926
Notice: Draft for Great Lakes	11/01/99	64 FR 58841
Notice: Draft for Alkyl–lead	08/25/00	65 FR 51823
Notice: Draft for OCS	08/25/00	65 FR 51825
Notice: Draft for Alkyl–lead Reopened	10/25/00	65 FR 63861
Notice: Draft for Level 1 Pesticides	11/01/00	65 FR 65314
Notice: Draft for HCB	12/08/00	65 FR 77026
Notice: Final for Alkyl–lead	07/23/02	67 FR 48177
Notice: Draft for B(a)P	12/00/04	
Notice: Final for HCB	12/00/04	
Notice: Final for OCS	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4463.

Agency Contact: Tom—HQ Murray, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7409M, Washington, DC 20460
Phone: 202–564–8810
Fax: 202 564–8901
Email: murray.tom-hq@epamail.epa.gov

Paul Matthai, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7409M, Washington, DC 20460
Phone: 202–564–8839
Fax: 202 564–8899
Email: matthai.paul@epamail.epa.gov

RIN: 2070–AD45

3052. PROJECT XL SITE SPECIFIC RULEMAKING FOR THE NASA WHITE SANDS TEST FACILITY IN LAS CRUCES, NEW MEXICO (PHASES III–VI)

Priority: Info./Admin./Other

Legal Authority: 33 USC 2701 to 2761; 42 USC 300(f) to 300(j)–26; 42 USC 6901 to 6992(k)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The United States Environmental Protection Agency has entered into a Final Project Agreement with the National Aeronautics and Space Administration (NASA) White Sands Test Facility in Las Cruces, Mexico that would modify the reporting requirements under the Resource Conservation and Recovery Act (RCRA) and the Safe Drinking Water Act (SDWA). The rule will allow the facility to submit regulatory reports and permit information electronically rather than on paper to the New Mexico Environment Department (NMED) Solid Waste Bureau, Hazardous Waste Bureau, Groundwater Bureau, and Air Quality Bureau. Doing so will significantly reduce its regulatory reporting costs and enhance the State's ability to analyze and manage the facility's regulatory and permit information. The electronic reporting involves six phases that will transition NASA from submitting data on a CD-ROM to utilizing the Internet to transmit data to NMED. This rule covers Phases III-VI of the project, the previous NASA White Sands Test Facility Final Rule covered Phases I-II.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4836.

Agency Contact: Adam Levitan, Environmental Protection Agency, Office of the Administrator, 1807T, Washington, DC 20460
Phone: 202–564–1466
Fax: 202 566–2210
Email: levitan.adam@epamail.epa.gov

Donna Perla, Environmental Protection Agency, Office of the Administrator, 1802, Washington, DC 20460
Phone: 202–566–2177
Fax: 202 566–2200
Email: perla.donna@epamail.epa.gov

RIN: 2090–AA35

Environmental Protection Agency (EPA) — Final Rule Stage

General

3053. IMPLEMENTATION OF AUTHORITY TO APPOINT RESEARCH SCIENTISTS UNDER 42 USC

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The proposed regulation will implement the Agency's authority under 42 USC 6A.I.61 section 209(f) and 209(g) to appoint research scientists and to take related personnel actions. Under 42 USC, the Agency has authority to make appointments of research scientists and to take related personnel actions including determining qualifications, method of recruitment, selection, duration of appointment and pay. The Agency's authority under 42 USC is separate from and not limited by 5 USC. The authority granted to the Agency under 42 USC derives from one of the foundation documents of the Agency: Reorganization Plan No. 3 of 1970.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4747.

Agency Contact: John O'Brien, Environmental Protection Agency, Administration and Resources Management, 3620M, Washington, DC 20460
Phone: 202 564–7876
Fax: 202 564–2904
Email: obrien.johnt@epa.gov

RIN: 2030–AA83

3054. CROSS–MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE (CROMERRR)

Priority: Other Significant

Legal Authority: PL 104–13; PL 105–277

CFR Citation: 40 CFR 3 (New); 40 CFR 9 (Revision)

Legal Deadline: None

Abstract: As proposed, the Cross-Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR) was intended to provide a uniform legal framework for paperless electronic reporting and recordkeeping, including electronic signature/certification, across EPA's environmental compliance programs. Based on public comment, however, EPA now plans to focus on finalizing the electronic reporting components of the proposed CROMERRR, and to defer further action on the electronic recordkeeping components until a later time. Under current plans, the final electronic reporting (ER) rule will address electronic reporting by companies regulated under all of EPA's programs: air, water, pesticides, toxic substances, wastes, and emergency response. The final rule will remove existing regulatory obstacles to electronic reporting, and it would set requirements for companies choosing to report electronically. In addition, the rule would set the conditions for allowing electronic reporting under State, tribal or local environmental programs that operate under EPA authorization. The final ER rule is intended to make electronic reporting as simple, efficient, and cost-effective as possible for regulated companies, while ensuring that a transition from paper to electronic reporting does not compromise EPA's compliance and enforcement programs. Consequently, the Agency's strategy is to impose as few specific requirements as possible, and to keep those requirements neutral with respect to technology, so the rule will pose no obstacles to adopting new technologies as they emerge. To ensure that authorized programs at the State, tribal, and local levels meet EPA's electronic reporting goals, the final ER rule would specify a set of criteria that these program's must satisfy as they initiate electronic reporting. In response to public comments, EPA is also planning to include provisions for a streamlined process for EPA to review and approve authorized program revisions or modifications to allow electronic reporting. EPA is required by the Government Paperwork Elimination Act (GPEA) of 1998 to make the option of electronic reporting and recordkeeping available, where practicable, to its regulated community by October 2003.

Timetable:

Action	Date	FR Cite
NPRM	08/31/01	66 FR 46162
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4270. Formerly listed as RIN 2020-AA41.

Agency Contact: Evi Huffer, Environmental Protection Agency, Office of Environmental Information, 2136 (WSM Room 445D WT), Washington, DC 20460
Phone: 202–566–1697
Fax: 202 260–9322
Email: huffer.evi@epamail.epa.gov

David Schwarz, Environmental Protection Agency, Office of Environmental Information, 2823T, Washington, DC 20460
Phone: 202–566–1704
Fax: 202 566–1684
Email: schwarz.david@epamail.epa.gov

RIN: 2025–AA07

3055. BACKGROUND INVESTIGATIONS FOR CONTRACTORS PERFORMING SERVICES ONSITE

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Statutory, September 6, 2002.
Final, Statutory, December 5, 2002.

Abstract: Executive Orders 10450 and 12968 require that all persons entering Federal service, including contract employees, be investigated for suitability. The Environmental Protection Agency (EPA) is proposing to amend the EPA Acquisition Regulation (EPAAR) to add a clause requiring contractors (and subcontractors) to perform background checks and make suitability determinations for contractor (and subcontractor) employees performing services on or within Federally-owned or leased space and facilities, commercial space primarily occupied by Federal employees, and Superfund, Oil Pollution Act, and Stafford Act sites. The clause will require contractors (and subcontractors) to perform background checks and make suitability determinations on their employees before the employees can perform on-site contract services for the EPA. Contracting Officers will be allowed to waive the requirements of the clause on a case-by-case basis. The process contemplated by the clause will allow EPA to mitigate any actual or potential threat to the public health, welfare and the environment.

Timetable:

Action	Date	FR Cite
NPRM	01/22/03	68 FR 2988
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4733.

Agency Contact: Paul Schaffer, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202–564–4366
Fax: 202 565–2475
Email: schaffer.paul@epamail.epa.gov

RIN: 2030–AA80

3056. MISCELLANEOUS REVISIONS TO EPAAR CLAUSES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; Sec (c), 63 Stat. 390, as amended; 40 USC 486 (c); 41 USC 418(b)

CFR Citation: 48 CFR 1515; 48 CFR 1535; 48 CFR 1552

Legal Deadline: None

Abstract: This rule includes administrative changes to various EPAAR clauses, such as address changes and points of contact. Nothing substantive will be affected.

Timetable:

Action	Date	FR Cite
Final Action	06/00/04	
NPRM	07/00/04	

EPA—General — Final Rule Stage

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4813.

Agency Contact: Dan Humphries, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202–564–4377
Email: humphries.daniel@epamail.epa.gov

RIN: 2030–AA84

3057. • TECHNICAL AMENDMENTS TO THE FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rule implements three technical amendments to the Common Rule which governs the conduct of human studies in several agencies. The agencies listed in this document are individually amending the Federal Policy for the Protection of Human Subjects, which was published in the Federal Register on June 18, 1991, to change all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP); revise the footnote found at the end of section 101(i) by deleting references to research involving fetuses, pregnant women, or human in vitro fertilization and subpart B of 45 CFR part 46; and update the Control Number for the approval by the Office of Management and Budget (OMB) of the information collection requirements of this Federal Policy. HHS is the lead Agency in developing the language for this rule.

Timetable:

Action	Date	FR Cite
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4925.

Agency Contact: Dennis Utterback, Environmental Protection Agency, Office of Research and Development, 8104R, Washington DC, DC 20460
Phone: 202 564–6638
Fax: 202 565–2911
Email: utterback.dennis@epamail.epa.gov

RIN: 2080–AA11

3058. PROJECT XL SITE SPECIFIC RULEMAKING FOR NASA WHITE SANDS TEST FACILITY ELECTRONIC REPORTING IN LAS CRUCES, NEW MEXICO (PHASES I AND II)

Priority: Info./Admin./Other

Legal Authority: ''Safe Drinking Water Act, 42 USC 300f to 300J–26; Solid Waste Disposal Act, 42 USC 6901 to 6992k''

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The U.S. Environmental Protection Agency (EPA) has entered into an XL (eXcellence and Leadership) Final Project Agreement (FPA) with the National Aeronautics and Space Administration (NASA) White Sands Test Facility (WSTF) in Las Cruces, NM to implement a project that would modify reporting requirements under the Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), Clean Water Act (CWA) and the Clean Air Act (CAA). The purpose of this NASA WSTF Electronic Reporting site-specific rule is to enable the NASA WSTF to electronically submit compliance reports and permit information to the New Mexico Environment Department (NMED) in lieu of submitting paper reports. The rule will set forth guidelines to ensure that the information submitted by NASA WSTF to NMED is accurate by outlining procedures for data authentication, use of electronic signature and encryption processes. This rule will address Phases I and II of the project covering reporting requirementsunder RCRA and the SDWA. A second and subsequent rule will address Phases III-VI of the project covering additional reporting requirements under the CWA and CAA.

Timetable:

Action	Date	FR Cite
NPRM	10/31/01	66 FR 55050
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4536.

Agency Contact: Kristina Heinemann, Environmental Protection Agency, Office of the Administrator, 1807T, Washington, DC 20460
Phone: 202–566–2183
Fax: 202 566–2220
Email: heinemann.kristina@epamail.epa.gov

Gerald Filbin, Environmental Protection Agency, Office of the Administrator, 1807T, Washington, DC 20460
Phone: 202–566–2182
Fax: 202 566–2220
Email: filbin.gerald@epamail.epa.gov

RIN: 2090–AA27

Environmental Protection Agency (EPA) — Long-Term Actions

General

3059. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS

Priority: Other Significant

Legal Authority: PL 101–507; PL 102–389; PL 101–549 ''sec 1001''; 42 USC 9605(f); PL 100–590; EO 12432; EO 12138; EO 11625

CFR Citation: 40 CFR 33

Legal Deadline: None

Abstract: The regulation will codify revisions to the Agency's program for the utilization of Small, Minority and Women's Business Enterprises in procurements under assistance agreements (i.e., grants and cooperative agreements awarded by EPA as well as grants and cooperative agreements awarded by other agencies under interagency agreements with EPA). The revisions are necessary to ensure

consistency with the Supreme Court's decision in Adarand Constructors, Inc. v. Pena, 115 S.Ct. 2097 (1995), and were identified as part of the Clinton Administration's review of affirmative action programs. They include: (1) placing greater emphasis on requiring assistance agreement recipients to submit documentation supporting proposed fair share procurement objectives for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) based on the availability of qualified MBEs and WBEs in the relevant geographic market; (2) authorizing or requiring recipients and their prime contractors to takereasonable race/gender-conscious measures (e.g., bidding credits) in the event that race/gender-neutral efforts prove inadequate to meet fair share objectives; and (3) administering statutory MBE/WBE objectives as a national goal, allowing smaller or larger fair share objectives for particular grants or cooperative agreements based on the availability standard.

Timetable:

Action	Date	FR Cite
NPRM	07/24/03	68 FR 43824
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4056.

Agency Contact: Kimberly Patrick, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 1230, Washington, DC 20460
Phone: 202–564–5386
Fax: 202 501–0139
Email: patrick.kimberly@.epa.gov

David Sutton, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 1230A, Washington, DC 20460
Phone: 202–564–4444
Fax: 202 501–0756
Email: sutton.david@epamail.epa.gov

RIN: 2020–AA39

3060. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2005; 15 USC 2601 et seq; 21 USC 346; 33 USC 1251 et seq; 33 USC 1414; 42 USC 11001 et seq; 42 USC 300(f) et seq; 42 USC 4912; 42 USC 6901 et seq; 42 USC 7401 et seq; 42 USC 9601 et seq; 5 USC 552; 7 USC 136 et seq

CFR Citation: 40 CFR 2; 40 CFR 57; 40 CFR 122; 40 CFR 123; 40 CFR 145; 40 CFR 233; 40 CFR 260; 40 CFR 270; 40 CFR 271; 40 CFR 281; 40 CFR 350; 40 CFR 403; 40 CFR 85; 40 CFR 86

Legal Deadline: NPRM, Statutory, August 31, 2000, Proposed rule to eliminate the special treatment of CBI substantiations.

Abstract: EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information claimed as confidential business information (CBI). Although the current regulations have succeeded in protecting CBI, changes in Agency workload, practice, and statutory authority have made it difficult to handle CBI activities as expeditiously as desired. EPA is examining its CBI regulations to determine whether changes are needed to make them more efficient and effective. Provision 40 CFR 2.205(c), which automatically protects CBI substantiations claimed as confidential, is being examined individually and as part of the CBI regulations as a whole.

NOTE: EPA has examined its CBI regulations and decided to withdraw from taking further actions on revising the CBI regulations—40 CFR part 2, subpart B. However, consideration for eliminating special treatment of substantiations is still pending court ruling.

Timetable:

Action	Date	FR Cite
NPRM 1	11/23/94	59 FR 60446
NPRM 2	10/25/99	64 FR 57421
NPRM 3	12/21/99	64 FR 71366
NPRM 4	08/30/00	65 FR 52684
ANPRM	12/21/00	65 FR 80394
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3240.

Agency Contact: Doreen Sterling, Environmental Protection Agency, Office of Environmental Information, 2822–T, Washington, DC 20460
Phone: 202–566–1642
Fax: 202 566–1639
Email: sterling.doreen@epamail.epa.gov

Joe Sierra, Environmental Protection Agency, Office of Environmental Information, 2822T, Washington, DC 20460
Phone: 202–566–1683
Fax: 202 566–1639
Email: sierra.joe@epamail.epa.gov

RIN: 2025–AA02

3061. GUIDELINES FOR CARCINOGEN RISK ASSESSMENT

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Agency will use these guidelines to evaluate suspect carcinogens in line with the policies and procedures established in the statutes administered by the EPA. These guidelines revise and replace EPA Guidelines for Carcinogen Risk Assessment published at 51 FR 33992, September 24, 1986. These guidelines provide EPA staff and decisionmakers with the directions and perspectives necessary to develop and use risk assessments. The guidelines also provide the general public with basic information about the Agency's approaches to risk assessment.

To develop guidelines the Agency must find a balance between consistency and innovation. Consistent risk assessments provide consistent bases to support regulatory decision-making. On the other hand, innovation is necessary so the Agency will base its decisions on current scientific thinking. In balancing these and other science policies, the Agency relies on input from the general scientific community through established scientific peer review processes. The guidelines incorporate basic principles and science policies based on evaluation of the currently available information. The revisions place increased emphasis on the role of carcinogenic mechanisms in risk assessment and clearer explication of underlying assumptions in risk assessment.

These guidelines will have minimal to no impact on small businesses or State, local, and tribal governments.

EPA—General — Long-Term Actions

Timetable:

Action	Date	FR Cite
Reproposed Guidelines	04/23/96	61 FR 17960
Implementation Policy	06/25/96	61 FR 32799
Final Guidelines	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3671.

Agency Contact: William Wood, Environmental Protection Agency, Office of Research and Development, 8103, Washington, DC 20460
Phone: 202 564–3358
Email: wood.bill@epamail.epa.gov

RIN: 2080–AA06

Environmental Protection Agency (EPA) — Completed Actions
General

3062. REPORT TO CONGRESS ON ENFORCEMENT DATA CONCERNING SMALL ENTITIES

Priority: Info./Admin./Other

CFR Citation: None

Completed:

Reason	Date	FR Cite
Report to Congress	01/20/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Gerard Kraus
Phone: 202–564–6047
Fax: 202 564–0017
Email: kraus.gerard@epamail.epa.gov

Deborah Thomas
Phone: 202–564–5041
Fax: 202 564–0037
Email: thomas.deborah@epamail.epa.gov

RIN: 2020–AA45

3063. REGULATORY INCENTIVES FOR THE NATIONAL ENVIRONMENTAL PERFORMANCE TRACK PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63; 40 CFR 262

Completed:

Reason	Date	FR Cite
Final Action	04/22/04	69 FR 21737

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Agency Contact: Robert Sachs
Phone: 202–566–2884
Fax: 202–566–0966
Email: sachs.robert@.epa.gov

David Guest
Phone: 202–566–2872
Fax: 202 566–2985
Email: guest.david@epamail.epa.gov

RIN: 2090–AA13

Environmental Protection Agency (EPA) — Prerule Stage
Clean Air Act (CAA)

3064. REVISIONS TO CLARIFY THE SCOPE OF CERTAIN MONITORING REQUIREMENTS FOR FEDERAL AND STATE OPERATING PERMITS PROGRAMS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 70.6(c)(1); 40 CFR 71.6(c)(1)

Legal Deadline: None

Abstract: The final rule for this action was published on January 22, 2004 (69 FR 3202). The purpose of the final rule was to clarify the regulatory language and EPA interpretation of the ''umbrella monitoring'' rules [(40 CFR 70.6(c)(1) and 71.6(c)(1)] of the State and federal operating permits program rules under title V of the Clean Air Act (Act). The final rule declines to adopt the changes to the regulatory text of the monitoring rules that were proposed on September 17, 2002 (67 FR 58561) and it announces a different interpretation of the umbrella monitoring rules from that set forth in the preamble to that proposal. Under the final rule, the umbrella monitoring rules do not provide a basis for adding monitoring to title V permits independent of monitoring required under existing federal air pollution control rules and State implementation plan (SIP) rules (i.e., monitoring required under ''applicable requirements''), including monitoring required under the compliance assurance monitoring(CAM) rule where it applies, and such monitoring as may be required under the periodic monitoring rules [40 CFR 70.6(a)(3)(i)(B) and 71.6(a)(3)(i)(B)]. Accordingly, EPA interprets the umbrella monitoring rules to require that title V permits contain monitoring required under applicable requirements, including monitoring required under the CAM rule where it applies, and such monitoring as may be required under the periodic monitoring rules. Together, such monitoring will constitute monitoringsufficient to assure compliance as required by the Act. In the final rule, EPA also announded plans for three additional steps. One step will involve encouraging States to improve monitoring requirements in certain SIP rules through guidance to be developed in connection with a separate rulemaking concerning the implementation of the national ambient air quality standards (NAAQS) for fine particulate matter to be published in the near term. Another step involves publication of an advance ce of proposed rulemaking (ANPRM) in the near term to ask for comments on inadequate monitoring in applicable requirements (in addition to any monitoring addressed in the fine particulate guidance and rulemaking) and on appropriate methods for upgrading such monitoring. Finally, EPA expects to conduct a separate notice and comment rulemaking to address what types of existing monitoring are ''periodic'' under the periodic monitoring rules, and when

the periodic monitoring rules apply, what types of monitoring satisfy the monitoring criteria contained in the periodic monitoring rules.

Timetable:

Action	Date	FR Cite
NPRM	09/17/02	67 FR 58561
Interim Final Action	09/17/02	67 FR 58529
Final Action	01/22/04	69 FR 3202
ANPRM	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4699.

Agency Contact: Jeff Herring, Environmental Protection Agency, Air and Radiation, C304–04, Washington, DC 20460
Phone: 919–541–3195
Fax: 919 541–5509
Email: herring.jeff@epamail.epa.gov

Steve Hitte, Environmental Protection Agency, Air and Radiation, C304–04, Washington, DC 20460
Phone: 919–541–0886
Fax: 919 541–5509
Email: hitte.steve@epamail.epa.gov

RIN: 2060–AK29

3065. REVISION TO POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS (VOC)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

Abstract: EPA is considering the proposal of revisions to its policy on control of volatile organic compounds (VOC), including the use of photochemical reactivity in controlling VOCs. As a first step, an ANPRM will be issued soliciting public comment on various policy options. Subsequent steps could range from taking no further action to publishing a policy statement in the Federal Register. The ANPRM is to announce that EPA is considering revision of its VOC policy which appeared in the July 8, 1977 ederal Register (42 FR 35314) under the title ''Recommended Policy on Control of Volatile Organic Compounds.'' That policy statement gave a broad description about how EPA would approach VOC control. This policy also said that we would be exempting certain organic compounds from control in volatile organic compound regulations (to meet ozone ambient air quality limits) due to these compounds having very low ozone forming potential. A list of exempt compounds was later codified in the definition of VOC at 40 CFR 51.100(s) which was adopted on February 3, 1992 (57 FR 3941) for use in State Implementation Plans. The ANPRM will ask for public comments on various approaches EPA may use in the future to take photochemical reactivity into account in controlling VOCs. The ANPRM could lead to a policy statement, such as the 1977 policy statement, which would give a broad outline of the new approach EPA would take in the future. This would not be a rulemaking, but the revised policy could lead to new rules being adopted still further in the future. (Any such rules would be separately noticed in the Regulatory Agenda.) For example, the ANPRM could eventually lead to a revision of the definition of VOC at 40 CFR 51.100(s).

Timetable:

Action	Date	FR Cite
ANPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4759.

Agency Contact: William L. Johnson, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919 541–5245
Fax: 919 541–0824
Email: johnson.williaml@epamail.epa.gov

Terry Keating, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460
Phone: 202–564–1174
Fax: 202 564–5603
Email: keating.terry@epamail.epa.gov

RIN: 2060–AK75

3066. • CONTROL OF EMISSIONS FROM NEW LOCOMOTIVES AND NEW MARINE DIESEL ENGINES LESS THAN 30 LITERS PER CYLINDER

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7522 to 7621

CFR Citation: 40 CFR 92 and 94

Legal Deadline: None

Abstract: This rule will set an additional tier of more stringent exhaust emission standards for new locomotives and new marine compression-ignition engines below 30 liters per cylinder. These new standards are expected to reflect the emission reductions achievable through the application of advanced emission control technologies, including high-efficiency catalytic exhaust emission control devices, and the availability and use of low sulfur diesel fuel. The standards build on our existing locomotive andmarine diesel engine emission control programs.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/04	
NPRM	07/00/05	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4871.

Agency Contact: Jean—Marie Revelt, Environmental Protection Agency, Air and Radiation, 6401A, Washington, DC 20460
Phone: 734–214–4822
Email: revelt.jean-marie@epamail.epa.gov

RIN: 2060–AM06

3067. • FUELS AND FUEL ADDITIVES REGISTRATION REGULATIONS (SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: Clean Air Act sec 211

CFR Citation: 40 CFR 79

Legal Deadline: None

Abstract: On June 27, 1994 (59 FR 33042), EPA promulgated a rulemaking laying out the requirements for

registering fuel and fuel additives under section 211 of the Clean Air Act. These requirements are codified in the Code of Federal Regulations at 40 CFR part 79. In developing this rule, EPA performed a Regulatory Flexibility Analysis which indicated the rule could have a significant impact on a substantial number of small entities. EPA then used this analysis to develop the rule in a way that mitigatedsmall-entity impact to the extent possible while still fulfilling the Clean Air Act's mandates.

EPA is now initiating a review of this rule under Section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA will consider, and solicits comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by July 31, 2004. In submitting comments, please reference Docket ID number OAR-2004-0053, and follow the instructions provided in Unit G of the preamble to the Spring Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/04	
End Review	11/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 4922.

Agency Contact: Thomas Eagles, Environmental Protection Agency, Air and Radiation, 6103A, Washington DC, DC 20460
Phone: 202 564–1952
Fax: 202 564–1554
Email: eagles.tom@epa.gov

RIN: 2060–AM38

3068. • EMISSION STANDARDS FOR NEW NONROAD SPARK–IGNITION ENGINES AT OR BELOW 19 KILOWATTS (SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: Clean Air Act Section 202 et seq; Regulatory Flexibility Act

CFR Citation: 40 CFR 90

Legal Deadline: None

Abstract: On July 3, 1995 (60 FR 34582), EPA promulgated a rulemaking laying out new emission standards for new nonroad spark-ignition engines at or below 19 kilowatts under sections 202, 203, 204, 205, 206, 207, 208, 209, 213, 215, 216, and 301(a) of the Clean Air Act. These requirements are codified in the Code of Federal Regulations at 40 CFR Part 90. In developing this rule, EPA performed a Regulatory Flexibility Analysis which indicated the rule could have a significant impact on a substantial number of small entities. EPA then used this analysis to develop the rule in a way that mitigated small-entity impact to the extent possible while still fulfilling the Clean Air Act's mandates.

EPA is now initiating a review of this rule under Section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA will consider, and solicits comments on, the following factors: (1) the continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by July 31, 2004. In submitting comments, please reference Docket ID number OAR-2004-0054, and follow the instructions provided in Unit G of the preamble to the Spring Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/04	
End Review	11/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 4921.

Agency Contact: Thomas Eagles, Environmental Protection Agency, Air and Radiation, 6103A, Washington DC, DC 20460
Phone: 202 564–1952
Fax: 202 564–1554
Email: eagles.tom@epa.gov

RIN: 2060–AM39

3069. • NESHAP: SECONDARY LEAD SMELTING (SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: Regulatory Flexibility Act

CFR Citation: 40 CFR 63 subpart X

Legal Deadline: None

Abstract: On June 23, 1995 (60 FR 32587), EPA promulgated a rulemaking laying out new National Emission Standards for Hazardous Air Pollutants (NESHAP) for the secondary lead smelting industry under Section 112 of the Clean Air Act. These requirements are codified in the Code of Federal Regulations at 40 CFR Part 63, Subpart X. In developing this rule, EPA performed a Regulatory Flexibility Analysis which indicated the rule could have a significant impact on a substantial number of small entities. EPA then used this analysis to develop the rule in a way that mitigated small-entity impact to the extent possible while still fulfilling the Clean Air Act's mandates.

EPA is now initiating a review of this rule under Section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA will consider, and solicits comments on, the following factors: (1) The continued need for the rule; (2) The nature of complaints or comments received concerning the rule; (3) The complexity of the rule; (4) The extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by July 31, 2004. In submitting comments, please reference Docket ID number OAR-2004-0056, and follow the

EPA—Clean Air Act (CAA) — Prerule Stage

instructions provided in Unit G of the preamble to the Spring Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/04	
End Review	11/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 4924.

Agency Contact: Thomas Eagles, Environmental Protection Agency, Air and Radiation, 6103A, Washington DC, DC 20460
Phone: 202 564–1952
Fax: 202 564–1554
Email: eagles.tom@epa.gov

RIN: 2060–AM40

3070. • NESHAP: PETROLEUM REFINERIES (SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: Clean Air Act sec 112; Regulatory Flexibility Act

CFR Citation: 40 CFR 63 subpart CC

Legal Deadline: None

Abstract: On August 18, 1995 (60 FR 43244), EPA promulgated a rulemaking laying out new National Emission Standards for Hazardous Air Pollutants (NESHAP) for the petroleum refining industry under section 112 of the Clean Air Act. These requirements are codified in the Code of Federal Regulations at 40 CFR part 63 subpart CC. In developing this rule, EPA performed a Regulatory Flexibility Analysis which indicated the rule could have a significant impact on a substantial number of small entities. EPA then used this analysis to develop the rule in a way that mitigated small-entity impact to the extent possible while still fulfilling the Clean Air Act's mandates.

EPA is now initiating a review of this rule under Section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA will consider, and solicits comments on, the following factors: (1) The continued need for the rule; (2) The nature of complaints or comments received concerning the rule; (3) The complexity of the rule; (4) The extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by July 31, 2004. In submitting comments, please reference Docket ID number OAR-2004-0055, and follow the instructions provided in Unit G of the preamble to the Spring Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/04	
End Review	11/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 4923.

Agency Contact: Thomas Eagles, Environmental Protection Agency, Air and Radiation, 6103A, Washington DC, DC 20460
Phone: 202 564–1952
Fax: 202 564–1554
Email: eagles.tom@epa.gov

RIN: 2060–AM41

Environmental Protection Agency (EPA) — Proposed Rule Stage

Clean Air Act (CAA)

3071. REVIEW NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE

Priority: Other Significant

Legal Authority: 42 USC 7409

CFR Citation: 40 CFR 50

Legal Deadline: Final, Statutory, May 31, 2001, Clean Air Act requires reviews every five years.

Abstract: Review of the national ambient air quality standards (NAAQS) for carbon monoxide (CO) every 5 years is mandated by the Clean Air Act. This review assesses the available scientific data about the health and environmental effects of CO and translates the science into terms that can be used in making recommendations about whether or how the standards should be changed. The last review of the CO NAAQS was completed in 1994 with a final decision that revisions were not appropriate at that time.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4266.

Agency Contact: Dave Mckee, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919–541–5288
Fax: 919 541–0237
Email: mckee.dave@epamail.epa.gov

Harvey Richmond, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919–541–5271
Fax: 919 541–0237
Email: richmond.harvey@epamail.epa.gov

RIN: 2060–AI43

3072. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7408; 42 USC 7409

CFR Citation: 40 CFR 50

Legal Deadline: NPRM, Judicial, March 31, 2005, –.
Final, Judicial, December 20, 2005, –.

Abstract: On July 18, 1997, the EPA published a final rule revising the national ambient air quality standards (NAAQS) for particulate matter (PM) (62 FR 38652). While retaining the PM10 standard levels, new standards were added for fine particles (PM2.5)

to provide increased protection against both health and environmental effects of PM. On the same day, a Presidential Memorandum (62 FR 38421) was published that, among other things, anticipated that EPA would complete the next review of the PM NAAQS by July 2002. The EPA's plans and schedule for the next periodic review of the PM NAAQS were published on October 23, 1997 (62 FR 55201). Due to the unprecedented volume of new research, the completion of the Criteria Document has been extended. As result the overall schedule for the review of the PM NAAQS has extended beyond the original target of July 2002. As with other NAAQS reviews, a rigorous assessment of relevant scientific information will be presented in a Criteria Document (CD) prepared by EPA's National Center for Environmental Assessment. The EPA's Office of Air Quality Planning and Standards will then prepare a Staff Paper (SP) for the Administrator which will evaluate the policy implications of the key studies and scientific information contained in the CD and additional technical analyses and identify critical elements that EPA staff believe should be considered in reviewing the standards. The CD and SP will be reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public, and both final documents will reflect the input received through these reviews. As the PM NAAQS review is completed, the Administrator's proposal to revise or reaffirm the PM NAAQS will be published with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4255.

Agency Contact: Mary Ross, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919–541–5170
Fax: 919 541–0237
Email: ross.mary@epamail.epa.gov

Karen Martin, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919–541–5274
Fax: 919 541–0237
Email: martin.karen@epamail.epa.gov

RIN: 2060–AI44

3073. AMENDMENTS TO METHOD 24 (WATER–BASED COATINGS)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, June 15, 2001, –.

Abstract: The determination of volatile organic compounds (VOCs) content of a surface coating by reference Method 24 involves determination of its water content and calculation of its VOC content as the difference of the two measurements (volatile content minus water content). Method 24 is inherently less precise for water-based coatings than it is for solvent-based coatings and the imprecision increases as water content increases. This action will amend Method 24 by adding a direct measurement procedurefor measuring VOC content of water-based coatings, thereby improving the method's precision.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3649.

Agency Contact: Candace Sorrell, Environmental Protection Agency, Air and Radiation, D205–02, Research Triangle Park, NC 27711
Phone: 919–541–1064
Fax: 919 541–1039
Email: sorrell.candace@epamail.epa.gov

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, D205–02, D205–02, Research Triangle Park, NC 27711
Phone: 919–541–7774
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AF72

3074. GENERAL CONFORMITY REGULATIONS; REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401–7671

CFR Citation: 40 CFR 51.850 to 51.860; 40 CFR 93.150 to 93.160

Legal Deadline: None

Abstract: Section 176(c) of the Clean Air Act prohibits Federal entities from taking actions which do not conform to the State implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). In November 1993, EPA promulgated two sets of regulations to implement section 176(c). First, on November 24, EPA promulgated the Transportation Conformity Regulations to establish the criteria and procedures for determining that transportation plans, programs, and projects which are funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. Then, on November 30, EPA promulgated regulations, known as the General Conformity Regulations, to ensure that other Federal actions also conformed to the SIPs. The EPA has not reviewed or revised the General Conformity Regulations since their 1993 promulgation. Several Federal agencies have identified concerns over the implementation of the General Conformity Regulations, including the requirements for areas designated nonattainment for the newly promulgated NAAQS. In conjunction with an ad hoc work group of representatives from several Federal agencies, EPA will review the implementation of the General Conformity Regulations. The EPA will then propose and promulgate any appropriate revision to those regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN 4070.

Agency Contact: Annie Nikbakht, Environmental Protection Agency, Air and Radiation, C539–02, Durham, NC 27701
Phone: 919–541–5246
Fax: 919–541–0824
Email: nikbakht.annie@epamail.epa.gov

Dave Stonefield, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–5350
Fax: 919 541–0824
Email: stonefield.dave@epamail.epa.gov

RIN: 2060–AH93

3075. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS–AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.480 to 63.506 (Revision); 40 CFR 63.1310 to 63.1335 (Revision)

Legal Deadline: None

Abstract: During the development of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for elastomers (Group I polymers and resins) and thermoplastics (Group IV polymers and resins) (RINs 2060-AD56 and 2060-AE37), many of the provisions contained in the Hazardous Organic NESHAP (HON) were referenced directly by these polymers and resins regulations due to similarities in processes, emission characteristics, and control technologies. On January 17, 1997, the EPA promulgated changes to the HON to remove ambiguity, to clearly convey EPA intent, and to make the rule easier to understand and implement in response to industry petitions. It is necessary to make parallel changes to the polymers and resins NESHAP; otherwise inconsistencies will exist for NESHAPs regulating similar source categories. An ANPRM was published in the Federal Register on 11/25/96 (61 FR 59849), to explain the nature of changes planned. Subsequently, six litigants have petitioned for review of the elastomers and thermoplastics regulations. Four companies have petitioned EPA to reconsider specific provisions in the thermoplastics regulation. Revisions will be proposed to parallel HON changes and to resolve petitioners' issues.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/96	61 FR 59849
NPRM 1	03/09/99	64 FR 11559
Direct Final 2	06/08/99	64 FR 30406
NPRM 3	06/08/99	64 FR 60456
Direct Final 3	08/29/00	65 FR 52319
NPRM 4	08/29/00	65 FR 52319
Direct Final 4	10/26/00	65 FR 64161
Final 1	07/16/01	66 FR 36924
Final 2	08/06/01	66 FR 40903
NPRM 5	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3939.

Sectors Affected: 325211 Plastics Material and Resin Manufacturing

Agency Contact: Bob Rosensteel, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919–541–5608
Fax: 919 541–3470
Email: rosensteel.bob@epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AH47

3076. NSPS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS

Priority: Other Significant

Legal Authority: 42 USC 7509 ''CAA 129''

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, November 30, 2004, –.
Final, Judicial, November 30, 2005, –.

Abstract: Section 129 of the Clean Air Act of 1990 requires the Agency to promulgate New Source Performance Standards (NSPS) and Emission Guidelines (EG) for solid waste incinerators. Section 129 specifically required the Administrator to publish a schedule for regulating Other Solid Waste Incinerators (OSWI). A notice published on November 9, 2000 announced that the Administrator would promulgate OSWI standards by November 15, 2005. The notice also listed what classes of incinerators might be covered bythe OSWI standards. Standards will be set for the following pollutants: particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead cadmium, mercury, and dioxins and dibenzofurans.

Timetable:

Action	Date	FR Cite
Notice	11/09/00	65 FR 66850
NPRM	11/00/04	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local

Additional Information: SAN 3751.

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919–541–5251
Fax: 919 541–5450
Email: porter.fred@epamail.epa.gov

RobertJ Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AG31

3077. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: As required by the Clean Air Act's New Source Review (NSR) provisions, the EPA is proposing Federal regulations governing preconstruction permitting of major and minor stationary sources of air pollution in Indian country. Pursuant to the Tribal Air Rule, eligible Indian Tribes may receive EPA authorization to develop and implement such programs. The Federal NSR permitting programs would be effective throughout Indian country and would be implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization, to manage such

programs. The proposed Federal NSR rule would require sources in Indian country, with certain exceptions, to obtain a permit prior to construction if they are: (1) new minor sources, (2) existing minor sources undergoing modification, (3) new major sources in nonattainment areas in Indian country, or (4) existing major sources in nonattainment areas in Indian country undergoing minor modification. The proposed rule also would allow new or existing stationary sources of regulated NSR pollutants and HAPs to accept enforceable limits on their production capacity or hours of operation in order to be considered minor sources and avoid being subject to other Clean Air Act requirements such as the title V operating permits program. These rules would not impose any mandates on Tribal governments to implement NSR permitting programs. Tribal governments may be affected, however, insofar as they own or operate sources that must obtain a permit from the EPA under the final Federal permitting program regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Tribal

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

Additional Information: SAN 3975.

Agency Contact: Raj Rao, Environmental Protection Agency, Air and Radiation, C339–03, Research Triangle Park, NC 27711
Phone: 919–541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

Laura McKelvey, Environmental Protection Agency, Air and Radiation, C504–01, Research Triangle Park, NC 27711
Phone: 919–541–5497
Email: mckelvey.laura@epamail.epa.gov

RIN: 2060–AH37

3078. CLEAN AIR FINE PARTICLE IMPLEMENTATION RULE

Priority: Other Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 USC 7410; 42 USC 7501 et seq

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: In 1997, EPA promulgated revised National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). The rule described in this paragraph — the Implementation Rule for PM-2.5 NAAQS — will include requirements and guidance for State and local air pollution agencies to develop and submit State implementation plans (SIPs) designed to bring the areas into attainment with the 1997 standards. These SIP-development activities include conducting technical analyses to identify effective strategies for reducing emissions contributing to PM-2.5 levels, and adopting regulations as needed in order to attain the standards. Ambient air quality monitoring for 1999-2001 shows that areas exceeding the standards are located throughout the eastern half of the U.S. and in California. Estimates show that compliance with the standards will prevent thousands of premature deaths from heart and lung disease, tens of thousands of hospital admissions and emergency room visits, and millions of absences from school and work every year.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4752.

Agency Contact: Rich Damberg, Environmental Protection Agency, Air and Radiation, C504–02, Washington, DC 20460
Phone: 919–541–5592
Fax: 919 541–5489
Email: damberg.rich@epamail.epa.gov

Joe Paisie, Environmental Protection Agency, Air and Radiation, C504–02, Washington, DC 20460
Phone: 919–541–5556
Email: paisie.joe@epamail.epa.gov

RIN: 2060–AK74

3079. NSPS: SOCMI—WASTEWATER AND AMENDMENT TO APPENDIX C OF PART 63 AND APPENDIX J OF PART 60

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60 — SOCMI Wastewater and Appendix J; 40 CFR 63 appendix C

Legal Deadline: None

Abstract: These standards are based on a combination of control techniques that require removal or destruction of volatile organic compounds from wastewater at the synthetic organic chemical manufacturing industry plant. Designated chemical process units, i.e., process lines or process units, would be subject to the rule. Constructed, reconstructed, or modified designated chemical process units would be required to apply appropriate controls to affected wastewater tanks, surface impoundments, containers, individual drain systems, and oil and water separators, and to treat process wastewater to remove or destroy the volatile organic compounds. On September 12, 1994, EPA proposed Standards of Performance for New Stationary Sources: Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Wastewater (40 CFR part 60, subpart YYY). On October 11, 1995, the EPA issued a supplemental proposal, which clarified and revised the previously proposed rule andproposed to add Appendix J to 40 CFR part 60. On December 9, 1998, EPA published a supplement to the proposed rule that consisted of revised definitions, alternative test procedures, and clarifications of requirements. The final rule encompasses the clarifications and revisions to Subpart YYY and Appendix J that will reduce emissions of volatile organic compounds (VOC). VOC, when emitted into the ambient air, are precursors to the formation of tropospheric ozone. A wide variety of acute and chronic respiratory health effects and welfare (agricultural, ecosystem) effects have been attributed

to concentrations of ozone commonly measured in the ambient air throughout the U.S.

Timetable:

Action	Date	FR Cite
NPRM (NSPS)	09/12/94	59 FR 46780
Supp NPRM 1	10/11/95	60 FR 52889
Supp NPRM 2	12/09/98	63 FR 67988
NPRM (Appendix C Amendments)	07/00/04	
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3380.

Sectors Affected: 3251 Basic Chemical Manufacturing

Agency Contact: Mary Kissell, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27711
Phone: 919–541–4516
Fax: 919 541–0246
Email: kissell.mary@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AE94

3080. PERFORMANCE SPECIFICATION 16 – SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: Performance Specification 16 is being proposed to provide performance criteria for predictive emission monitoring systems. Predictive systems represent a new technology that uses process information or parameters to predict pollutant emissions instead of directly measuring them. The Agency is allowing their use in recently-promulgated rules and they are being considered by a number of regulated facilities. The specification lists the requirements for acceptable systems that are met by passing tests that compare the monitoring system with standardized methods and audit gases to determine system accuracy and stability. Performance Specification 16 will primarily apply to facilities whose emissions can be predicted from process parameters such as combustion processes (including gas turbines and internal combustion engines).

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN 4119.

Sectors Affected: 336399 All Other Motor Vehicle Parts Manufacturing; 333618 Other Engine Equipment Manufacturing; 33241 Power Boiler and Heat Exchanger Manufacturing; 333611 Turbine and Turbine Generator Set Unit Manufacturing

Agency Contact: Foston Curtis, Environmental Protection Agency, Air and Radiation, 1806A, Research Triangle Park, NC 27711
Phone: 919–541–1063
Fax: 202–564–7299
Email: curtis.foston@epamail.epa.gov

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, D205–02, D205–02, Research Triangle Park, NC 27711
Phone: 919–541–7774
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AH84

3081. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: MUNICIPAL SOLID WASTE LANDFILLS: AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401; 42 USC 7411; 42 USC 7414; 42 USC 7416; 42 USC 7429; 42 USC 7601

CFR Citation: 40 CFR 60.750; 40 CFR 60.751; 40 CFR 60.752(b)(2)(iii)(B); 40 CFR 60.752(b)(2)(iii)(C); 40 CFR 60.752(b)(2)(iii)(D); 40 CFR 60758

Legal Deadline: None

Abstract: This action will amend the existing regulation entitled Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills, subpart WWW of 40 CFR Part 60, promulgated on March 12, 1996. The amendment is being undertaken in response to requests to clarify our intent regarding what constitutes an adequate landfill gas treatment system. This action also clarifies our intent to exempt from control landfill gas that is treated/upgraded. Furthermore, it clarifies who is responsible for control of untreated landfill gas that is sold. This action is necessary to clarify our intent regarding the issues discussed above. It will improve implementation and compliance with this regulation.

Timetable:

Action	Date	FR Cite
Proposed Amdmt	05/23/02	67 FR 36476
Supplemental NPRM	07/00/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4478.

Sectors Affected: 562212 Solid Waste Landfill

Agency Contact: Jolynn Collins, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27711
Phone: 919–541–5671
Fax: 919 541–0246
Email: collins.jolynn@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AJ41

3082. NESHAP: PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 1994, –.

Abstract: The amendments will clarify the rule and ensure it reflects the EPA's intent.

EPA—Clean Air Act (CAA) — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN 4310.

Agency Contact: Dave Salman, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919–541–0859
Fax: 919 541–5689
Email: salman.dave@epamail.epa.gov

RIN: 2060–AI66

3083. PORTLAND CEMENT MANUFACTURING INDUSTRY NESHAP: AMENDMENT TO IMPLEMENT COURT REMAND

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.1340 to 63.1359

Legal Deadline: None

Abstract: The Portland Cement Manufacturing Industry NESHAP was promulgated June 14, 1999, and has been codified in 40 Code of Federal Regulations 63, Subpart LLL. The Sierra Club and the National Lime Association petitioned the court to review Subpart LLL, while the American Portland Cement Alliance (APCA) opted to negotiate a settlement agreement. (Note that there is currently a separate rule under development to amend Subpart LLL to implement the settlement agreement with the APCA — SAN 4524, RIN 2060-AJ57.) On December 15, 2000, a panel of the D.C. Circuit issued its opinion in National Lime Ass'n v. EPA. The Court remanded the three standards for which we established floors of no control (hydrogen chloride [HCl], total hydrocarbon [THC], and mercury [Hg]). The Court found that we committed error in not considering other means of control, in particular, control of HAPs in raw materials and in fossil fuels. The Court also remanded that we consider setting beyond-the-floor standards for HAmetals, for which particulate matter (PM) is a surrogate. This action will consist of amendments to respond to the court remand.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4585.

Sectors Affected: 32731 Cement Manufacturing

Agency Contact: Keith Barnett, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919–541–5605
Fax: 919 541–5600
Email: barnett.keith@epamail.epa.gov

Jim Crowder, Environmental Protection Agency, Air and Radiation, C504–05, Washington, DC 20460
Phone: 919–541–5596
Fax: 919 541–5600
Email: crowder.jim@epamail.epa.gov

RIN: 2060–AJ78

3084. NATIONAL EMISSION STANDARDS FOR COKE OVEN BATTERIES – RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Statutory, October 27, 2001, National Emission Standards for Coke Ovens – Residual Risk Standards.

Abstract: The Clean Air Act (CAA) Section 112(f), standard to protect health and the environment is the statutory authority for this rulemaking. In accordance with Section 112(f)(2), EPA must promulgate residual risk standards 8 years after promulgation of emission standards. We promulgated emission standards for charging, topside leaks, and door leaks at coke ovens on October 27, 1993. This rule will further reduce coke oven emissions from charging, topside leaks, and door leaks at the affected coke plants.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4620.

Sectors Affected: 331111 Iron and Steel Mills

Agency Contact: Lula Melton, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27711
Phone: 919–541–2910
Fax: 919 541–5450
Email: melton.lula@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AJ96

3085. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 14, 2002.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. The facilities covered by the 112(d) standard and under investigation in this project include both bulk gasoline terminals and pipeline breakout stations that emit or at plant sites that emit major source levels of airtoxics. Initial risk analyses have determined that there are some facilities with non-low risk. An ample margin of safety demonstration is under development.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4655.

Agency Contact: Steve Shedd, Environmental Protection Agency, Air

and Radiation, C439–03, Washington, DC 20460
Phone: 919–541–5397
Fax: 919 685–3195
Email: shedd.steve@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK10

3086. NESHAP: INDUSTRIAL PROCESS COOLING TOWERS RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, September 30, 2002, –.

Abstract: A national emission standard for hazardous air pollutants (NESHAP) for industrial process cooling towers (IPCT) was previously promulgated under Section 112(d) of the Clean Air Act. That standard effectively bans the use of chromium-based water treatment chemicals in IPCT used to remove heat from chemical or industrial processes. The Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from IPCT and, if warranted, to develop new risk based standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4660.

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, MD–C439–02, Washington, DC 20460
Phone: 919–541–5289
Fax: 919 541–5450
Email: mulrine.phil@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK16

3087. NESHAP: PERCHLOROETHYLENE DRY CLEANING FACILITIES RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: EPA developed technology-based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by Section 112(f) of the Clean Air Act, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN 4662.

Sectors Affected: 81232 Drycleaning and Laundry Services (except Coin-Operated)

Agency Contact: Rhea Jones, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919–541–2940
Fax: 919 541–5689
Email: jones.rhea@epamail.epa.gov

RIN: 2060–AK18

3088. NESHAP: WOOD FURNITURE MANUFACTURING OPERATIONS — RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 7, 2003, –.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart JJ. This source category covers air-toxic emissions from wood-furniture manufacturing, including wood finishing, gluing, and painting. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4667.

Sectors Affected: 337 Furniture and Related Product Manufacturing; 337211 Wood Office Furniture Manufacturing

Agency Contact: Lynn Dail, Environmental Protection Agency, Air and Radiation, C539–03, Washington, DC 20460
Phone: 919–541–2363
Fax: 919 541–5689
Email: dail.lynn@epamail.epa.gov

RIN: 2060–AK21

3089. PETITION TO DELIST HAZARDOUS AIR POLLUTANT: 4,4'–METHYLENE DIPHENYL DIISOCYANATE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. The

Agency received a petition to remove 4,4'-Methylene Diphenyl Diisocyanate (MDI) from the American Chemistry Council on December 26, 2002. Once EPA receives a petition, it conducts two reviews: a completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition. The EPA also requests and considers information from the public. After a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the requirements of the CAA, the review team is required to make a recommendation to the Administrator on whether to grant the petition. If the Administrator decides to grant a petition, a proposed rule is published in the Federal Register which proposes a modification of the HAP list and presents the reasoning fordoing so. The proposed rule is open to public comment and public hearing and all additional substantive information received during the public's involvement is evaluated prior to the decision on the issuance of a final rule. However, if the Administrator decides to deny a petition, a notice setting forth an explanation of the reasons for denial is published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability, and is subject to judicial review as proded in the CAA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Additional Information: SAN 4782.

Agency Contact: Scott Jenkins, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–1167
Fax: 919 541–0840
Email: jenkins.scott@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AK84

3090. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; PROPOSED AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59

Legal Deadline: None

Abstract: Amendments to the consumer products rule are being proposed to clarify and correct the rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4309.

Sectors Affected: 32599 All Other Chemical Product Manufacturing

Agency Contact: Bruce Moore, Environmental Protection Agency, Air and Radiation, C504–03, Research Triangle Park, NC 27711
Phone: 919–541–5460
Fax: 919 541–0072
Email: moore.bruce@epamail.epa.gov

Penny Lassiter, Environmental Protection Agency, Air and Radiation, C504–03, Research Triangle Park, NC 27711
Phone: 919–541–5396
Fax: 919 541–0072
Email: lassiter.penny@epamail.epa.gov

RIN: 2060–AI62

3091. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR 80; 40 CFR 86

Legal Deadline: None

Abstract: Motor vehicles are significant contributors to national emissions of several hazardous air pollutants. These pollutants are known or suspected to have serious health or environmental impacts. Reducing emissions of these pollutants will reduce risk to public health and welfare. The Clean Air Act requires EPA to periodically revise requirements to control emissions of these pollutants from mobile sources. EPA committed to this rulemaking in the preamble of the last rulemaking on this topic, promulgated on March 29, 2001.

This rule will address the need for additional requirements, beyond those associated with existing programs and other forthcoming rules, to control hazardous air pollutants (air toxics) from motor vehicles, nonroad engines and vehicles, and their fuels. Previous mobile source programs for highway and nonroad sources and fuels have already reduced air toxics significantly and will provide substantial further reductions in coming years as new standards and programs are phased in. This mobile-source air toxics rule will provide an overview of these mobile source programs and associated toxics emissions reductions. The rule will then address potential changes to gasoline fuel parameters to reduce toxics such as benzene and the potential for additional vehicle controls. We are also considering portable fuel container controls due to their significant contribution to VOC emissions overall and the potential for exposure to evaporative benzene emissions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN 4748.

Sectors Affected: 3361 Motor Vehicle Manufacturing; 3363 Motor Vehicle Parts Manufacturing; 32411 Petroleum Refineries; 4227 Petroleum and Petroleum Products Wholesalers

Agency Contact: Christopher Lieske, Environmental Protection Agency, Air and Radiation, ASD, Ann Arbor, MI 48105
Phone: 734–214–4584
Fax: 734 214–4050
Email: lieske.christopher@epamail.epa.gov

RIN: 2060–AK70

3092. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL USES OF METHYL BROMIDE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671c

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: With this action, EPA will revise the accelerated phaseout regulations that govern the production, import, export, transformation and destruction of substances that deplete the ozone layer. The amendments will incorporate exemptions permitted under the Montreal Protocol on Substances that Deplete the Ozone Layer and recent changes to the Clean Air Act. Specifically, the amendments will create a process to exempt production and consumption of quantities of methyl bromide for critical and emergency uses from the 2005 phaseout of methyl bromide. Because this is an exemption, the rule will confer a benefit on affected entities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4535.

Agency Contact: Hodayah Finman, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9246
Fax: 202 565–2079
Email: finman.hodayah@epamail.epa.gov

Tom Land, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

RIN: 2060–AJ63

3093. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE–DEPLETING SUBSTANCES: N–PROPYL BROMIDE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule would list whether n-propylbromide (nPB) is an acceptable substitute for class I and class II ozone depleting substances used as solvents for general metals, precision, and electronics cleaning, as well as in aerosol solvent and adhesives end uses. This could provide another alternative to solvents with higher ozone depletion potential that industry is interested in using. The rule also would propose specific conditions on the use of nPB as a solvent. These might include limiting thespecific applications in which it may be used to those with low emissions and requiring exposure limits consistent with industry practices. This will ensure that nPB is used in a manner that is safe and environmentally protective. OSHA does not currently regulate nPB. EPA would revise our ruling to adopt whatever OSHA requires if OSHA later regulates the use of nPB. If finalized as proposed, this rule would be consistent with most existing industry practices and would impose little or no burden on industry.

Timetable:

Action	Date	FR Cite
NPRM	06/03/03	68 FR 33284
NPRM Correction	10/02/03	68 FR 56809
NPRM for Coatings	11/00/04	
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4599. Split from RIN 2060-AJ58. The previous ANPRM was under SAN No. 3525.

Sectors Affected: 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 333 Machinery Manufacturing; 334 Computer and Electronic Product Manufacturing; 336 Transportation Equipment Manufacturing; 337 Furniture and Related Product Manufacturing; 32615 Urethane and Other Foam Product (except Polystyrene) Manufacturing

Agency Contact: Margaret Sheppard, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9163
Fax: 202 343–2338
Email: sheppard.margaret@epamail.epa.gov

Erin Birgfeld, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9079
Fax: 202 343–2342
Email: birgfeld.erin@epamail.epa.gov

RIN: 2060–AK26

3094. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This action reinforces the economic incentives related to the transition of Article 5 countries to ozone-depleting substance alternatives. Currently, Article 5 allowances are determined as a percentage of total production allowances assigned to US companies for Class I ozone-depleting substances. In accordance with the Beijing Amendments of the Montreal Protocol, this action establishes Article 5 allowances independently of total production allowances.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4697.

Agency Contact: Kate Choban, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9337
Fax: 202 343–2338
Email: choban.kate@epamail.epa.gov

Tom Land, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

RIN: 2060–AK45

3095. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO2) AREA

Priority: Info./Admin./Other

Legal Authority: 12 USC 1701 et seq

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: The State of Montana submitted a sulfur dioxide (SO2) State Implementation Plan (SIP) for the Billings/Laurel, Montana area. On 5/2/02 and 5/22/03 we partially approved and partially disapproved Montana's SO2 SIP for Billings/Laurel. EPA intends to propose a Federal Implementation Plan (FIP) to cover those parts of the State's plan we disapproved. EPA's FIP will assure that the Billings/Laurel area will attain and maintain the SO2 NAAQS.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN 4542.

Sectors Affected: 32411 Petroleum Refineries

Agency Contact: Laurie Ostrand, Environmental Protection Agency, Regional Office Denver, 8P–AR, Washington, DC 20460
Phone: 303–312–6437
Fax: 303 312–6064
Email: ostrand.laurie@epamail.epa.gov

Cynthia Cody, Environmental Protection Agency, Regional Office Denver, 8P–AR, Washington, DC 20460
Phone: 303–312–6228
Fax: 303 312–6064
Email: cody.cynthia@epamail.epa.gov

RIN: 2008–AA00

3096. INSPECTION/MAINTENANCE RECALL REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511(a)(2)(b); 42 USC 7511(a)(2)(b)(2)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action specifies requirements for enhanced I/M programs to establish a program to ensure compliance with recall notices. This is pursuant to the Clean Air Act Amendments of 1990.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3262.

Agency Contact: Buddy Polovick, Environmental Protection Agency, Air and Radiation, 6406, Washington, DC 20460
Phone: 734–214–4928
Fax: 734 214–4052
Email: polovick.buddy@epamail.epa.gov

RIN: 2060–AE22

3097. AMBIENT AIR QUALITY MONITORING REGULATIONS: REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 50 (Revision); 40 CFR 53 (Revision); 40 CFR 58 (Revision)

Legal Deadline: None

Abstract: Air pollution control authorities use air quality data to determine compliance with the National Ambient Air Quality Standards and in subsequent work to develop air pollution mitigation strategies. The data come primarily from ambient air monitoring stations run by state and local agencies, although federal, tribal, and industrial organizations also run stations. The design of the monitoring networks is regulated under 40 CFR 58. This rule was originally written in 1979 and several revisions have been made in the intervening years. Air pollution control authorities have improved their parts of the network in response to changes in air quality, advances in the understanding of the movements and health effects of air pollutants, and developments in air pollution measurement technology. EPA has also cooperated with air pollution control authorities to improve the networks, but we have not revised the applicable regulations comprehensively. The proposed revisions would remove real or perceived constraints on redeploying air monitoring stations; more accurately reflect the roles of EPA and other control authorities in designing, reviewing, and modifying networks; bring provisions related to quality assurance up to date; and recognize technological changes. The current regulations require states to develop plans to deploy air monitoring networks. States generally develop new plans only when new monitoring is needed, such as for a new NAAQS. The regulations need to be revised to reflect the roles of EPA and the state and local agencies.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4421.

Sectors Affected: 92411 Air and Water Resource and Solid Waste Management; 334519 Other Measuring and Controlling Device Manufacturing

URL For Public Comments: oar-2004-0018

Agency Contact: Tim Hanley, Environmental Protection Agency, Air and Radiation, C339–02, Research Triangle Park, NC 27711
Phone: 919–541–4417
Fax: 919 541–1903
Email: hanley.tim@epamail.epa.gov

Michael Papp, Environmental Protection Agency, Air and Radiation, C339–02, Research Triangle Park, NC 27711
Phone: 919–541–2408
Fax: 919 541–1903

Email: papp.michael@epamail.epa.gov

RIN: 2060–AJ25

3098. CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND ENGINES: ALTERNATIVE LOW–SULFUR HIGHWAY DIESEL FUEL TRANSITION PROGRAM FOR ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601(a); 42 USC 7625–1

CFR Citation: 40 CFR 69 and 80 (Revision)

Legal Deadline: None

Abstract: This action will carry out a flexibility provision for Alaska that was included in EPA's heavy-duty diesel rule, which was promulgated on January 18, 2001. That rule established more stringent national emission standards for heavy-duty highway vehicles and engines for the 2007 model year, and a technology-enabling sulfur limit of 15 ppm for highway diesel fuel beginning in 2006. In that rule, EPA recognized Alaska's unique geographical, meteorological, air quality, and economic factors and provided Alaska an opportunity to develop its own plan to transition to low-sulfur highway diesel fuel, as an alternative to the national transition program. Our goal in offering this flexibility is to transition Alaska into the low-sulfur fuel program in a manner that minimizes costs, while ensuring that the new vehicles and engines receive the low-sulfur fuel they need. As stated in the Federal Register notice for the diesel rule, if Alaska submits an alternative plan by April 1, 2002, and if EPA determines that it provides a reasonable alternative, EPA intends to initiate rulemaking and, within one year from the date of Alaska's submittal, promulgate a final rule to incorporate the alternative plan. A stakeholder process to develop options is already underway in Alaska, and the State informed EPA that it intends to submit an alternative transition plan in late 2001 or early 2002. This action will be in response to that anticipated submittal. We are also adding a related re-proposal to implement nationwide diesel fuel content standards for nonroad, locomotive and marine engines as it applies to Alaska's rural areas.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4570.

Sectors Affected: 336112 Light Truck and Utility Vehicle Manufacturing

Agency Contact: Richard Babst, Environmental Protection Agency, Air and Radiation, EN–340–F, 6406–J, Washington, DC 20460
Phone: 202–343–9473
Fax: 202 565–2085
Email: babst.richard@epamail.epa.gov

Mike Shields, Environmental Protection Agency, Air and Radiation, 6406–J, Washington, DC 20460
Phone: 202–564–9035
Fax: 202 565–2085
Email: shields.mike@epamail.epa.gov

RIN: 2060–AJ72

3099. MODIFICATION OF AUTHORITY TO GRANT ALTERNATIVE METHOD APPROVALS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Currently, stationary source regulations cite specific test methods to demonstrate compliance. If a source locates a test method which will measure the regulated pollutant(s) with similar precision and accuracy to the method cited in the regulation, and would like to use the alternative method, the source must petition the EPA (along with data documenting the applicability of the alternative) to allow the alternative method. Each of these alternative method approvals by letter may currently only be granted to a specific source. Source category-wide approvals must be published for comment in the Federal Register. Due to budgetary and time constraints, the process constrains industry trade associations from developing and submitting alternative test methods. Therefore, the purpose of this rulemaking is to modify the regulations to allow source category-wide alternative method approvals to be issued by letter.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4547.

Agency Contact: Rima Howell, Environmental Protection Agency, Air and Radiation, D205–02, EMC Building, D205–02, Washington, DC 20460
Phone: 919–541–0443
Fax: 919 541–1039
Email: howell.rima@epamail.epa.gov

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, D205–02, D205–02, Research Triangle Park, NC 27711
Phone: 919–541–7774
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AJ83

3100. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60 app B; 40 CFR 60 app F

Legal Deadline: None

Abstract: This action proposes Performance Specification 17 (PS-17), Quality Assurance (QA) Procedure 4, and amendments to Appendix F, QA Procedure 1. Performance Specification 17 and QA Procedure 4 apply to continuous parameter monitoring systems (CPMS). Many of the rules promulgated under 40 CFR part 63 require owners and operators of affected emission units to install and operate CPMS to monitor various parameters, such as temperature, pressure, flow rate, and pH, associated with the operation and performance of emission control devices. However, few, if any, of those rules specify complete procedures for ensuring the quality of the data measured by CPMS. The proposed PS-17 establishes procedures and other requirements that will ensure that those CPMS are properly selected, installed, and placed

into operation. The proposed QA Procedure 4 specifies procedures that will ensure that those CPMS provide quality data on an ongoing basis. Both PS-17 and QA Procedure 4 will help to ensure compliance with emission limitations established under 40 CFR part 63. Procedure 1 of Appendix F currently addresses QA procedures for continuous emission monitoring systems (CEMS) that measure a single pollutant. The proposed amendments to QA Procedure 1 broadens the procedure to address the unique requirements of CEMS that are used for monitoring multiple pollutants. Because several of the regulations promulgated under 40 CFR part 63 require multiple pollutant CEMS, these amendments are needed to ensure those CEMS are operated in a manner that ensures the quality of the emission data collected. This action is not expected to have any impacts on small entities or State, local, or tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4584.

Sectors Affected: 31-33 Manufacturing; 21 Mining; 486 Pipeline Transportation; 562213 Solid Waste Combustors and Incinerators; 562212 Solid Waste Landfill; 22 Utilities

Agency Contact: Barrett Parker, Environmental Protection Agency, Air and Radiation, EN–341W, D243–02, Research Triangle Park, NC 27711
Phone: 919–541–5635
Fax: 919 541–1039
Email: parker.barrett@epamail.epa.gov

Fred Thompson, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919–541–2707
Email: thompson.fred@epamail.epa.gov

RIN: 2060–AJ86

3101. MODIFICATION OF ANTI–DUMPING BASELINES FOR GASOLINE PRODUCED OR IMPORTED FOR USE IN HAWAII, ALASKA AND THE U.S. TERRITORIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80 (Revision)

Legal Deadline: None

Abstract: ''Dumping'' refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and ''dump'' them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing ''anti-dumping'' rules on the books that codify this Clean Air Act prohibition. This action proposes to allow refiners and importers of conventional gasoline produced or imported for use in Hawaii, Alaska, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands to petition EPA to modify their baselines to use the most appropriate seasonal baseline and Complex Model for purposes of compliance with the RFG program's anti-dumping requirements. Specifically, this action would allow refiners and importers to petition EPA to use the summer Complex Model for all anti-dumping baseline and compliance determinations for conventional gasoline produced or imported for use in Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands. This action would allow refiners and importers to petition EPA to use the winter Complex Model for all anti-dumping baseline and compliance purposes in Alaska. We are proposing this action to address certain inconsistencies in the RFG program's anti-dumping provisions which may have significant unintended negative impacts on refiners and importers. In addition, this action proposes to modify the anti-dumping provisions to address compliance in certain situations where a refinery becomes non-operational during the annual averaging period. This action is intended to address compliance issues where a refinery does not produce sufficient ''summer'' gasoline to offset the higher emissions of ''winter'' gasoline due to the refinery becoming non-operational during the annual averaging period. Today's proposed actions would not compromise the environmental goals of the RFG program, or result in any environmental degradation. Today's proposed actions would not have any negative impact on small businesses or state/local/tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 4632.

Agency Contact: Marilyn Bennett, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202–343–9624
Email: bennett.marilyn@epamail.epa.gov

RIN: 2060–AK02

3102. PERFORMANCE–BASED MEASUREMENT SYSTEM FOR FUELS: CRITERIA FOR SELF–QUALIFYING ALTERNATIVE TEST METHODS; DESCRIPTION OF OPTIONAL STATISTICAL QUALITY CONTROL MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: Transportation fuels (like gasoline and diesel fuel) are regulated by EPA under the Clean Air Act to control the emissions that result when they are burned in engines, and also to protect engines' emission control equipment. Fuels regulations require measurement of various of the fuels' properties, and prescribe ''designated'' analytical methods for that purpose. This regulation is intended to provide a way for regulated parties to self-qualify alternatives to the designated measurement methods that may be cheaper, quicker, simpler, more amenable to automation, or otherwise preferable. The regulation will also prescribe a minimum level of statistical quality control for all fuels test methods, designated or alternative. The regulations should quicken the

adoption of new measurement technologies by removing the need for multiple method-specific rulemakings, but to do so in a way that will not degrade the performance of the overall measurement system. The qualification criteria are designed to admit only methods that are as precise as the designated methods and can be made to accurately predict designated method measurements. Introduction of statistical quality control for all methods should improve measurement precision and accuracy in actual practice across all methods.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4633.

Sectors Affected: 324199 All Other Petroleum and Coal Products Manufacturing; 54199 All Other Professional, Scientific and Technical Services; 42271 Petroleum Bulk Stations and Terminals; 48691 Pipeline Transportation of Refined; 334516 Analytical Laboratory Instrument Manufacturing

Agency Contact: John Holley, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202–343–9305
Fax: 202 233–9557
Email: holley.john@epamail.epa.gov

Joe Sopata, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202–343–9034
Fax: 202 343–2802
Email: sopata.joe@epamail.epa.gov

RIN: 2060–AK03

3103. REGULATION OF FUEL AND FUEL ADDITIVES: EXTENSION OF CALIFORNIA ENFORCEMENT EXEMPTIONS FOR REFORMULATED GASOLINE TO CALIFORNIA PHASE 3 GASOLINE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80.81

Legal Deadline: None

Abstract: EPA is proposing to exempt refiners, importers, and blenders of gasoline subject to the State of California's reformulated gasoline regulations from certain enforcement provisions in the federal reformulated (RFG) regulations. Certain exemptions under the federal RFG program already apply to California Phase 2 gasoline, but additional exemptions are necessary to cover Phase 3 gasoline.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4634.

Sectors Affected: 32411 Petroleum Refineries; 32511 Petrochemical Manufacturing

Agency Contact: Anne—Marie Pastorkovich, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202–343–9623
Email: pastorkovich.anne-marie@epamail.epa.gov

Dave Kortum, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202–343–9022
Fax: 202 343–2802
Email: kortum.dave@epamail.epa.gov

RIN: 2060–AK04

3104. TRANSPORTATION CONFORMITY RULE AMENDMENTS FOR NEW 8–HOUR OZONE AND PM2.5 NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 51 and 93

Legal Deadline: None

Abstract: The transportation conformity rule ensures that transportation planning is consistent with a state's plans for achieving the air quality standards. These amendments to the existing transportation conformity rule are necessary as a result of the new 8-hour ozone and PM2.5 air quality standards. The main issues that will be addressed in these amendments are the regional emissions tests that apply before new SIPs are submitted and which particulate matter provisions of the rule apply to PM2.5.

Timetable:

Action	Date	FR Cite
NPRM	11/05/03	68 FR 62690
Supplemental NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN 4811. 2060-AI56 was merged into this action May 2004

Agency Contact: Meg Patulski, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4842
Fax: 734 214–4052
Email: patulski.meg@epamail.epa.gov

Angela Spickard, Environmental Protection Agency, Air and Radiation, NFEVL, Ann Arbor, MI 49105
Phone: 734–214–4283
Email: spickard.angela@epamail.epa.gov

RIN: 2060–AL73

3105. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ALLOWABLES PLANTWIDE APPLICABILITY LIMIT (PAL), AGGREGATION, AND DEBOTTLENECKING

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21

Legal Deadline: None

Abstract: These rules clarify when less than significant emissions increases from multiple activities at a single major stationary source must be considered together for the purposes of determining major new source review (NSR) applicability (aggregation). We are also changing in the way emissions from permitted emissions units upstream or downstream from those undergoing a physical change or change in the method of operation are considered when determining if a proposed project will result in a

significant emissions increase (debottlenecking). The rules also provide an allowables plantwide applicability limit (PAL) option that is based on the allowable emissions from major stationary sources. A PAL is an optional approach that provides the owners or operators of major stationary sources with the ability to manage facility-wide emissions without triggering major NSR. The added flexibility of a PAL allows sources to respond rapidly to market changes consistent with the goals of the NSR program. The regulations for aggregation and debottlenecking are intended to improve implementation of the program by articulating principles for determining major NSR applicability that were previously addressed through guidance only. The purpose of the allowables PAL rule is to encourage major stationary sources to install state-of-the-art controls in exchange for regulatory certainty and flexibility.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4793.

Agency Contact: Raj Rao, Environmental Protection Agency, Air and Radiation, C339–03, Research Triangle Park, NC 27711
Phone: 919–541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

Juan Santiago, Environmental Protection Agency, Air and Radiation, C33903, Washington, DC 20460
Phone: 919–541–1084
Fax: 919 541–5509
Email: santiago.juan@epamail.epa.gov

RIN: 2060–AL75

3106. CLEAN AIR INTERSTATE RULE; FORMERLY TITLED INTERSTATE AIR QUALITY RULE

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7410(a)

CFR Citation: 40 CFR 51, 72, 75, 96

Legal Deadline: None

Abstract: Many pollutant types and sources contribute to ambient levels of fine particulate matter (PM2.5) and ozone that exceed national air quality standards, and to regional haze that adversely affects visibility in federal Class I areas. Some of these pollutants may originate tens or hundreds of miles from the areas where violations of the national ambient air quality standards are detected, from sources that are outside the jurisdiction of the State that is harmed. The Clean Air Act requires that a State take steps to prevent emissions from sources located within its boundaries from interfering with a downwind State's ability to meet air quality standards, or interfering with measures to protect visibility. EPA believes it is important to address interstate transport of PM2.5 and 8-hour ozone prior to the time when State plans addressing nonattainment of the standards are completed, so that States can rely on upwind reductions when developing plans for attaining the standards. The Bush Administration has proposed Clear Skies legislation that will help reduce interstate transport of pollution from the largest emitters in the power generation sector. This mandatory program would dramatically reduce sulfur dioxide (SO2), nitrogen oxides (NOx), and mercury by setting a national cap on emissions of each pollutant from power generators. Trading would provide sources with flexibility to reduce their emissions in most efficient and least costly way. EPA prefers to address the issue of transported pollution from power generators through Clear Skies legislation rather than rulemaking. Because enactment of legislation is inherently uncertain, in addition to promoting legislation EPA is initiating this rulemaking as a potential substitute to achieve part of what would be achieved by Clear Skies. Also, if analysis warrants, this rulemaking could supplement legislation by addressing categories of emissions sources not covered by the legislation. Further, EPA will conduct updated tranport analyses to determine whether emission reductions beyond the already-promulgated NOx SIP Call (63 FR 57355) are warranted for purposes of the 8-hour ozone standard. Under the interstate air quality rule, EPA would establish state-level emissions reduction requirements for transported pollutants, and offer compliance flexibility in the form of an emissions trading program.

Timetable:

Action	Date	FR Cite
NPRM	01/30/04	69 FR 4566
Supplemental NPRM	06/00/04	
Notice of Data Availability	08/00/04	
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4794.

Agency Contact: Scott Mathias, Environmental Protection Agency, Air and Radiation, MD–15, C539–01, Washington, DC 20460
Phone: 919–541–5310
Fax: 919–541–0237
Email: mathias.scott@epamail.epa.gov

Joe Paisie, Environmental Protection Agency, Air and Radiation, C504–02, Washington, DC 20460
Phone: 919–541–5556
Email: paisie.joe@epamail.epa.gov

RIN: 2060–AL76

3107. SECTION 126 RULE: LIFTING THE 8–HOUR STAY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7426

CFR Citation: 40 CFR 52; 40 CFR 75; 40 CFR 97

Legal Deadline: Final, Statutory, November 29, 2004, Statutory Final: Must be signed and sent to the Hill by 11/29/04 or the section 126 findings will be triggered on 11/30/04.

Abstract: Section 126 of the CAA allows States to petition EPA for a finding that emissions from stationary sources in other States significantly contribute to nonattainment problems in the petitioning State. If EPA approves a petition, EPA would establish Federal requirements for the sources. In April 1999, EPA finalized action on 8 petitions submitted by Northeastern States for purposes of mitigating interstate transport of NOx, one of the main precursors of ground-level ozone. Subsequent court rulings caused EPA to stay the portion of the rule based on the 8-hour ozone standard. Now, the aforementioned

court challenges have been resolved, enabling EPA to lift the stay on the 8-hour portion of the rule. This action would accomplish the removal of that stay and complete EPA's action on the 8-hour petitions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4095.1. Split from RIN 2060-AH88.

Agency Contact: Carla Oldham, Environmental Protection Agency, Air and Radiation, MD–15, Research Triangle Park, NC 27711
Phone: 919–541–3347
Fax: 919 541–0824
Email: oldham.carla@epamail.epa.gov

RIN: 2060–AL79

3108. SECTION 126 RULE: WITHDRAWAL OF FINDINGS FOR SOURCES IN MICHIGAN

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 52.34

Legal Deadline: None

Abstract: In response to petitions submitted by four Northeastern States, in January 2000, EPA issued the Section 126 Rule which required sources in Michigan and certain other States to reduce nitrogen oxides (NOx) emissions for the purpose of reducing interstate ozone transport. EPA coordinated the Section 126 Rule with another rule known as the NOx State implementation plan (SIP) Call, which also addresses ozone transport in the eastern half of the United States. EPA established a mechanism in the Section 126 Rule whereby the rule would be withdrawn for sources in a State if the State submitted, and EPA approved, a SIP that complied with the NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA proposed to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. Under that proposal, where a State submits a NOx SIP that meets only Phase 1 of the NOx SIP Call, EPA would need to make a determination that the SIP controls the total group of Section 126 sources to the same stringency as the Section 126 Rule would before the Section 126 Rule could be withdrawn. The EPA has reviewed and isin the process of approving the Michigan NOx SIP. In this current action, EPA is proposing that the SIP meets the newly proposed Section 126 Rule withdrawal criteria, and therefore, EPA is proposing to withdraw the redundant Section 126 Rule for sources in Michigan.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local

Additional Information: SAN 4796.

Agency Contact: Carla Oldham, Environmental Protection Agency, Air and Radiation, MD–15, Research Triangle Park, NC 27711
Phone: 919–541–3347
Fax: 919 541–0824
Email: oldham.carla@epamail.epa.gov

Doug Grano, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–3292
Fax: 919 541–0824
Email: grano.doug@epamail.epa.gov

RIN: 2060–AL83

3109. LIFTING THE STAY OF THE EIGHT–HOUR PORTION OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT (NOX SIP CALL)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.121

Legal Deadline: None

Abstract: In the Nitrogen Oxides State Implementation Plan Call (NOx SIP Call)(63 FR 57356, October 27, 1998), EPA found that emissions of NOx from 22 States and the District of Columbia (hereinafter referred to as '23 States') significantly contribute to downwind areas' nonattainment of the 1-hour ozone NAAQS. EPA also separately found that NOx emissions from the same 23 States significantly contribute to downwind nonattainment of the 8-hour ozone NAAQS. Subsequently, the U.S. Court of Appeals for theDistrict of Columbia Circuit (D.C. Circuit) remanded the 8-hour ozone NAAQS. [American Trucking Associations, Inc. v. EPA, 175 F.3d 1027 on rehearing 195 F.3d 4 (D.C. Cir. 1999).] EPA stayed the 8-hour basis of the NOx SIP Call rule on September 18, 2000 (65 FR 56245) based on the uncertainty created by the D.C. Circuit's decision. EPA has now completed the actions necessary to address the aforementioned remand, and therefore is now conducting rulemaking to lift the stay. EPA is proposing tolift the stay of our findings in the NOx SIP Call contained in 40 CFR § 51.121(a)(2), related to the 8-hour ozone national ambient air quality standards (NAAQS). This action does not create any new requirements; it merely reinstitutes a requirement of the NOx SIP Call that had previously been stayed.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN 4797.

Agency Contact: Jan King, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–5665
Fax: 919 541–0824
Email: king.jan@epamail.epa.gov

Doug Grano, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–3292
Fax: 919 541–0824

Email: grano.doug@epamail.epa.gov

RIN: 2060–AL84

3110. AMENDMENTS TO LEATHER FINISHING NESHAP

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: On February 27, 2002, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Leather Finishing Operations industry. EPA was subsequently petitioned by two affected facilities concerning the definition of specialty leather. EPA has engaged in negotiations with these facilities concerning the definition and is issuing these technical corrections to address the concerns. The amendments to the rule will clarify the definition of specialty leather and provide a means of determining what kinds of leather meet the definition of specialty leather.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4802.

Agency Contact: William Schrock, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5032
Fax: 919 541–3470
Email: schrock.bill@epa.gov

Andrew Waite, Environmental Protection Agency, Air and Radiation, C504–04, Washington, DC 20460
Phone: 214–665–7332
Fax: 919 541–3470
Email: waite.andrew@epamail.epa.gov

RIN: 2060–AL89

3111. PROTECTION OF STRATOSPHERIC OZONE; ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT AND EXPORT; CORRECTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671

CFR Citation: 40 CFR 82 (Revision)

Legal Deadline: None

Abstract: Although an allowance allocation system for controlling hydrochlorofluorocarbon (HCFC) production, import, and export was established with publication of the final rule on January 21, 2003 (SAN 4120, RIN 2060-AH67), several issues associated with that system have arisen that need to be amended for clarity and consistency.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4804.

Agency Contact: Vera Au, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9215
Fax: 202–343–2337
Email: au.vera@epamail.epa.gov

Tom Land, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

RIN: 2060–AL90

3112. AMENDMENTS TO THE NESHAP FOR CELLULOSE PRODUCTS MANUFACTURING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: On July 11, 2002, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Cellulose Products Manufacturing industry. The EPA was subsequently petitioned by two affected facilities concerning several issues. The EPA has engaged in negotiations with these facilities concerning the issues and is issuing these amendments to address the concerns. The amendments clarify several definitions and provide clearer and consistent directions on complying with the standards.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4808.

Agency Contact: Bill Schrock, Environmental Protection Agency, Air and Radiation, C504–04, Washington, DC 20460
Phone: 919–541–5032
Email: schrock.bill@epamail.epa.gov

Andrew Waite, Environmental Protection Agency, Air and Radiation, C504–04, Washington, DC 20460
Phone: 214–665–7332
Fax: 919 541–3470
Email: waite.andrew@epamail.epa.gov

RIN: 2060–AL91

3113. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MOTOR VEHICLES: ON–BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY–DUTY ENGINES AND VEHICLES ABOVE 14,000 POUNDS AND IN–USE, NOT–TO–EXCEED EMISSION STANDARD TEST

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA is proposing to establish On-Board Diagnostic (OBD) requirements for Heavy-Duty On-Highway and Non-Road vehicles and engines greater than 14,000 pounds gross vehicle weight. This action will also propose to require manufacturers of these vehicles and engines to make available emissions-related service information to after market service providers. OBD systems are intended to monitor the performance of emission controls on these vehicles and engines to ensure proper functionality and compliance with emissions standards. This notice also proposes a manufacturer run in use testing program for heavy-duty engines and vehicles to assess compliance with the applicable not to exceed standards beginning in 2007. This portion of the notice has a court-ordered date for May 2004 and final May 2005 as a result

of a settlement between EPA, ARB, and Engine Manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4809.

Agency Contact: Arvon Mitcham, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4522
Fax: 734 214–4053
Email: mitcham.arvon@epamail.epa.gov

Holly Pugliese, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4288
Fax: 734 214–4053
Email: pugliese.holly@epamail.epa.gov

RIN: 2060–AL92

3114. PROTECTION OF STRATOSPHERIC OZONE: QUANTITY ALLOCATION OF METHYL BROMIDE FOR CRITICAL USE EXEMPTIONS AFTER THE PHASEOUT

Priority: Other Significant

Legal Authority: PL 105–277, sec 764

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: Under the Clean Air Act and the Montreal Protocol on substances that deplete the ozone layer, this rule will seek to allocate quantities of methyl bromide for critical use exemptions to entities within the United States based on amounts of methyl bromide authorized by the Parties to the Montreal Protocol for use after the 2005 phase-out date. This action is a deregulatory action that will reduce burden on producers, importers, distributors and applicators of methyl bromide as well as end-users of methyl bromide who are growers and owners of stored food products.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4820.

Agency Contact: Marta Montoro, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9321
Fax: 202 343–2337
Email: montoro.marta@epamail.epa.gov

Hodayah Finman, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9246
Fax: 202 565–2079
Email:
finman.hodayah@epamail.epa.gov

RIN: 2060–AL95

3115. 5–YEAR REVIEW OF MACT STANDARDS FOR LARGE MWC

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: Final, Judicial, April 28, 2006.

Abstract: Under section 129 of the Clean Air Act (CAA), EPA is required to adopt and implement maximum achievable control technology (MACT) standards for both new and existing large municipal waste combustion units (MWC). Those MACT standards have been adopted and fully implemented with all retrofits completed. Section 129(a)(5)of the CAA requires EPA to review and, if necessary, revise those standards every 5 years. This rulemaking addresses those requirements and is the first 5-year review of the MACT standards. Implementation of these MACT standards has been highly effective and has reduced dioxin/furan emissions by more than 99 percent since 1990 and mercury emissions by more than 95 percent since 1990. Similar reductions have occurred for other CAA section 129 pollutants.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4829.

Agency Contact: Walt Stevenson, Environmental Protection Agency, Air and Radiation, C–439–01, Washington, DC 20460
Phone: 919–541–5264
Fax: 919 541–5450
Email: stevenson.walt@epamail.epa.gov

RobertJ Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–1045
Fax: 919 541–5450
Email:
wayland.robertj@epamail.epa.gov

RIN: 2060–AL97

3116. ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60, 61, and 63

Legal Deadline: None

Abstract: This rule would amend existing regulations controlling emissions of volatile organic compounds (VOC) under the Clean Air Act. These regulations are codified at 40 CFR Part 60, 61, and 63. These regulations require periodic leak detection and repair (LDAR) of pumps and valves. The current work practice requires each pump and valve to be individually monitored for leaks. Facilities have had LDAR programs in place for nearly 20 years and view them as burdensome because they are labor intensive.Newer laser based monitoring technology is being developed which will detect leaks at a reduced costs because of the ability to monitor multiple components at one time. This rule would amend the existing regulations to enable the plant operators to use the new technology.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4830.

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, C435–B, Washington, DC 20460
Phone: 919–541–0837
Fax: 919 541–0942
Email: markwordt.david@epamail.epa.gov

RIN: 2060–AL98

3117. • NESHAP: MUNICIPAL SOLID WASTE LANDFILLS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 63.1960; 40 CFR 63.1975; 40 CFR 63.1980

Legal Deadline: None

Abstract: This action will address issues concerning the National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, that was published on January 16, 2003. We will revise the startup, shutdown, and malfunction provisions promulgated in the rule in response to requests for more flexibility. We will clarify that the moisture balance calculations should be calculated on a wet weight basis as a response to requests about the intent of the promulgated rule. We will correct errors in the compliance dates for the rule.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, Tribal

Additional Information: SAN 4846.

Agency Contact: Jolynn Collins, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27711
Phone: 919–541–5671
Fax: 919 541–0246
Email: collins.jolynn@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM08

3118. • ADDITION OF CO EMISSION LIMIT FOR LARGE MWC USING FLUID BED COMBUSTION TECHNOLOGY (SECTION 129)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60 and 62

Legal Deadline: None

Abstract: Under the Clean Air Act (CAA), EPA adopted air emission regulations (''emission guidelines'') for both large and small existing municipal waste combustors (MWC). The emission guidelines were adopted under the CAA section 129 and were based on the application of maximum achievable control technology. The emission guidelines for large MWC were adopted in December 1995, and the emission guidelines for small MWC were adopted in December 2000. The emission guidelines are implemented through State plans developed under CAA section 111(d)/129. Where a State plan has not been developed, a Federal plan implements the emission guidelines. The emission guidelines for both large and small MWC include application of good combustion practices (GCP) to minimize the generation of air pollutants during combustion. The GCP includes emission limits for CO. The emission guidelines include different CO limits for different combustor types. The emission guidelines for small MWC included a unique CO limit for fluidized bed combustion technology firing mixtures of wood and municipal waste (mixed fuels). The guidelines for large MWCs did not include such a unique CO limit because this there were no known large MWCs that used this technology. In late 1999, an enforcement action determined an MWC classified as a small MWC was actually a large MWC. The EPA reclassified that MWC as a large MWC, and it was therefore required to meet the large-MWC guidelines. However, the large MWC emission guidelines do not currently contain a unique CO limit for this combustor type, and so the unique limit must be added by amending the original guidelines. This rulemaking action would add a unique CO limit to the large MWC guidelines (subpart Cb) and Federal Plan (subpart FFF). The CO limit we propose to add is the same 200 ppmV CO limit contained in the small MWC emission guidelines.

Timetable:

Action	Date	FR Cite
NPRM Amendments	06/00/04	
DFRM Amendments	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4844.

Agency Contact: Walt Stevenson, Environmental Protection Agency, Air and Radiation, C–439–01, Washington, DC 20460
Phone: 919–541–5264
Fax: 919 541–5450
Email: stevenson.walt@epamail.epa.gov

RobertJ Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AM11

3119. • NESHAP: AREA SOURCE STANDARDS—ETHYLENE OXIDE HOSPITAL STERILIZATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 30, 2000.

Abstract: The Clean Air Act requires the EPA to list source categories that contribute to the emissions of 30 listed (or area source) HAPs, and that are, or will be, subject to standards under section 112 of the Act. Sterilization processes use ethylene oxide which is one of the 30 listed HAPs. Hospital sterilization is a major source of ethylene oxide relative to other are source categories considered for listing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4859.

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, C435–B, Washington, DC 20460

Phone: 919–541–0837
Fax: 919 541–0942
Email:
markwordt.david@epamail.epa.gov

RIN: 2060–AM14

3120. • PROTECTION OF STRATOSPHERIC OZONE: RESTRICTION ON THE SALES OF PRE–CHARGED SPLIT SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On January 27, 1995, the Environmental Protection Agency (EPA) temporarily stayed the sales and distribution restriction for class I and class II ozone-depleting substances (ODSs) used as refrigerants, as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits (i.e., split system air conditioners). On May 9, 1995, EPA extended the stay on the sales and distribution prohibition for class I and class II ODSs used as refrigerants, only as it applies to split systems consisting of parts that are pre-charged with a class I or class II ODS. Today's action proposes to rescind the partial stay, and proposes to restrict the sale of split systems consisting of parts that are pre-charged with a class I or class II ODS, to section 608 technicians certified in accordance with the applicable refrigerant regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/30/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4851.

Agency Contact: Jabeen Akhtar, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9313
Fax: 202–564–2155
Email: akhtar.jabeen@epamail.epa.gov

RIN: 2060–AM15

3121. • CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: IN–USE, NOT–TO–EXCEED EMISSION STANDARD TESTING FOR HEAVY–DUTY DIESEL ENGINES AND VEHICLES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 86; 40 CFR 1065

Legal Deadline: NPRM, Judicial, June 3, 2004, Lawsuit settlement agreement regarding not–to–exceed (NTE) emission standards, engine manufacturers vs. EPA.
Final, Judicial, May 1, 2005, Lawsuit settlement agreement regarding not–to–exceed (NTE) emission standards, engine manufacturers vs. EPA.

Abstract: EPA and the Engine Manufacturers Association reached a lawsuit settlement agreement that will result in a manufacturer-run, in-use emissions testing program for heavy-duty diesel trucks. Manufacturers will monitor compliance with certain emission standards, called the Not-to-Exceed (NTE) standards, by testing in-use diesel engines during normal vehicle operation using portable emission measurement systems for the first time.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4845.

Agency Contact: Rich Wilcox, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4390
Email: wilcox.rich@epamail.epa.gov

Rick Gezelle, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202–343–9267
Email: gezelle.rick@epamail.epa.gov

RIN: 2060–AM17

3122. • PETITION TO DELIST A HAZARDOUS AIR POLLUTANT FROM SECTION 112 OF THE CLEAN AIR ACT: METHYL ISOBUTYL KETONE (MIBK)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Ketones Panel of the American Chemistry Council (ACC) has petitioned the Agency to remove methyl isobutyl ketone (MIBK) from the Clean Air Act (CAA) hazardous air pollutant (HAP) list. The ACC originally submitted the petition in April of 1997. EPA suspended review of the petition pending the completion of 2-generation reproductive effects study. The study is now complete. On October 17, 2003, the ACC submitted an addendum to the 1997 petition which includes: the results of the 2-generationreproductive effects study, a presentation of the updated EPA IRIS file for MIBK, updated air dispersion modeling and an analysis of potential transformation products. Based on this new submission, the ACC requests that EPA reopen its review of the MIBK petition.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4849.

Agency Contact: Mark Morris, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5416
Fax: 919 541–0840
Email: morris.mark@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AM20

3123. • AMENDMENTS TO VEHICLE INSPECTION AND MAINTENANCE PROGRAM REQUIREMENTS TO ADDRESS NEW 8–HOUR OZONE STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: We propose to amend the current vehicle inspection and maintenance (I/M) rule to establish deadlines for areas newly required to begin I/M testing as a result of their classification under the 8 hour ozone standard. Specifically, the amendments will address: the deadline for submitting I/M State Implementation Plans (SIPs) for those new areas; the deadline for the new program start-up; and the model year coverage and evaluation timeframes associated with new programs that willl potentially be required as part of EPA's implementation of the 8-hour ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN 4854.

Agency Contact: Dave Sosnowski, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4823
Fax: 734 214–4906
Email: sosnowski.dave@epamail.epa.gov

Joe Pedelty, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4410
Email: pedelty.joe@epamail.epa.gov

RIN: 2060–AM21

3124. • NESHAP: HYDROCHLORIC ACID PRODUCTION AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401et seq

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: On April 17, 2003, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for the Hydrochloric Acid Production industry. Subsequent to promulgation, EPA received a number of concerns and issues from the industry related to technical corrections, definitions, and applicability matters. The EPA is amenable to making many of the suggested corrections but believe that proposal of the changes is necessary. In addition, the OSWER would like to include the storage and transfer operations at sources subject to their HCl production rule to the subpart NNNNN rule which would also require proposal. The amendments are expected to have little or no impact on the plants now covered by the HCl production rule. No adverse economic impacts are expected. the total nationwide capital and annual costs associated with the amendments are negligible. No price impacts are projected. No significant impacts on a substantial number of small entities are expected.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4867.

Agency Contact: Bill Maxwell, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–5430
Fax: 919 541–5450
Email: maxwell.bill@epamail.epa.gov

RobertJ Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AM25

3125. • STRATEGY FOR ADDRESSING AIR EMISSIONS FROM ANIMAL FEEDING OPERATIONS

Priority: Other Significant

Legal Authority: 12 USC 1701 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This notice describes a strategy for addressing air emissions from animal feeding operations (AFOs). In this notice, we summarize the public concerns that have been raised about emissions from AFOs and explain the substantial scientific uncertainties pertaining to emission levels, public health and welfare effects, and emission control techniques for this industry. Resolving all the uncertainties will require substantial time and research. Nevertheless, some cost effective management practices for reducing emissions are available today, and the use of these practices will mitigate some of the adverse effects of these emissions. Early public input on a set of goals for an emission control program for AFOs and on an intended regulatory approach to begin reducing AFO emissions and solving some of the environmental problems based on information that is available today.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4865.

Agency Contact: Bill Schrock, Environmental Protection Agency, Air and Radiation, C504–04, Washington, DC 20460
Phone: 919–541–5032
Email: schrock.bill@epamail.epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AM26

3126. • REQUIREMENTS FOR TRANSMIX PROCESSING AND BLENDING UNDER THE REFORMULATED GASOLINE AND GASOLINE SULFUR RULES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7545(c); 42 USC 7545(k)

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This rule codifies existing guidance for transmix processors and blenders in the Reformulated Gasoline regulations. Transmix is a mixture of gasoline and distillate produced by pipelines - transmix processors distill the transmix into separate gasoline and distillate products, and transmix blenders blend small amounts of transmix into gasoline. The rule also establishes gasoline sulfur standards for transmix processors and blenders that are consistent with the sulfur standards for other entities downstream of refineries, such as pipelines and terminals, in the gasoline distribution system. The rule will provide operational flexibility for transmix processors and blenders without causing any adverse environmental impacts.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4853.

Agency Contact: Chris McKenna, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202–343–9037
Fax: 240 363–8260
Email: mckenna.chris@epamail.epa.gov

RIN: 2060–AM27

3127. • NESHAP: SITE REMEDIATION; AMENDMENTS

Priority: Routine and Frequent

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Site Remediation regulation was promulgated on October 8, 2003. This action is intended to revise language in the final rule to correct errors or language that doesn't reflect our intent.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4866.

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, C439–04, Washington, DC 20460
Phone: 919–541–3078
Fax: 919 541–0246
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM30

3128. • EXEMPTION OF AREA SOURCES FROM TITLE V OPERATING PERMIT PROGRAM

Priority: Other Significant

Legal Authority: Clean Air Act sec 502

CFR Citation: 40 CFR 70

Legal Deadline: None

Abstract: This action would implement the Agency's decision on whether to require title V permits for six area (nonmajor) sources subject to air toxic requirements under Clean Air Act. The affected source categories are: dry cleaners, halogenated solvent degreasers, chrome plating, ethylene oxide sterilizers, secondary lead, and secondary aluminum. Under the Act, these sources are subject to operating permit programs; however, EPA may exempt them from such programs if it finds that permitting would be impracticable, infeasible or unnecessarily burdensome on the sources. This action makes these findings for all categories except secondary lead and presents them for public comment. Secondary lead would remain subject to permitting because it few area sources are affected and most have already been permitted.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4868.

Agency Contact: Ray Vogel, Environmental Protection Agency, Air and Radiation, C304–03, Washington, DC 20460
Phone: 919–541–3153
Fax: 919 541–5509
Email: vogel.ray@epamail.epa.gov

RIN: 2060–AM31

3129. • CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: AMENDMENTS TO EVAPORATIVE EMISSIONS REGULATIONS AND TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 9; 40 CFR 86

Legal Deadline: None

Abstract: This action includes technical amendments to several portions of certification requirements and test procedures applicable to light-duty vehicles, light duty trucks, and heavy-duty vehicles. These amendments include minor revisions to clarify regulations. These amendments also include revisions to the evaporative compliance procedures, which are intended to reduce the certification burden associated with conducting 2-day, 3-day, and ORVR procedures without affecting the level of stringency, ref. EPA guidance letter CCD-02-20, December 31, 2002; (Subject: Request for Comments on Potential Evaporative Regulation Changes; Evaporative Guidance for Certification and In-use Testing).

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
Direct Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4880.

Agency Contact: Julia Rege, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4614
Fax: 734 214–4053
Email: rege.julia@epamail.epa.gov

Lynn Sohacki, Environmental Protection Agency, Air and Radiation,

1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4851
Fax: 734 214–4053
Email: sohacki.lynn@epamail.epa.gov

RIN: 2060–AM32

3130. • PREVENTION OF SIGNIFICANT DETERIORATION FOR NITROGEN OXIDES

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: NPRM, Judicial, September 30, 2004.
Final, Judicial, September 30, 2005.

Abstract: Section 166 of the Clean Air Act authorizes the Environmental Protection Agency to establish regulations to prevent significant deterioration of air quality due to emissions of nitrogen oxides. On October 17, 1988, EPA promulgated regulations which included maximum allowable increases in ambient nitrogen dioxide concentrations (NO2 increments) allowed in an area above the baseline concentration. Following promulgation, the Environmental Defense (formerly the Environmental Defense Fund) filed a petition asking the Court to order EPA to remand the regulations and to impose an immediate deadline of two years for promulgating new regulations. In 1990, the Court did not impose a deadline but remanded the case for EPA to develop an interpretation of Section 166 that considered the statutory provisions contained in subsections (c) and (d), and if necessary to take new evidence and modify the regulations. In July 2003, Earthjustice, on behalf of Environment Defense, asked the Court to put EPAon an enforceable schedule to issue new regulations under the original court remand. Consequently, EPA agreed to a two-year schedule for promulgating such regulations by September 30, 2005. At a minimum, the regulations will provide EPA's interpretation of the statutory requirements for developing adequate increments to prevent significant deterioration for nitrogen oxides. Based on our interpretation, we will consider the need for revising the existing increments for nitrogen dioxide, including both an annual and short-term averaging period, and the regulation of other nitrogen oxide compounds other than nitrogen dioxide.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 4881.

Agency Contact: Dan Deroeck, Environmental Protection Agency, Air and Radiation, C339–03, Washington, DC 20460
Phone: 919–541–5593
Fax: 919 541–5509
Email: deroeck.dan@epamail.epa.gov

RIN: 2060–AM33

3131. • CONTROL OF EMISSIONS FROM SPARK–IGNITION ENGINES AND FUEL SYSTEMS FROM MARINE VESSELS AND SMALL EQUIPMENT

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 7521 to 7601(a)

CFR Citation: 40 CFR 90

Legal Deadline: NPRM, Statutory, December 1, 2004.
Final, Statutory, December 31, 2005.

Abstract: In this action, we are proposing exhaust emission standards for spark-ignition marine engines and small land-based engines (<19 kW). We are also proposing evaporative emission standards for vessels and equipment using these engines. Nationwide, these emission sources contribute to ozone, carbon monoxide (CO), and particulate matter (PM) nonattainment. These pollutants cause a range of adverse health effects, especially in terms of respiratory impairment and related illnesses. The proposed standards would help States achieve and maintain air quality standards. In addition, these standards would help reduce acute exposure to CO, air toxics, and PM.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4882.

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4408
Email: passavant.glenn@epamail.epa.gov

RIN: 2060–AM34

3132. • TEST PROCEDURES FOR HIGHWAY AND NONROAD ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 1065

Legal Deadline: None

Abstract: This regulation aims to harmonize test procedures from the various EPA programs for controlling engine emissions. It will not address emission standards, nor will it lead to additional emission reductions. Rather, it will amend 40 CFR part 1065, which contains laboratory specifications for equipment and test fuels, instructions for preparing engines and running tests, calculations for determining final emission levels from measured values, and instructions for running emission tests using portable measurement devices outside the laboratory. This action is needed because EPA has historically drafted a full set of testing specifications for each vehicle or engine category subject to emission standards as each program was developed over the past three decades. This patchwork approach has led to some variation in test parameters across programs, which we hope to address by adopting a common set of test requirements. The primary goal of this effort is to create unified testing requirements for all engines, which when implemented will streamline laboratory efforts for EPA and industry. This action will also include other technical changes intended to clarify and better define requirements, which in some cases will increase manufacturers' flexibility and decrease burden.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4883.

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4408
Email: passavant.glenn@epamail.epa.gov

RIN: 2060–AM35

3133. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The final rule was published on November 10, 2003. Several parties petitioned the rule and this action will address issues raised by the petitioners.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 4891.

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919–541–5402
Email: mcdonald.randy@epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AM43

3134. • FLEXIBLE AIR PERMIT RULE

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title V

CFR Citation: 40 CFR 70

Legal Deadline: None

Abstract: EPA is conducting a flexible permits rulemaking based on what it has learned from its experiences with flexible permitting over the past decade. The term ''flexible permit'' is used to describe air permits with conditions designed to reduce the administrative ''friction''—costs, time, delay, uncertainty, and risk—experienced by sources and permitting authorities when implementing a permit or making changes under the permit. This is accomplished by allowing a source to make certain types of advanced approved changes (e.g., modifications to a source's method of operation, equipment, raw materials, emission factors, monitoring parameters, and/or the addition of new equipment capacity) without requiring additional permitting or approval, provided the source meets certain criteria outlined in its operating and relevant construction permits. Such criteria might include the maintenance of plant-wide emissions levels below enforceable caps and application of certain control approaches. Over thepast decade, the EPA and State and local permitting authorities have piloted specific permitting techniques and tools to accomplish advance-approval for certain types of changes that might take place over the course of a permit term. While chosen solutions will depend on individual State permitting rules and requirements, such techniques typically include: descriptions of advance-approved changes or categories of changes in the permit; procedures for testing pollution control device performanceand updating emission factors or parameter values without requiring the permit to be amended or reopened; elimination of redundant requirements by applying the most stringent applicable requirement; provisions to explicitly encourage pollution prevention; and one or more emission caps to safeguard relevant ambient standards and increments.

Flexible permitting has the potential to benefit a wide variety of types of facilities that are regulated under the Clean Air Act's title V operating permits program. Among the benefits flexible permits are anticipated to provide are: improved knowledge of a facility's emissions for the entire site and of its compliance status; improved public understanding of a facility's activities over an extended period, (each proposed advance approval must describe the type and magnitude of the potential emissions increases that can occur); a better perspective of the type and amount of planned growth at a facility, at a time when public comment can influence the direction of the proposed changes; increased environmental protection from the use of emission caps, which limit future emissions increases and, in some cases, reduce overall emissions; and increased use of better add-on control devices and/or pollution prevention practices, which allow industry flexibility to adjust their processes as necessary to remain under an emissions cap.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4885.

Agency Contact: Chad Carbone, Environmental Protection Agency, Air and Radiation, 1807 T, Washington, DC 20460
Phone: 202–566–2178
Fax: 202 566–2211
Email: carbone.chad@epamail.epa.gov

Anna Wood, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460
Phone: 202–564–1664
Fax: 202 564–1554
Email: wood.anna@epamail.epa.gov

RIN: 2060–AM45

3135. • NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR ARCHITECTURAL COATINGS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 59 subpart D

Legal Deadline: None

Abstract: This action would amend the national volatile organic compound emission standards for architectural coatings by adding new coating categories for certain coating chemistries which did not exist when the original rule was promulgated. We are reviewing new data from one architectural coating manufacturer and

after this review, we will determine if these amendments are necessary.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4905.

Agency Contact: David Salman, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919 541–0859
Fax: 919 541–5689
Email: salman.dave@epa.gov

Elaine Manning, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919–541–5499
Fax: 919 541–5689
Email: manning.elaine@epa.gov

RIN: 2060–AM47

3136. • CONTROL OF ULTRA LOW SULFUR DIESEL FUEL LUBRICITY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action proposes to establish a new lubricity quality requirement for ultra low sulfur diesel fuel used in diesel engines. This requirement will seek to eliminate the incidence of emissions non-compliance due to premature wear of fuel injection equipment caused by inadequate fuel lubricity levels.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
FRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4899.

Agency Contact: Chris Laroo, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4937
Fax: 734 214–4055
Email: laroo.chris@epamail.epa.gov

RIN: 2060–AM48

3137. • PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: None

Legal Deadline: None

Abstract: EPA is amending the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants: EPA is amending the rule on refrigerant recycling, promulgated under section 608 of the Clean Air Act, to clarify how the requirements of section 608 extend to refrigerant recovery and/or recycling equipment intended for use with substitutes for CFC and HCFC refrigerants.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4916.

Agency Contact: Nancy Smagin, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9126
Fax: 202 343–2338
Email: smagin.nancy@epamail.epa.gov

RIN: 2060–AM49

3138. • PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2005

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82.4(n)

Legal Deadline: None

Abstract: This rule will allocate essential use allowance for import and production of class I stratospheric ozone depleting substances (ODSs) for calendar year 2005. Essential use allowances enable a person to obtain controlled class I ODSs as an exemption to the regulatory ban on production and import of these chemicals, which became effective on January 1, 1996. EPA allocates essential use allowances for exempted production or import of a specific quantity of class I ODSs solely for use in medically essential asthma inhalers.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4893.

Agency Contact: Scott Monroe, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9712
Fax: 202 343–2338
Email: monroe.scott@epamail.epa.gov

RIN: 2060–AM50

3139. • PROTECTION OF STRATOSPHERIC OZONE: MODIFICATIONS TO THE TECHNICIAN CERTIFICATION REQUIREMENTS UNDER SECTION 608 OF THE CLEAN AIR ACT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414, 7601, 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA is amending appendix D to subpart F of 40 CFR part 82-Standards for Becoming a Certifying Program for Technicians. The Refrigerant Recycling Regulations governing standards for certifying programs for technicians were promulgated under section 608 of the Clean Air Act Amendments of 1990 (May 1994; 59 FR 28660). These regulations were amended in November 9, 1994 (59 FR 559120) to clarify the scope of the technician certification requirements and to provide a limited exemption from certification requirements for apprentices. Today's

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amendment to the regulation will provide specific requirements for programs applying to become certifying organizations, will specify reporting and recordkeeping requirements in order to enhance implementation of the program, and will define other administrative components of the program to improve accountability.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4901.

Agency Contact: Nancy Smagin, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9126
Fax: 202 343–2338
Email: smagin.nancy@epamail.epa.gov

RIN: 2060–AM55

3140. • PROTECTION OF STRATOSPHERIC OZONE: EXTENSION OF THE LABORATORY AND ANALYTICAL USE EXEMPTION FOR ESSENTIAL CLASS I OZONE DEPLETING SUBSTANCES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule extends the period of applicability of an existing exemption to the ban on import and production of class I ozone depleting substances (ODSs), authorized by the Montreal Protocol on Substances that Deplete the Ozone Layer and consistent with the Clean Air Act Amendments. The exemption applies to production and import of ODSs for essential laboratory and analytical uses as defined by the Montreal Protocol. The Montreal Protocol has permitted this exemption since 1994. At the 2003 Meeting of the Parties, the Parties took Decision XV/8, which extended the period of the exemption through December 31, 2007. EPA is updating its regulations to incorporate Decision XV/8. The rule also proposes to make typographical changes to its regulations for the essential use program. Earlier rules published by EPA shifted the paragraph order but did not update all of the references to deleted paragraphs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4894.

Agency Contact: Scott Monroe, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9712
Fax: 202 343–2338
Email: monroe.scott@epamail.epa.gov

RIN: 2060–AM56

Environmental Protection Agency (EPA) — Final Rule Stage

Clean Air Act (CAA)

3141. SOURCE–SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 49 CFR 123

Legal Deadline: None

Abstract: EPA proposes to federalize standards from the Arizona and New Mexico State Implementation Plans (SIPS) applicable to the Navajo generating station. Where necessary, EPA's proposed emission standards modify the standards extracted from the States' regulatory programs to ensure comprehensive emission control and Federal consistency.

Timetable:

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48725
Notice	01/26/00	65 FR 4244
Reproposal	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4315. Formerly listed as RIN 2060-AI79

Agency Contact: Doug McDaniel, Environmental Protection Agency, Regional Office San Francisco, AIR5, Washington, DC 20460
Phone: 415–947–4106
Fax: 415–947–3579
Email: mcdaniel.doug@epamail.epa.gov

Colleen McKaughan, Environmental Protection Agency, Regional Office San Francisco, AIR1, Washington, DC 20460
Phone: 520–498–0118
Fax: 520–498–1333
Email: mckaughan.colleen@epamail.epa.gov

RIN: 2009–AA00

3142. SOURCE–SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; FOUR CORNERS POWER PLANT

Priority: Other Significant

Legal Authority: 42 USC 1740

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA proposes to federalize standards from the Arizona and New Mexico State Implementation Plans (SIPS) applicable to the Four Corners Plant, respectively. Where necessary, EPA's proposed emission standards modify the standards extracted from the States' regulatory programs to ensure comprehensive emission control and Federal consistency.

Timetable:

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48731
Reproposal	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN 3569. NPRM- http://www.epa.gov/fedrgstr/EPA-; AIR/1999/September/Day-08 /a23277.htm.; Formerly listed as RIN 2060-AF42

Agency Contact: Doug McDaniel, Environmental Protection Agency, Regional Office San Francisco, AIR5, Washington, DC 20460
Phone: 415–947–4106
Fax: 415–947–3579
Email: mcdaniel.doug@epamail.epa.gov

Colleen McKaughan, Environmental Protection Agency, Regional Office San Francisco, AIR1, Washington, DC 20460
Phone: 520–498–0118
Fax: 520–498–1333
Email: mckaughan.colleen@epamail.epa.gov

RIN: 2009–AA01

3143. AMENDMENT TO SUBPARTS H AND I FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: PL 95–95; ''CAAA 112(g) or (q)''

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: Subparts H and I of 40 CFR Part 61 establish standards under the Clean Air Act for emissions of radionuclides other than radon from Department of Energy (DOE) and other non-DOE federal facilities. Under subparts H and I, regulated entities currently determine compliance with the emission standards by utilizing the approved computer models CAP88 and AIRDOS-PC or any other procedures for which EPA has granted prior approval. Since promulgation of Subparts H and I, EPA has developed an additional model, GENII-NESHAPS, which is suitable for regulated entities to use to determine compliance, in addition to the currently-approved models mentioned above. The model was developed to incorporate the internal dosimetry models recommended by the International Commission on Radiological Protection (ICRP) and the radiological risk estimating procedures of Federal Guidance Report 13 into updated versions of existing environmental pathway analysis models. The model was developed under the direction of OAR's Office of Radiation and Indoor Air, in consultation with OAR's Office of Air Quality Planning and Standards (OAQPS). Also, GENII-NESHAPs has undergone Science Advisory Board (SAB) review. In this direct final rule, EPA is updating Subparts H and I to include GENII-NESHAPS as an approved compliance model.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN 4768.

Agency Contact: Eleanord Thornton, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202–343–9773
Fax: 202 343–2065
Email: thornton.eleanord@epamail.epa.gov

RIN: 2060–AK81

3144. REVISION TO THE GUIDELINE ON AIR QUALITY MODELS (APPENDIX W TO 40 CFR PART 51): ADOPTION OF A PREFERRED GENERAL PURPOSE (FLAT AND COMPLEX TERRAIN) DISPERSION MODEL AND OTHER REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410 ''CAAA 110(a)(2)''; ''CAAA 165(e)''; ''CAAA 172(a)''; ''CAAA 172(c)''; 42 USC 7601 ''CAAA 301(a)(1)''; ''CAAA 320''

CFR Citation: 40 CFR 51.112; 40 CFR 51.160; 40 CFR 51.166; 40 CFR 52.21

Legal Deadline: None

Abstract: This action would revise the Guideline on Air Quality Models, published as appendix W to 40 CFR part 51. The Guideline provides EPA-recommended models for use in predicting ambient concentrations of pollutants for programs ranging from Prevention of Significant Deterioration (PSD) to State Implementation Plans (SIPs) for controlling air pollution sources. The Guideline fulfills a Clean Air Act mandate for EPA to specify models for air management purposes. This revision would enhance the Guideline by incorporating a new, general-purpose dispersion model called AERMOD, which would replace the existing Industrial Source Complex (ISC3) model in many air-quality assessments, including those involving complex terrain. An earlier version of the AERMOD revision was previously proposed (65 FR 21505, 4/21/2000; see SAN 3470), but not promulgated. We are re-proposing it to reflect changes made in response to public comment we received on the April 2000 proposal.

Timetable:

Action	Date	FR Cite
NPRM	04/21/00	65 FR 21505
Notice of Data Availability	09/08/03	68 FR 52934
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 3470.1.

Split from RIN 2060-AF01.

Agency Contact: Tom Coulter, Environmental Protection Agency, Air and Radiation, C302–02, Research Triangle Park, NC 27711
Phone: 919–541–0832
Email: coulter.tom@epamail.epa.gov

Mark Evangelista, Environmental Protection Agency, Air and Radiation, D243, Research Triangle Park, NC 27711
Phone: 919–541–2803
Email: evangelista.mark@epamail.epa.gov

RIN: 2060–AK60

3145. NESHAP: RECIPROCATING INTERNAL COMBUSTION ENGINE

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 42 USC 7412 ''CAA 112''; PL 101–549

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 2000, –.
Final, Judicial, February 27, 2004, consent decree.

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Abstract: The stationary reciprocating internal combustion engine source category is listed as a major source of hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). A major source is one which emits more than 10 tons/yr of one HAP or more than 25 tons/yr of a combination of 189 HAPs. The reciprocating internal combustion engine (RICE) MACT was published in the Federal Register on December 19, 2002. A public hearing was held on January 21, 2003 and the public comment period closed on February 18, 2003. Comments and data received during the comment period are being evaluated. The anticipated date of the final RICE rule being signed by the Administrator is February 27, 2004.

Timetable:

Action	Date	FR Cite
NPRM	12/19/02	67 FR 77830
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State, Local

Additional Information: SAN 3656.

Agency Contact: Sims Roy, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919–541–5263
Fax: 919 541–5450
Email: roy.sims@epamail.epa.gov

RobertJ Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AG63

3146. NESHAP: INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL BOILERS AND PROCESS HEATERS

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 2000, –. Final, Judicial, February 27, 2004, consent decree.

Abstract: The Clean Air Act, as amended in 1990, requires EPA to develop emission standards for sources of hazardous air pollutants (HAPs). Industrial boilers, institutional/commercial boilers and process heaters are among the potential source categories to be regulated under section 112 of the CAA. Emissions of HAPs will be addressed by this rulemaking for both new and existing sources. EPA promulgated an NSPS for these source categories in 1987 and 1990. The standards for the NESHAP are to be technology-based and are to require the maximum achievable control technology (MACT) as described in section 112 of the CAA.

Timetable:

Action	Date	FR Cite
NPRM	01/13/03	68 FR 1660
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local

Additional Information: SAN 3837.

Agency Contact: Jim Eddinger, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–5426
Fax: 919 541–5450
Email: eddinger.jim@epamail.epa.gov

Bill Maxwell, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–5430
Fax: 919 541–5450
Email: maxwell.bill@epamail.epa.gov

RIN: 2060–AG69

3147. PROT. OF STRAT. OZONE: UPDATE OF THE SUBSTITUTES LIST UNDER (SNAP) PROGRAM

Priority: Other Significant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671(k) ''CAA 612''

CFR Citation: 40 CFR 82; 40 CFR 9

Legal Deadline: None

Abstract: Section 612 of the Clean Air Act requires EPA to identify alternatives to Class I and II ozone depleting substances and to publish lists of acceptable and unacceptable substitutes. Producers of substitutes must notify EPA at least 90 days before alternatives are introduced into interstate commerce. Unlike acceptable alternatives (see Notices), substitutes which are deemed by EPA to be unacceptable or acceptable subject to use restrictions must go through notice and comment rulemaking. Substitute lists are updated intermittently depending on the volume of notifications.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/92	57 FR 1984
NPRM	05/12/93	58 FR 28094
Final	03/18/94	59 FR 13044
Notice 1	08/26/94	59 FR 44240
NPRM 1	09/26/94	59 FR 49108
Notice 2	01/13/95	60 FR 3318
Final 1	06/13/95	60 FR 31092
Notice 3	07/28/95	60 FR 38729
Notice of Prop Settlement	09/22/95	60 FR 49275
Notice: Denial 1	09/25/95	60 FR 49407
NPRM 2	10/02/95	60 FR 51383
Notice 4	02/08/96	61 FR 4736
Final 2	05/22/96	61 FR 25585
NPRM 3	05/22/96	61 FR 25604
Notice: Denial 2	09/03/96	61 FR 51018
Notice 5	09/05/96	61 FR 47012
Final 3	10/16/96	61 FR 54030
Notice 6	03/10/97	62 FR 10700
NPRM 4	05/21/97	62 FR 27874
Notice 7	06/03/97	62 FR 30275
NPRM 5	02/03/98	63 FR 5491
Notice 8	02/24/98	63 FR 9151
Notice 9	05/22/98	63 FR 28251
Notice: denial 3	01/21/99	64 FR 3272
Interim Final 7	01/26/99	64 FR 3861
Interim Final 8	01/26/99	64 FR 3865
ANPRM 12	02/18/99	64 FR 8043
NPRM 6	02/18/99	64 FR 8038
Final 5	03/03/99	64 FR 10373
ANPRM 12: Correct.	03/25/99	64 FR 14417
NPRM 6: Correct	03/25/99	64 FR 14417
Final 4	04/28/99	64 FR 22981
Notice 10	06/08/99	64 FR 30410
Notice 11	12/06/99	64 FR 68039
Notice 12	04/11/00	65 FR 19327
Final 6	04/26/00	65 FR 24387
Notice 13	06/19/00	65 FR 37900
NPRM 10 Foams	07/11/00	65 FR 42653
Notice 14	12/18/00	65 FR 78977
Correction Notice 14	03/07/01	66 FR 13655
NODA rule 10 foams	05/23/01	66 FR 28408
Notic 15	05/23/01	66 FR 28179
NPRM 9 Rescind Rule	01/29/02	67 FR 4222
Notice 16	03/22/02	67 FR 13272
Final 10 Foams	07/22/02	67 FR 47703
Notice 17	12/20/02	67 FR 77927
Notice 17 Corr	04/07/03	68 FR 16728

Action	Date	FR Cite
Notice 18	08/21/03	68 FR 50533
NODA for rule 10 Foams (HCFC–141b)	03/10/04	69 FR 11358
Final 10 Foams (HCFC–141b)	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3525.

Agency Contact: Margaret Sheppard, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9163
Fax: 202 343–2338
Email: sheppard.margaret@epamail.epa.gov

Jeff Cohen, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9005
Fax: 202–565–2095
Email: cohen.jeff@epamail.epa.gov

RIN: 2060–AG12

3148. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS – EXCLUSION OF 4 COMPOUNDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7407(d)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This is a deregulatory action to exclude four compounds from the list of volatile organic compounds (VOCs) on the basis that these compounds make a negligible contribution to tropospheric ozone formation. These four compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3; 3-ethoxy-,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (known as HFE-7500, HFE-s702, T-7145, and L-15381); 1,1,1,2,3,3,3-heptafluoropropane (known as HFC 227ea); and methyl formate (HCOOCH3). These compounds have potential for use as refrigerants, fire suppressants, aerosol propellants, sterilants, blowing agents (used in the manufacture of foamed plastic), and solvents. This action will remove the necessity to control these four compounds as VOCs in State Implementation Plans for attaining the ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	09/03/03	68 FR 52373
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4683.

Sectors Affected: 325 Chemical Manufacturing

Agency Contact: Dave Sanders, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–3356
Fax: 919 541–0824
Email: sanders.dave@epamail.epa.gov

William L. Johnson, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919 541–5245
Fax: 919 541–0824
Email: johnson.williaml@epamail.epa.gov

RIN: 2060–AK37

3149. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS—ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401(b)(1); 42 USC 7410; 42 USC 7470 to 7479; 42 USC 7501 to 7508; 42 USC 7601(a)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This rulemaking adds Test Methods 203A, 203B, and 203C to 40 CFR part 51, appendix M (entitled Example Test Methods for State Implementation Plans). These methods describe procedures for estimating the opacity of visible emissions. States have requested that EPA promulgate these methods so that they can use them in State Implementation Plans in enforcing visible emissions regulations from Stationary Sources.

Timetable:

Action	Date	FR Cite
NPRM	11/22/93	58 FR 61639
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 2915.

Agency Contact: Solomon Ricks, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919–541–5242
Fax: 919 541–1039
Email: ricks.solomon@epamail.epa.gov

Fred Thompson, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919–541–2707
Email: thompson.fred@epamail.epa.gov

RIN: 2060–AF83

3150. ADDITION OF METHOD 207 TO APPENDIX M OF 40 CFR PART 51 METHOD FOR MEASURING ISOCYANATES IN STATIONARY SOURCE EMISSIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: The Clean Air Act Amendments of 1990 listed certain isocyanate compounds as hazardous air pollutants (HAPs). The Agency does not have any published test methods that would measure air emissions of these isocyanate compounds from stationary sources. This action would add a validated test method to measure isocyanate emissions to appendix M of part 51. Test methods in part 51 can be adopted by any State for use in any regulation that requires the measurement of any of the isocyanate compounds on the HAP list. This action would not impose any new regulatory requirements that do not already exist. It should benefit State governments by providing them with a validated test procedure for measuring the emissions of isocyanate compounds.

Timetable:

Action	Date	FR Cite
NPRM	12/08/97	62 FR 64532
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3900.

Agency Contact: Gary McAlister, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919–541–1062
Fax: 919 541–1039
Email: mcalister.gary@epamail.epa.gov

Fred Thompson, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919–541–2707
Email: thompson.fred@epamail.epa.gov

RIN: 2060–AG88

3151. CLEAN AIR OZONE IMPLEMENTATION RULE (PART 1 AND 2)

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 42 USC 7408; 42 USC 7410; 42 USC 7501–7511f; 42 USC 7601(a)(1)

CFR Citation: 40 CFR 51; 40 CFR 50; 40 CFR 81

Legal Deadline: None

Abstract: This rule would provide specific requirements for State and local air pollution control agencies and Tribes to prepare State implementation plans (SIPs) and Tribal Implementation Plans (TIPs) under the 8-hour national ambient air quality standard (NAAQS) for ozone, published by EPA on July 18, 1997. The Clean Air Act (CAA) requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards. The 1997 standards were challenged in court, but in February 2001, the Supreme Court determined that EPA has authority to implement a revised ozone standard, but ruled that EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard. The Supreme Court identified conflicts between different parts of the CAA related to implementation of a revised NAAQS, provided some direction to EPA for resolving the conflicts, and left it to EPA to develop a reasonable approach for implementation. Thus, this rulemaking must address the requirements of the CAA and the Supreme Court's ruling. This rule would provide detailed provisions to address the CAA requirements for SIPs and TIPs and would thus affect States and Tribes. States with areas that are not attaining the 8-hour ozone NAAQS will have to develop — as part of their SIPs — emission limits and other requirements to attain the NAAQS within the timeframes set forth in the CAA. Tribal lands that are not attaining the 8-hour ozone standard may be affected, and could voluntarily submit a TIP, but would not be required to submit a TIP. In cases where a TIP is not submitted, EPA would have the responsibility for planning in those areas.

Timetable:

Action	Date	FR Cite
NPRM	06/02/03	68 FR 32802
Final Action (Phase 1)	04/30/04	69 FR 23951
Final Action (Phase 2)	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal

Additional Information: SAN 4625.

Agency Contact: John Silvasi, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, NC 27711
Phone: 919–541–5666
Fax: 919 541–0824
Email: silvasi.john@epamail.epa.gov

Denise Gerth, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, NC 27711
Phone: 919–541–5550
Fax: 919 541–0824
Email: gerth.denise@epamail.epa.gov

RIN: 2060–AJ99

3152. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (40 CFR PART 60, APPENDIX F, PROCEDURE 3)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, June 15, 2001, –.

Abstract: This rulemaking proposes to add a method, Method 203, for the measurement of opacity from stationary sources, to appendix M (Example Test Methods for State Implementation Plans) in 40 CFR part 51. This action provides States with an instrumental test method which can be used in determining, on a continuous basis, compliance with stationary source opacity emission limitations.

Timetable:

Action	Date	FR Cite
NPRM	10/07/92	57 FR 46114
Supplemental NPRM	05/08/03	68 FR 24692
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3958.

Agency Contact: Solomon Ricks, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919–541–5242
Fax: 919 541–1039
Email: ricks.solomon@epamail.epa.gov

Fred Thompson, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919–541–2707
Email: thompson.fred@epamail.epa.gov

RIN: 2060–AH23

3153. ELECTRIC ARC FURNACE NSPS AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60.270 to 60.276a

Legal Deadline: None

Abstract: Sources affected by the NSPS for electric arc furnaces (Subparts AA, and AAa) have expressed concerns with the requirements in the NSPS to use a continuous opacity monitor (COM) to monitor opacity and report periods when the COM indicated greater than 3 percent opacity as periods of excess emissions, and have petitioned the EPA to reconsider the COM requirements. These concerns arise from recent information that indicate that COM readings may have an error of up to 4 percent, which in itself isgreater than the 3 percent excess emissions threshold. The EPA is reconsidering the COM requirements, and may amend the NSPS to add alternative monitoring requirements.

EPA—Clean Air Act (CAA) — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/16/02	67 FR 64014
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4555.

Agency Contact: Kevin Cavender, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27711
Phone: 919–541–2364
Fax: 919 541–5450
Email: cavender.kevin@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AJ68

3154. REVISION OF COMBUSTION TURBINES NSPS—PART 60, SUBPART GG

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 60 (Revision)

Legal Deadline: None

Abstract: The NSPS for Combustion Turbines has not been revised since 1980. Revisions are needed to reduce the burden on EPA and State/Local agencies, of approving, on a case by case basis, alternate testing and monitoring protocols due to advances in emission control technologies. The revisions are also intended to bring consistency between the monitoring and testing requirements in the Combustion Turbines NSPS (Part 60) and the Acid Rain Program (Part 75) so that the same data can be used to comply with both regulations.

Timetable:

Action	Date	FR Cite
Direct Final Action	04/14/03	68 FR 18003
DF Withdrawn	05/28/03	68 FR 31611
Final Action Amendments	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN 4681.

Sectors Affected: 211111 Crude Petroleum and Natural Gas Extraction; 2211 Electric Power Generation, Transmission and Distribution; 211112 Natural Gas Liquid Extraction; 221 Utilities

Agency Contact: Jaime Pagan, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–5340
Fax: 919 541–5450
Email: pagan.jaime@epamail.epa.gov

Sims Roy, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919–541–5263
Fax: 919 541–5450
Email: roy.sims@epamail.epa.gov

RIN: 2060–AK35

3155. UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR Part 60

Legal Deadline: None

Abstract: Methods 3A, 6C, 7E, 10, and 20 of 40 CFR Part 60, Appendix A are instrumental methods that are being revised to make their performance criteria consistent. Analyzer calibration error tests and sampling system bias tests now required in Methods 3A, 6C, and 7E are being added to Methods 10 and 20. Inconsistent acceptance criteria for other performance tests and calibration gas quality are also being made uniform. Performance criteria currently determined based on the instrument span is being revised to an emission limit basis. This change will fix the acceptance limits for all source tests on the applicable emission limit and not on a span value that sources have some discretion in choosing. These revisions were proposed on August 27, 1997 in an announcement entitled ''Amendments for Testing and Monitoring Provisions.'' They were considered not significant at that time. The public did not feel that the preamble to the rule provided adequate notice of the changes being made to themethods. The commenters requested a reproposal of these revision to the instrumental methods to allow for adequate public review. Methods 7F and 7G are new methods that measure nitrogen oxides electrochemically. These methods are being proposed in response to requests made by vendors/sources. These methods will add flexibility to the testing provisions currently in place and will not add requirements or affect the stringency of the underlying emission standards.

Timetable:

Action	Date	FR Cite
NPRM	10/10/03	68 FR 58838
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4161.

Agency Contact: Foston Curtis, Environmental Protection Agency, Air and Radiation, 1806A, Research Triangle Park, NC 27711
Phone: 919–541–1063
Fax: 202–564–7299
Email: curtis.foston@epamail.epa.gov

RIN: 2060–AK61

3156. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 42 USC 7412(d)

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 15, 2000, –.
Final, Judicial, February 27, 2004, consent decree.

Abstract: This project is to develop national emission standards for hazardous air pollutants (NESHAP) by establishing maximum achievable control technology (MACT) for facilities manufacturing wood panels and engineered wood products. MACT standards are under development to reduce the release of hazardous air pollutants (HAP) from all industries to protect the public health and environment. Emissions of HAP from this industry have been associated with, but are not limited to, the drying of wood and binders. This rule is anticipated to apply to the manufacture of products involving wood and some

kind of binder or bonding agent. This project may include, but is not limited to, facilities that manufacture hardboard, oriented strandboard (OSB), medium density fiberboard (MDF), particleboard, hardwood and softwood plywood, glue-laminated lumber, laminated veneer lumber, and engineered wood products. The source category may also include lumber drying kilns at sawmills. The project may also include some coatings operations. The name of the source category was formerly Plywood and Particleboard MACT.

Timetable:

Action	Date	FR Cite
NPRM	01/09/03	68 FR 1276
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3820.

Sectors Affected: 32121 Veneer, Plywood, and Engineered Wood Product Manufacturing

Agency Contact: Mary Kissell, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27711
Phone: 919–541–4516
Fax: 919 541–0246
Email: kissell.mary@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AG52

3157. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This final amendment will also allow hard chromium electroplating facilities using fume suppressants for emission control to meet a surface tension limit similar to the requirements for decorative chromium electroplating and chromium anodizing facilities instead of the present requirement to meet an emission limit. Facilities choosing to use fume suppressants for emission control would be required to monitor the surface tension at the same frequency currently required for decorative chromium and chromium anodizing tanks and demonstrate compliance with the surface tension operating limit. Like decorative chromium electroplating and chromium anodizing facilities, hard chromium electroplating facilities would now be allowed to monitor surface tension to demonstrate compliance in lieu of performance testing.

Timetable:

Action	Date	FR Cite
NPRM	06/05/02	67 FR 38810
Final Rule Amendments	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4115.

Sectors Affected: 332813 Electroplating, Plating, Polishing, Anodizing and Coloring

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, MD–C439–02, Washington, DC 20460
Phone: 919–541–5289
Fax: 919 541–5450
Email: mulrine.phil@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AH69

3158. NESHAP: ASPHALT/COAL TAR APPLICATION ON METAL PIPES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Statutory, November 15, 2000, –.

Abstract: The Clean Air Act (CAA), as amended in 1990, requires the EPA to (1) publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in section 112(b) of the CAA, (2) promulgate a schedule establishing a date for the promulgation of emission standards for each of the listed categories of HAPs emission sources, and (3) develop emission standards for each source of HAPs. These standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the application of asphalt or coal tar to metal pipes may reasonably be anticipated to emit several of the 189 HAPs listed in section 112(b) of the CAA. As a consequence, a regulatory development program is being pursued for the asphalt/coal tar application on metal pipes industry to promulgate emission standards.

Timetable:

Action	Date	FR Cite
NPRM	08/13/02	67 FR 52780
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4107. This action will be covered under Misc. Metal Parts & Products, SAN 3825, RIN 2060-AG56

Sectors Affected: 332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers

Agency Contact: Kim Teal, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919–541–5580
Fax: 919 541–5689
Email: teal.kim@epamail.epa.gov

RIN: 2060–AH78

3159. PETITIONS TO DELIST HAZARDOUS AIR POLLUTANTS: MEK

Priority: Substantive, Nonsignificant

Legal Authority: ''Clean Air Act Section 112(b)(3)''

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Statutory, February 28, 2000.

Abstract: The Agency has received a petition to remove methyl ethyl ketone (MEK) from the list of hazardous air pollutants (HAPs) under Section 112(b)

of the Clean Air Act. The Agency must review the petitions and either grant or deny the petition within 18 months of the date the complete petition was received. If the Agency grants a petition, a notice of proposed rulemaking will be published in the Federal Register, allowing the opportunity for public comment. If the Agency denies a petition, a notice of denial will be published in the Federal Register providing an explanation for such denial. If the Agency grants a petition and ultimately removes the pollutant from the HAP list then sources emitting such pollutants would not be required to meet MACT emissions standards for the pollutant. If on the other hand, the Agency denies the petition, then MACT standards would be issued as currently planned under Section 112(c) and 112(d) of the Clean Air Act for sources emitting such pollutants. Depending on the 4 individual determinations, the Agency will issue separate notices for each.

Timetable:

Action	Date	FR Cite
NPRM	05/30/03	68 FR 32606
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4313.

Agency Contact: Kelly Rimer, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–2962
Fax: 919 541–0840
Email: rimer.kelly@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AI72

3160. ELECTRIC UTILITY STEAM GENERATING UNIT MACT REGULATION

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, December 15, 2003, –.
Final, Judicial, December 15, 2004, –.

Abstract: On January 30, 2004, the EPA proposed alternative approaches to regulating mercury emissions from coal-fired electric utility steam generating units and nickel emissions from oil-fired electric utility steam generating units.

Timetable:

Action	Date	FR Cite
NPRM	01/30/04	69 FR 4754
Supplemental NPRM	03/16/04	69 FR 12298
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4571.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

Agency Contact: RobertJ Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

Bill Maxwell, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–5430
Fax: 919 541–5450
Email: maxwell.bill@epamail.epa.gov

RIN: 2060–AJ65

3161. NESHAP: SOLVENT EXTRACTION FOR VEGETABLE OIL: AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On April 12, 2001, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for solvent extraction of vegetable oil. This amendment will consider adjustments to that NESHAP in light of information gained since its promulgation.

Timetable:

Action	Date	FR Cite
Direct Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4672. Split from RIN 2060-AH22.

Sectors Affected: 311225 Fats and Oils Refining and Blending; 311223 Other Oilseed Processing; 311222 Soybean Processing

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, C439–04, Washington, DC 20460
Phone: 919–541–3078
Fax: 919 541–0246
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK32

3162. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412 ''CAA 112''

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This action proposes to amend the Hazardous Organic NESHAP to allow vapor balancing as a control option for storage vessels.

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4712.

Agency Contact: Mark Morris, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5416

Fax: 919 541–0840
Email: morris.mark@epamail.epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AK49

3163. NESHAP FOR PRIMARY ALUMINUM REDUCTION PLANTS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The NESHAP for Primary Aluminum Reduction Plants was promulgated in 1997 (40 CFR Part 63, Subpart LL). The amendments described here would revise the emission limit for polycyclic organic matter applicable to one subcategory of source based on newly available data more representative of performance from the top five performing sources. The proposed amendments would also clarify language on compliance dates and add specific provisions for startup of new or reconstructed affected sources and affected sources that restart after being idled for long periods of time. More time would be allowed due to the nature of the process operation, depending on the type of source. No additional costs or information collection requirements would be incurred as a result of the amendments. There also are no significant policy issues. State agency and industry representatives concur with the changes, which will improve implementation of the 1997 rule.

Timetable:

Action	Date	FR Cite
NPRM	03/17/03	68 FR 12645
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4713.

Agency Contact: Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK50

3164. NESHAP FOR PETROLEUM REFINERIES: CATALYTIC CRACKING UNITS, CATALYTIC REFORMING UNITS, AND SULFUR RECOVERY UNITS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The NESHAP for Petroleum Refineries is an existing rulemaking (40 CFR Part 63, Subpart UUU) to control hazardous air pollutant emissions from equipment in the petroleum refining industry. This rulemaking will amend the Petroleum Refinery NESHAP to incorporate additional compliance options for catalytic reforming units at refineries. Clarifying language and missing tables will also be added. This action will not increase costs or change the emission reductions expected for this rule.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4714.

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, C439–03, Washington, DC 20460
Phone: 919–541–0884
Fax: 919–541–0246
Email: lucas.bob@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK51

3165. NESHAP: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.2; 40 CFR 63.17

Legal Deadline: None

Abstract: We are proposing amendments to the Part 63 General Provisions that would allow facilities that are subject to a maximum achievable control technology (MACT) Subpart to discontinue unnecessary requirements if, through pollution prevention measures, they achieve and can demonstrate continued hazardous air pollutant (HAP) emission reductions equivalent to or better than the MACT level of control. We are proposing these amendments to encourage and promote pollution prevention, which is our strategyof first choice in reducing HAP emissions. We expect these amendments to result in no additional burden for sources and air pollution control agencies. This effort is the product of discussions with State and local air pollution control officials. There also are no significant policy issues.

Timetable:

Action	Date	FR Cite
Proposed Amdmt	05/15/03	68 FR 26249
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4719.

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, C504–05, Washington, DC 20460
Phone: 919–541–5262
Email: colyer.rick@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK54

3166. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY COMBUSTION TURBINES—PETITION TO DELIST

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: Other, Statutory, 12 months from the date of the receipt of the last information completing the petition.

Abstract: The Agency has received a petition to remove the Gas Turbines source category from the list of hazardous air pollutant sources under Section 112(c) of the Clean Air Act. The Agency must review the petition and either grant or deny the petition within 12 months of the date the complete petition is received. If the Agency grants the petition, a notice of proposed rulemaking will be published in the FR, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the FR providing an explanation of the denial.

Timetable:

Action	Date	FR Cite
NPRM — Delisting	04/07/04	69 FR 18338
NPRM–Stay	04/07/04	69 FR 18327
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4751.

Sectors Affected: 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing; 221112 Fossil Fuel Electric Power Generation

Agency Contact: Kelly Rimer, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–2962
Fax: 919 541–0840
Email: rimer.kelly@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AK73

3167. NESHAP: ETHYLENE PROCESSES; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 subparts XX and YY

Legal Deadline: None

Abstract: The Ethylene Production NESHAP was promulgated on Friday, July 12, 2002 (67 FR 46258) without petition for judicial review. However, we did receive a letter from the affected industry association requesting that we consider certain technical corrections. Following review of this request, we believe some changes to the final rule are necessary for clarity and consistency. This correction requires an action in the form of a direct final rule which will contain rule changes, technical amendments and clarifications.

Timetable:

Action	Date	FR Cite
Direct Final Rule	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4763.

Agency Contact: Warren Johnson, Environmental Protection Agency, Air and Radiation, C504–04, Washington, DC 20460
Phone: 919–541–5124
Fax: 919 541–3470
Email: johnson.warren@epamail.epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AK80

3168. RULEMAKING ON SECTION 126 PETITIONS FROM NEW YORK AND CONNECTICUT REGARDING SOURCES IN MICHIGAN; REVISION OF DEFINITION OF APPLICABLE REQUIREMENT FOR TITLE V OPERATING PERMIT PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7426

CFR Citation: 40 CFR 52; 40 CFR 75; 40 CFR 97

Legal Deadline: None

Abstract: The EPA is proposing to revise the Section 126 Rule in light of the March 3, 2000 court decision on the NOx SIP Call. The court vacated, and remanded to EPA for further consideration, the inclusion of Georgia and Missouri in the NOx SIP Call in light of the Ozone Transport Assessment Group conclusions that emissions from coarse grid portions of States did not merit controls. The reasoning of the Court regarding the significance of NOx emissions from sources in Georgia and Missouri calls into question the inclusion of the coarse grid portion of Michigan in the NOx SIP Call. In a separate proposal, EPA is proposing to withdraw the NOx SIP Call requirements for the Michigan coarse grid area. The Section 126 Rule is based on many of the same analyses and information used for the NOx SIP call and covers part of Michigan. Thus, EPA is proposing to withdraw its section 126 findings and control requirements with respect to sources located in the small part of the coarse grid portion of Michigan that is currently covered by the Section 126 Rule. The EPA has not identified any existing section 126 sources that would be affected by the proposal, however this proposal would eliminate findings and control requirements for new sources locating in the coarse grid. This proposal does not create any new requirements, thus there are no associated costs. The EPA is also proposing to revise the definition ''applicable requirement'' for title V operating permit programs by providing expressly thatany standard or other requirement under section 126 is an applicable requirement and must be included in operating permits issued under title V of the CAA.

Timetable:

Action	Date	FR Cite
NPRM	02/22/02	67 FR 8386
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4464. Split from RIN 2060-AH88.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

Agency Contact: Carla Oldham, Environmental Protection Agency, Air

and Radiation, MD–15, Research Triangle Park, NC 27711
Phone: 919–541–3347
Fax: 919 541–0824
Email: oldham.carla@epamail.epa.gov

Tom Helms, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, NC 27711
Phone: 919–541–5527
Fax: 919 541–0824
Email: helms.tom@epamail.epa.gov

RIN: 2060–AJ36

3169. SECTION 126 RULE WITHDRAWAL PROVISION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7426

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: EPA is proposing to revise one narrow aspect of the Section 126 Rule, which was promulgated January 18, 2000. The rule requires certain sources located in the eastern United States to reduce their NOx emissions for purposes of reducing ozone transport. EPA coordinated the Section 126 Rule with a related ozone transport rule, known as the NOx State implementation plan call (NOx SIP Call), which also addresses ozone transport in the eastern United States. The EPA established the same compliance date for both rules, May 1, 2003. The EPA included a provision in the Section 126 Rule which provided that where a State adopted, and EPA approved, a SIP controlling transport under the NOx SIP Call, and with a May 1, 2003 compliance date, EPA would withdraw the Section 126 requirements for sources in that State. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements.As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have both been delayed until May 31, 2004. In addition, the NOx SIP Call has been divided into two phases. Therefore, it is necessary to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances.

Timetable:

Action	Date	FR Cite
NPRM	04/04/03	68 FR 16644
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4689.

Agency Contact: Carla Oldham, Environmental Protection Agency, Air and Radiation, MD–15, Research Triangle Park, NC 27711
Phone: 919–541–3347
Fax: 919 541–0824
Email: oldham.carla@epamail.epa.gov

Doug Grano, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–3292
Fax: 919 541–0824
Email: grano.doug@epamail.epa.gov

RIN: 2060–AK41

3170. TRANSPORTATION CONFORMITY AMENDMENTS: RESPONSE TO MARCH 2, 1999, COURT DECISION

Priority: Other Significant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 93

Legal Deadline: None

Abstract: The Clean Air Act requires EPA to promulgate rules that establish the criteria and procedures for determining whether highway and transit plans, programs, and projects conform to state air quality plans. Conformity means that the transportation actions will not cause or worsen violations of air quality standards or delay timely attainment of the standards. The original conformity rule was finalized on November 24, 1993, and most recently amended on August 15, 1997. On March 2, 1999, the U.S. Court of Appeals overturned certain provisions of the 1997 conformity amendments. This rulemaking will amend the conformity rule in compliance with the court decision. The rulemaking will formalize the May 14, 1999 EPA guidance and the June 18, 1999 DOT guidance that was issued to guide action on this issue until a rulemaking could be issued. Specifically, the rulemaking will clarify the types of projects that can be implemented in the absence of a conforming transportation plan. It will also explain EPA's process for reviewing newly submitted air quality plans and when those submissions can be used for conformity purposes.

Timetable:

Action	Date	FR Cite
NPRM	06/30/03	68 FR 38974
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN 4340.

Agency Contact: Angela Spickard, Environmental Protection Agency, Air and Radiation, NFEVL, Ann Arbor, MI 49105
Phone: 734–214–4283
Email: spickard.angela@epamail.epa.gov

RIN: 2060–AI56

3171. EXPANDED DEFINITIONS FOR ALTERNATIVE–FUELED VEHICLES AND ENGINES MEETING LOW–EMISSION VEHICLE EXHAUST EMISSION STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2001; 15 USC 2002; 15 USC 2003; 15 USC 2005; 15 USC 2006; 15 USC 213; 42 USC 7521; 42 USC 7522; 42 USC 7524; 42 USC 7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7552

CFR Citation: 40 CFR 86; 40 CFR 88

Legal Deadline: None

Abstract: This action will ease the burden of certification for both Original Equipment Manufacturers (OEMs) and after-market conversion entities. This action will, for vehicles and engines meeting LEV emission standards, broaden the definition of the term dedicated fuel system, broaden the criteria for engine families, and provide an exemption from certification fees. This action is not a deregulatory action. This action will provide another means for small business to remain active entities in supplying alternatively fueled vehicles to the market place. The above three changes are intended to reduce the cost of complying with the requirements of certification, and small business will benefit from these changes. This action will enhance the ability for the regulated industry to provide alternatively fueled vehicles to the consumer in support of the Executive Order 13031.

EPA—Clean Air Act (CAA) — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/20/98	63 FR 38767
Notice	05/14/99	64 FR 26410
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4030.

Agency Contact: Dan Harrison, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734–214–4281
Email: harrison.dan@epamail.epa.gov

RIN: 2060–AH52

3172. MODIFICATION OF THE ANTI–DUMPING BASELINE DATE CUT–OFF LIMIT FOR DATA USED IN DEVELOPMENT OF AN INDIVIDUAL BASELINE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80.91(b)(1)(i); 40 CFR 80.93(a)

Legal Deadline: None

Abstract: ''Dumping'' refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and ''dump'' them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing ''anti-dumping'' rules on the books that codify this Clean Air Act prohibition. This regulation is a minor technical amendment to those existing regulations. It would amend a portion of those regulations to allow the use of data collected after January 1, 1995 in the development of baselines, and it would establish a cut-off date of January 1, 2002 for the submission of all individual baselines under the anti-dumping program. This date is the same as that allowed for foreign refineries seeking a unique individual baseline under the anti-dumping program.)

Timetable:

Action	Date	FR Cite
Direct Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4604.

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Ann Arbor, 20460
Phone: 734–214–4287
Fax: 734 214–4816
Email: brunner.christine@epamail.epa.gov

Patrice Simms, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Ann Arbor, MI 48105
Phone: 202–564–5593
Email: simms.patrice@epamail.epa.gov

RIN: 2060–AJ82

3173. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NONROAD DIESEL ENGINES AND FUEL

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 15 USC 2002

CFR Citation: 40 CFR 89

Legal Deadline: None

Abstract: On May 23, 2003, EPA proposed new emission controls for nonroad diesel engines, which are generally used in industrial, mining, and agricultural applications. The control strategies proposed focused around the use of advanced exhaust aftertreatment technologies for the first time in these applications. This technology reduces emissions of NOx, NMHC, and PM of over 90%. The standards would phase-in between 2008 and 2014, with different implementation schedules applicable to each of the fiveengine horsepower categories. Less stringent standards would apply to the smallest horsepower category. Coupled with these proposed engine standards is a two-step reduction in fuel sulfur levels, going from uncontrolled levels to 500 ppm in 2007 and then to 15 ppm in 2010. All nonroad diesel fuel, including that used in locomotive and marine applications, is covered in the first step while locomotive and marine fuel is not involved in the second step. This overall program builds on the successful 2007 highway diesel program the Agency completed in 2000.

Timetable:

Action	Date	FR Cite
NPRM	05/23/03	68 FR 28328
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

Additional Information: SAN 4675.

Agency Contact: Cleophas Jackson, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 20460
Phone: 734–214–4824
Fax: 734 214–4816
Email: jackson.cleophas@epamail.epa.gov

William Charmley, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 20460
Phone: 734–214–4466
Fax: 734 214–4050
Email: charmley.william@epamail.epa.gov

RIN: 2060–AK27

3174. EMISSIONS DURABILITY PROCEDURES FOR NEW LIGHT–DUTY VEHICLES AND LIGHT–DUTY TRUCKS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: On October 22, 2002 the United States Court of Appeals for the District of Columbia Circuit vacated durability provisions that automotive manufacturers used to demonstrate that the emissions of their vehicles would comply with emission standards for the useful lives of those vehicles. The Court also required EPA to issue new regulations. This action fulfills the mandate. The new durability regulations will include options that a manufacturer may choose from to age pre-production vehicles to determine the rate of emission deterioration over the vehicle's useful life. The options

will include a prescribed fixed driving cycle and a prescribed bench aging cycle that are used to age prototype vehicles or emission control components to the equivalent of the useful life period of the vehicle in a manner that replicates the aging that the vehicle or components would see in actual use. This rule does not change the federal emission standards or the test procedures used to quantify emissions. Although there is no court-ordered deadline, this is a court-ordered action.

Timetable:

Action	Date	FR Cite
NPRM	04/02/04	69 FR 17532
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4757.

Sectors Affected: 3361 Motor Vehicle Manufacturing

Agency Contact: Eldert Bontekoe, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Ann Arbor, MI 48105
Phone: 734–214–4442
Fax: 734 214–4053
Email: bontekoe.eldert@epamail.epa.gov

Linda Hormes, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Ann Arbor, MI 48105
Phone: 734–214–4502
Fax: 734 214–4053
Email: hormes.linda@epamail.epa.gov

RIN: 2060–AK76

3175. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7522 ''CAA 203''; 42 USC 7525 ''CAA 206''; 42 USC 7541 ''CAA 207''; 42 USC 7542 ''CAA 208''; 42 USC 7601 ''CAA 301''; 42 USC 7522 ''CAA 203''; 42 USC 7550 ''CAA 216''; 42 USC 7601 ''CAA 301''

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will amend the regulations in 40 CFR part 85, subpart P to allow entry into the United States of vehicles which are originally sold in Canada and which are identical to their U.S. counterparts, without obtaining a certificate of conformity from EPA. This action is in response to a petition for review of import rules. The final rule also will address certain other issues in part 85, subpart P and subpart R, including: (1) formalizing a long-standing EPA policy regarding the importation of owned vehicles that are proven to be identical to a vehicle certified for sale in the United States (2) establishing new emission standards applicable to imported nonconforming vehicles; (3) clarifying the regulatory language that concerns exclusions and exemptions from meeting Federal emission requirements; and (4) providing several minor clarifications to the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/24/94	59 FR 13912
Supplemental NPRM	02/12/96	61 FR 5840
Final Action	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 2665.

Agency Contact: Bob Doyal, Environmental Protection Agency, Air and Radiation, 6405J, Washington, DC 20460
Phone: 202 343–9258

RIN: 2060–AI03

3176. REVISIONS TO THE APPEAL PROCEDURES AND THE FEDERAL NOX BUDGET TRADING PROGRAM, PARTS 78 AND 97

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7601; 42 USC 7651 et seq; 42 USC 7401; 42 USC 7403:; 42 USC 7426

CFR Citation: 40 CFR 75 (Revision); 40 CFR 97 (Revision)

Legal Deadline: None

Abstract: This rule is a set of revisions which will simplify and streamline the interface between the existing Acid Rain Program and the NOx Budget Trading Program.

Timetable:

Action	Date	FR Cite
NPRM	06/13/01	66 FR 31978
NPRM ECP	07/27/01	66 FR 39123
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4682. Split from RIN 2060-AJ43.

Sectors Affected: 221111 Hydroelectric Power Generation

Agency Contact: Dwight Alpern, Environmental Protection Agency, Air and Radiation, 6204N, Washington, DC 20460
Phone: 202–343–9151
Fax: 202–565–2141
Email: alpern.dwight@epamail.epa.gov

RIN: 2060–AK36

3177. FEDERAL IMPLEMENTATION PLANS FOR INDIAN RESERVATIONS IN IDAHO, OREGON AND WASHINGTON

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 49.121 to 49.139; 40 CFR 49.9861 to 49.17810

Legal Deadline: None

Abstract: This Federal Implementation Plan (FIP) proposes basic air rules to apply on Indian Reservations in Idaho, Oregon, and Washington. The rules provide some basic air quality protection similar to what the state implementation plans (SIPs) require for Idaho, Oregon, and Washington. These rules are needed to establish a level playing field and create basic federally enforceable rules under the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	03/15/02	67 FR 11748
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Tribal

Additional Information: SAN 4487. EPA Region 10 would be responsible for implementing and enforcing these proposed rules. Tribes can choose to assist EPA or take over responsibility for their reservations, and EPA would provide funding to tribes through grants to support their efforts.

Agency Contact: Regina Thompson, Environmental Protection Agency,

Regional Office Seattle, OAQ–107, Seattle, WA 98101
Phone: 206–553–6379
Fax: 206–553–4672
Email: thompson.regina@epamail.epa.gov

Bonnie Thie, Environmental Protection Agency, Regional Office Seattle, OAQ–107, Seattle, WA 98101
Phone: 206–553–1189
Fax: 206 553–0110
Email: thie.bonnie@epamail.epa.gov

RIN: 2012–AA01

3178. REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUND (VOC) TO EXCLUDE TERTIARY BUTYL ACETATE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

Abstract: The definition of VOC is proposed to be revised to add tertiary butyl acetate to the list of negligibly reactive compounds. This is a deregulatory action that will remove tertiary butyl acetate from the necessity to be controlled as a VOC in SIPs for attaining the ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	09/30/99	64 FR 52731
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4254.

Agency Contact: William Johnson, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, NC 27711
Phone: 919 541–5245
Fax: 919 541–0824
Email: johnson.williaml@epa.gov

Terry Keating, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460
Phone: 202–564–1174
Fax: 202 564–5603
Email: keating.terry@epamail.epa.gov

RIN: 2060–AI45

3179. CLEAN AIR VISIBILITY RULE

Priority: Economically Significant

Legal Authority: 42 USC 7410; 42 USC 7414; 42 USC 7421; 42 USC 7470 to 7479; 42 USC 7491; 42 USC 7492; 42 USC 7601; 42 USC 7602

CFR Citation: 40 CFR 51.308(e)(1); 40 CFR 51 app Y (New)

Legal Deadline: NPRM, Judicial, April 15, 2004, Consent Decree: April 15, 2004.
Final, Judicial, April 15, 2005, Consent Decree: April 15, 2005.

Abstract: To meet the Clean Air Act's requirements, EPA published the regional haze rule on July 1, 1999 (64 FR 35714). On May 24, 2002, the DC Circuit vacated certain provisions of the regional haze rule related to best available retrofit technology (BART). Because of this court decision, we need to propose and publish revised BART provisions in the regional haze rule. The purpose of this effort is to provide the appropriate changes to the BART requirements and guidelines, and to address additional issues related to reasonable progress goals for the visibility program. On July 20, 2001, we proposed guidelines intended to add further clarifications to the BART requirements in the regional haze rule. Since then, due to additional information that has come to light since that proposal, we have decided that a supplemental proposal is needed.

Timetable:

Action	Date	FR Cite
NPRM	07/20/01	66 FR 38108
Supplemental NPRM	05/05/04	69 FR 25184
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4450.

Agency Contact: Kathy Kaufman, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919–541–0102
Fax: 919 541–5489
Email: kaufman.kathy@epamail.epa.gov

Todd Hawes, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919–541–5591
Fax: 919 541–5489
Email: hawes.todd@epamail.epa.gov

RIN: 2060–AJ31

3180. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES: DEFAULT BASELINE REVISION AND MINOR CORRECTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80

Legal Deadline: Final, Statutory, October 31, 2001, 80.855(b)(2) directs EPA to revise the default baseline by this date.

Abstract: The final rule, Control of Emissions of Hazardous Air Pollutants From Mobile Sources (66 FR 17230, 3/29/01), directed EPA to revise the default toxics baselines in the rule to include year 2000 data when it becomes available. When revised, the default toxics baseline values will be the average toxics values for gasoline over the period 1998-2000. This data is now available, and this rule will promulgate those revised baseline values, and also incorporate several minor technical corrections tothe existing rule.

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4621.

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Ann Arbor, 20460
Phone: 734–214–4287
Fax: 734 214–4816
Email: brunner.christine@epamail.epa.gov

Paul Cort, Environmental Protection Agency, Air and Radiation, ORC2, Washington, DC 20460
Phone: 415–972–3921
Fax: 415–972–3570
Email: cort.paul@epamail.epa.gov

RIN: 2060–AJ97

3181. ADOPTION OF THE AMENDED INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq; ''CAA 231 to 232''; 42 USC 7571 to 7572; 5 USC 552(a)

CFR Citation: 40 CFR 87.1; 40 CFR 87.21; 40 CFR 87.64; 40 CFR 87.71; 40 CFR 87.10; 40 CFR 87.31(b); 40 CFR 87.82; 40 CFR 87.89

Legal Deadline: None

Abstract: The purpose of this final rulemaking is to amend the existing United States regulations governing the exhaust emissions from new commercial aircraft gas turbine engines. The amendment will codify into United States law the recently amended voluntary NOx emission standard of the United Nation's International Civil Aviation Organization (ICAO), thus bringing the United States emission standards into alignment with the internationally adopted standards. This NOx standard was adopted at the ICAO/Committee on Aviation Environmental Protection (CAEP) 4 meeting in 1998. The implementation of the standard is to begin in January 2004. Further, this amendment will establish consistency between U.S. and international requirements and test procedures. This action is necessary to ensure that domestic commercial aircraft meet international standards and the public can be assured that they are receiving the air quality benefits of the international standards.

Timetable:

Action	Date	FR Cite
NPRM	09/30/03	68 FR 56226
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4631.

Sectors Affected: 33641 Aerospace Product and Parts Manufacturing; 336412 Aircraft Engine and Engine Parts Manufacturing; 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing; 336413 Other Aircraft Part and Auxiliary Equipment Manufacturing

Agency Contact: Bryan Manning, Environmental Protection Agency, Air and Radiation, 6407, Washington, DC 20460
Phone: 734–214–4832
Fax: 734 214–4018
Email: manning.bryan@epamail.epa.gov

RIN: 2060–AK01

3182. CALIFORNIA GASOLINE TECHNICAL CORRECTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80.81(a)

Legal Deadline: None

Abstract: This rule corrects final regulations which were published in the Federal Register on March 29, 2001 (66 FR 17230). The corrected regulatory provision restores the definition of California gasoline as used in the enforcement exemptions for California gasoline under the regulation of fuels and fuel additives.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4722.

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Ann Arbor, 20460
Phone: 734–214–4287
Fax: 734 214–4816
Email: brunner.christine@epamail.epa.gov

RIN: 2060–AK56

3183. ANTI–DUMPING BASELINE RECALCULATION FOR DOWNSTREAM OXYGENATE ADDITION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80.91

Legal Deadline: None

Abstract: This rule would allow a refiner who added oxygenate after sampling and just before shipment to exclude that oxygenate from its anti-dumping baseline determination. This exclusion of oxygenate is already allowed for a refinery's gasoline to which oxygenate was added outside of the refinery gate. This rule will have limited application, and could provide relief to small refiners.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4706.

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Ann Arbor, 20460
Phone: 734–214–4287
Fax: 734 214–4816
Email: brunner.christine@epamail.epa.gov

Patrice Simms, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Ann Arbor, MI 48105
Phone: 202–564–5593
Email: simms.patrice@epamail.epa.gov

RIN: 2060–AK69

3184. REGULATION OF FUELS AND FUEL ADDITIVES: MODIFICATIONS TO STANDARDS AND REQUIREMENTS FOR REFORMULATED AND CONVENTIONAL GASOLINE INCLUDING BUTANE BLENDERS AND ATTEST ENGAGEMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7454(c); 42 USC 7454(k); 42 USC 7601

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: Through the Clean Air Act Amendments of 1990, Congress mandated that EPA promulgate regulations for reformulated and conventional gasoline. The purpose of this mandate was to reduce vehicle emissions of toxic and ozone-forming compounds. EPA published the regulations on February 16, 1994. On July 11, 1997, EPA published a proposed rule that included various minor adjustments to the 1994 rule. The emissions benefits achieved from the reformulated gasoline and conventional gasoline programs would not be reduced by the proposed changes. On December 31, 1997, EPA finalized many of the proposed

changes. This rule would finalize the remaining changes that were not included in the December 31, 1997 final rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/97	62 FR 37338
Final (Partial)	12/31/97	62 FR 68196
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4758.

Sectors Affected: 32411 Petroleum Refineries; 42271 Petroleum Bulk Stations and Terminals

Agency Contact: Marilyn Bennett, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202–343–9624
Email: bennett.marilyn@epamail.epa.gov

RIN: 2060–AK77

3185. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq; 42 USC 7671(g) ''CAA 608''

CFR Citation: 40 CFR 82(F)

Legal Deadline: None

Abstract: EPA is amending the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants: EPA is amending the rule on refrigerant recycling, promulgated under section 608 of the Clean Air Act, to clarify how the requirements of section 608 extend to refrigerant recovery and/or recycling equipment intended for use with substitutes for CFC and HCFC refrigerants.

Timetable:

Action	Date	FR Cite
NPRM	06/11/98	63 FR 32044
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3560.1. Split from RIN 2060-AF37.

Agency Contact: Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9870
Fax: 202–565–2155
Email: banks.julius@epamail.epa.gov

Tom Land, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

RIN: 2060–AL77

3186. CONSIDERATION OF INDUSTRY PETITION TO REMOVE ETHYLENE GLYCOL MONOBUTYL ETHER FROM THE CLEAN AIR ACT LIST OF HAZARDOUS AIR POLLUTANTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Agency received a petition to remove Ethylene Glycol Monobutyl ether (EGBE, 2-Butoxyethanol) from the American Chemistry Council on August 29, 1997, with additional submittals through December 21, 1998. This action will address that petition. A final decision on the petition will involve the resolution of toxicological issues with EGBE, including whether or not it is a human carcinogen. The institutional structure under which the petition will be considered is as follows: The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. Once EPA receives a petition, it conducts two reviews: a completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition. The EPA also requests and considers information from the public. After a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the requirements of the CAA, the review team recommends to the Administrator whether to grant the petition. If the Administrator decides to grant a petition, we propose a rule in the Federal Register which proposes a modification of the HAP list and presents the reasoning for doing so. The proposed rule is open to public comment and public hearing If the Administrator decides to deny a petition, a notice setting forth an explanation of the reasons for denial is published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability, and is subject to judicial review as provided in the CAA.

Timetable:

Action	Date	FR Cite
NPRM	11/21/03	68 FR 65648
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4800.

Agency Contact: Kelly Rimer, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–2962
Fax: 919 541–0840
Email: rimer.kelly@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AL87

3187. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING EMERGENCY USES OF METHYL BROMIDE

Priority: Substantive, Nonsignificant

Legal Authority: PL 105–277, sec 764

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: Under the Clean Air Act and the Montreal Protocol on substances that deplete the ozone layer, this rule will seek to create an exemption for emergency uses of methyl bromide, an ozone depleting substance, after the phase-out date of 2005. This exemption will be limited to no more than 20 metric tons per emergency event. This is a deregulatory action that will decrease burden on producers, importers, distributors and applicators of methyl bromide as well as end-users of methyl bromide who are growers and owners of stored food products while still achieving the environmental objectives of the program.

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4819.

Agency Contact: Kate Choban, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9337
Fax: 202 343–2338
Email: choban.kate@epamail.epa.gov

Hodayah Finman, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9246
Fax: 202 565–2079
Email: finman.hodayah@epamail.epa.gov

RIN: 2060–AL94

3188. NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER; AMENDMENT TO REFLECT COURT ORDER VACATING CERTAIN RULES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq; 5 USC 553

CFR Citation: 40 CFR 50, 53, 58

Legal Deadline: None

Abstract: In American Trucking Associations, Inc., et al., v. EPA, the U.S. Court of Appeals for the D.C. Circuit vacated revisions to the PM10 national ambient air quality standards issued by EPA in 1997, and left intact the pre-existing PM10 standards. To conform the Code of Federal Regulations to the court's decision, it is necessary to remove the revised standards and all associated regulations and interpretative materials. Because this is purely a ministerial action, final rulemaking without opportunity for public review and comment is justified under ''good cause'' provisions of the Administrative Procedure Act.

Timetable:

Action	Date	FR Cite
DFRM Amendment	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4837.

Agency Contact: Eric Ginsburg, Environmental Protection Agency, Air and Radiation, C304–02, Washington, DC 20460
Phone: 919–541–0877
Fax: 919 541–4511
Email: ginsburg.eric@epamail.epa.gov

Karen Martin, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919–541–5274
Fax: 919 541–0237
Email: martin.karen@epamail.epa.gov

RIN: 2060–AM02

3189. CLEAN AIR OZONE DESIGNATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7407, 7501 to 7515,7601

CFR Citation: 40 CFR 81

Legal Deadline: Final, Judicial, April 15, 2004.

Abstract: In 1997, EPA promulgated the revised National Ambient Air Quality Standards (NAAQS) for ozone. This action is intended to promulgate designations and classifications for areas across the country as attainment/unclassifiable or nonattainment. The CAA defines a nonattainment area to include the area that is violating the NAAQS and any nearby areas that are contributing to the violation of the NAAQS. The process for designations following promulgation of a NAAQS is contained in Section 107(d)(1) of the CAA. EPA requested States and Tribes to make recommendations regarding attainment of their areas by July 15, 2003. EPA reviewed the recommended designations and made modifications as deemed necessary to these recommendations on December 3, 2003. EPA's December 3rd letters provided an opportunity for States and Tribes to defend their recommended positions. In cases where the States or Tribes do not submit recommendations, EPA will promulgate the designations for areas it deems appropriate. Final ozone designations will be promulgated on April 15, 2004. At that time EPA will designate all areas either ''attainment'' or ''nonattainment'' for the 8-hour ozone NAAQS. This notice is also intended to take final action to defer on a rolling basis the effective date of nonattainment designations for certain areas of the country that do not meet the 8-hour ozone NAAQS. Early Action Compact areas (EACs) have agreed to reduce ground-level ozone pollution earlier than the CAA requires and toattain the standard by December 31, 2007. This final rule establishes the first of three dates by which EPA will defer the effective date of nonattainment designation for compact areas or portions of compact areas, so long as these areas meet agreed-upon milestones. The impact of the nonattainment designation for these areas will be deferred first until September 30, 2005. Prior to the time the first deferral expires, EPA intends to take further action to propose and promulgate a second deferred effective date of nonattainment designation until December 31, 2006 for those areas that continue to fulfill all compact obligations. Prior to the time the second deferral expires, EPA intends to propose and promulgate a third and final deferral until April 15, 2008, for those areas that continue to meet all compact milestones.

Timetable:

Action	Date	FR Cite
Final Action	04/30/04	69 FR 23858

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4839. Promulgation of SAN 4839 will include the material formerly proposed as SAN

4798. SAN 4798 has been merged into SAN 4839.

Agency Contact: Annie Nikbakht, Environmental Protection Agency, Air and Radiation, C539–02, Durham, NC 27701
Phone: 919–541–5246
Fax: 919–541–0824
Email: nikbakht.annie@epamail.epa.gov

Sharon Reinders, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–5284
Fax: 919 541–0824
Email: reinders.sharon@epamail.epa.gov

RIN: 2060–AM03

3190. CLEAN AIR FINE PARTICLE DESIGNATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7404(d)

CFR Citation: 40 CFR 81

Legal Deadline: None

Abstract: This rule sets out final air quality designations and classifications for all areas of the United States as required by section 107 of the Clean Air Act (CAA). The air quality status of an area is represented by the designation of the area. Designations are objectively based upon air quality monitoring data and other relevant information pertaining to the air quality of the area. Area designations of attainment/unclassifiable means that the area has sufficient data to determine that the area is meeting the PM-2.5 NAAQS, or that due to no data being available for the area, or insufficient data being available, EPA cannot make a determination for the area. States and Tribes were requested to make their recommendations to EPA on the attainment status of their respective areas by February 2004. EPA will review the recommended designations and may make modifications as deemed necessary. If EPA determines that a modification to the recommendations is required, EPA will notify the State orTribe of their decision no later than 120 days prior to promulgating a final designation, which provides an opportunity for them make a case for why EPA's modification may be inappropriate. In cases where a State or Tribe does not make a recommendation, the EPA will promulgate the designation that it deems appropriate. The final date for promulgating designations for PM-2.5 will be December 31, 2004

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4840.

Agency Contact: Larry Wallace, Environmental Protection Agency, Air and Radiation, MD–15, C504–02, Washington, DC 20460
Phone: 919–541–0906
Fax: 919 541–5489
Email: wallace.larry@epamail.epa.gov

Rich Damberg, Environmental Protection Agency, Air and Radiation, C504–02, Washington, DC 20460
Phone: 919–541–5592
Fax: 919 541–5489
Email: damberg.rich@epamail.epa.gov

RIN: 2060–AM04

3191. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; SUBSTITUTE REFRIGERANTS; LEAK REPAIR REQUIREMENTS FOR REFRIGERATION AND AIR–CONDITIONING EQUIPMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq; 42 USC 7671(g) ''CAA 608''

CFR Citation: 40 CFR 82(F)

Legal Deadline: None

Abstract: EPA is amending the leak repair requirements for commercial, comfort cooling, and industrial process refrigeration appliances, promulgated under section 608 of the Clean Air Act. This rule will address methods to calculate leak rates, amend definitions concerning leak repair, and clarify how the leak repair requirements of section 608 extend to appliances using refrigerants that are substitutes for CFC and HCFC refrigerants.

Timetable:

Action	Date	FR Cite
NPRM	06/11/98	63 FR 32044
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3560.2. Split from RIN 2060. Split from RIN 2060-AF37.

Agency Contact: Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washignton, DC 20460
Phone: 202–343–9870
Fax: 202–565–2155
Email: banks.julius@epamail.epa.gov

Tom Land, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

RIN: 2060–AM05

3192. • NESHAP: REINFORCED PLASTIC COMPOSITES—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 63.5780 to 63.5935 (Revisions)

Legal Deadline: None

Abstract: Since publication of the final Reinforced Plastic Composites NESHAP, we have discovered several minor errors. We also have been told that some of the rule language is confusing. This action will correct those errors and clarify some of the rule language. It should not make any substantive changes to the stringency of the rule.

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4863.

Agency Contact: Keith Barnett, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919–541–5605
Fax: 919 541–5600
Email: barnett.keith@epamail.epa.gov

Jim Crowder, Environmental Protection Agency, Air and Radiation, C504–05, Washington, DC 20460

Phone: 919–541–5596
Fax: 919 541–5600
Email: crowder.jim@epamail.epa.gov

RIN: 2060–AM23

3193. • PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE–DEPLETING SUBSTANCES—FIRE SUPPRESSION AND EXPLOSION PROTECTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414, 7601, 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule would list whether several powdered aerosol fire suppressants are acceptable (subject to narrowed use limits) for use as substitutes for ozone-depleting halon 1301 (bromotrifluoromethane) as total flooding agents. Use would be restricted to the applications and locations suggested by the manufacturers of these alternative fire suppressants (e.g., use only in normally unoccupied areas). For one fire suppressant the current restriction on use in occupied areas would be removed.

Timetable:

Action	Date	FR Cite
Direct Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4857.

Agency Contact: Margaret Sheppard, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9163
Fax: 202 343–2338
Email: sheppard.margaret@epamail.epa.gov

Bella Maranion, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9749
TDD Phone: 630–443–4376
Fax: 202 343–2338
Email: maranion.bella@epamail.epa.gov

RIN: 2060–AM24

3194. • NESHAP: SURFACE COATING OF METAL CANS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: National emission standards for hazardous air pollutants (NESHAP) for metal can surface coating operations located at major sources of hazardous air pollutants (HAP) were promulgated on 11/13/2003 (68 FR 64432). The final standards implement section 112(d) of the Clean Air Act (CAA) by requiring these operations to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The final rule will protect air quality and promote public health by reducing emissions of HAP from facilities in the metal can surface coating source category. This action provides technical amendments to correct equations used in demonstrating compliance with the emission limits in the final rule. This action does not change the emission limits promulgated in the final rule.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4864.

Agency Contact: Paul Almodovar, Environmental Protection Agency, Air and Radiation, C539–03, Washington, DC 20460
Phone: 919–541–0283
Fax: 919 541–5689
Email: almodovar.paul@epamail.epa.gov

RIN: 2060–AM28

3195. • NESHAP: PRINTING, COATING, AND DYEING OF FABRICS AND OTHER TEXTILES—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: National emission standards for hazardous air pollutants (NESHAP) for existing and new fabric and other textile coating, printing, slashing, dyeing, and finishing operations were promulgated on May 12, 2003. The final standards implement section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet the hazardous air pollutants (HAP) emission standards reflecting the application of the maximum achievable control technology (MACT). This action provides amendments to the final rule to clarify the applicability of the rule to certain synthetic fiber manufacturing operations.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4862.

Agency Contact: Paul Almodovar, Environmental Protection Agency, Air and Radiation, C539–03, Washington, DC 20460
Phone: 919–541–0283
Fax: 919 541–5689
Email: almodovar.paul@epamail.epa.gov

RIN: 2060–AM29

3196. • REGULATION OF FUEL AND FUEL ADDITIVES: GASOLINE AND DIESEL TEST METHODS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80.46(a)(1); 40 CFR 80.46(a)(2); 40 CFR 80.46(f)(3)(i); 40 CFR 80.46(g)(2)(i); 40 CFR 80.580(a)(2)(i); 40 CFR 80.580(a)(3)(ii)

Legal Deadline: None

Abstract: Fuel manufacturers of gasoline and diesel fuel are required to measure certain properties in order to demonstrate compliance with our motor vehicle fuels programs at 40 CFR part 80. This rule promulgates test method changes which are approved under the jurisdiction of the American Society of Testing and Materials (ASTM). The American Petroleum Institute (API) recently recommended these test method changes to the Agency. The Agency has evaluated these recommended test methods

changes, agrees with them, and believes they are based on good science. Furthermore, they would provide additional flexibility to the regulated parties. Specifically, the following changes would occur by this action: 1) Remove the current sunset provision of September 1, 2004, for the alternative test methods, ASTM D 4815 and ASTM D 1319, and continue to allow their use as alternative test methods until a performance-based test method (PBTM) rule is promulgated by the Agency. In the future, EPA intends to promulgate a PBTM rule which would set criteria for the qualification of alternative test methods. Since we believe the use of these two alternative test methods has been effective, we believe it would be prudent to continue to allow the use of these two alternative test methods until a PBTM rule is promulgated. Once a PBTM rule has been established, these alternative test methods would likely qualify under the PBTM rule's criteria. The rule that is the subject of this abstract would remove the current sunset provision for these two alternative test methods. 2) Designate ASTM D 6667 as the designated test method for measuring sulfur in butane because its more readily available and a better test method than the current designated test method, ASTM D 3246. This rule would allow the use of the originally designated test method, ASTM D 3246, as an alternative test method until a PBTM rule is promulgated. 3) This rule would update two current ASTM test methods allowed by the Agency for measuring sulfur in gasoline and diesel fuel to their most recent ASTM version.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4895.

Agency Contact: Joe Sopata, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202–343–9034
Fax: 202 343–2802
Email: sopata.joe@epamail.epa.gov

Dave Kortum, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202–343–9022
Fax: 202 343–2802
Email: kortum.dave@epamail.epa.gov

RIN: 2060–AM42

3197. • PROTECTION OF STRATOSPHERIC OZONE: IMPORT PETITIONING REQUIREMENTS FOR HALON–1301 AIRCRAFT FIRE EXTINGUISHING VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rule will provide an exemption under the import petitioning requirements for used ozone-depleting substances. The petitioning requirements outline the information that importers must submit to the Administrator at least forty working days before a shipment is to leave the foreign port of export. This rule will reduce the administrative burden of anyone petitioning to import aircraft fire extinguishing spherical pressure vessels containing halon-1301 (''halon bottles'') for hydrostatic testing in the United States. The rule would require importers to adhere to all import petitioning requirements but would require one petition to be submitted annually for all shipments rather than submission of a petition for each individual shipment forty working days prior to export. Halon bottles are individual bottles containing halon-1301 that are connected to a larger fire suppression system within an aircraft. The halon bottles are brought into the United States for hydrostatic testing in which the halon is removed, the bottles are tested to ensure durability and effectiveness, and the same amount or more of halon is replaced back in the bottles and exported once again. The halon bottles must be routinely tested under Federal Aviation Administration and United States Department of Transportation regulations. The exemption to minimize the import petitioning requirements is being initiated because the bottles are not being imported for the eventual use or resale of the halon contained in the bottles and because hydrostatic testing of the bottles is required under FAA and DOT regulations.

Timetable:

Action	Date	FR Cite
Direct Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4900.

Agency Contact: Jabeen Akhtar, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9313
Fax: 202–564–2155
Email: akhtar.jabeen@epamail.epa.gov

RIN: 2060–AM46

3198. • NATIONAL EMISSION STANDARDS FOR PHARMACEUTICALS PRODUCTION; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This action amends wastewater provisions in the final rule to be more consistent with later standards for chemical manufacturing.

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4892.

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919–541–5402
Email: mcdonald.randy@epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AM52

EPA—Clean Air Act (CAA) — Final Rule Stage

3199. • PROTECTION OF THE STRATOSPHERIC OZONE: ALTERNATIVES FOR THE MOBILE AIR CONDITIONING SECTOR UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671k

CFR Citation: 40 CFR 82.180

Legal Deadline: None

Abstract: This rulemaking will list two new alternatives to ozone depleting substances in the mobile air conditioning sector and outline the conditions necessary for their safe use. These new alternatives have better energy efficiency and lower impacts on the environment than currently available systems. By approving these systems under SNAP, EPA will provide additional choices to the automotive industry which, if adopted would reduce the impact of mobile air conditioners on the global environment. The automotive industry, if they chose to adopt these technologies, would be required to comply with the conditions necessary to deploy these systems in a safe manner.

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4918.

Agency Contact: Erin Birgfeld, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9079
Fax: 202 343–2342
Email: birgfeld.erin@epamail.epa.gov

Dave Godwin, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9324
Fax: 202–343–2363
Email: godwin.dave@epamail.epa.gov

RIN: 2060–AM54

3200. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SITE–SPECIFIC REGULATION FOR PACKAGING CORPORATION OF AMERICA IN TOMAHAWK, WISCONSIN

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.443; 40 CFR 63.457; 40 CFR 63.453

Legal Deadline: None

Abstract: This site specific regulation will allow Packaging Corporation of America (PCA) to operate its semi-chemical pulp and paper mill with an alternative control technology for its hazardous air pollutants (HAPs). This alternative treatment has been approved by the EPA and its use will be conducted as a pilot project under the May 5, 1998, Joint State/EPA Agreement to Pursue Regulatory Innovation. An applicable federal air rule requires semi-chemical pulp and paper mills to collect and incinerate their vent gases. As an alternative treatment, PCA will collect and hard-pipe vent gas condensates to their on-site wastewater treatment plant. The vent gas condensates contain a large proportion of the vent gas HAPs, and the HAPs are effectively treated in the wastewater treatment plant. PCA has agreed to accept as an enforceable limit a methanol destruction rate of approximately two times the amount of methanol that would be destroyed with the technology prescribed in the federal air rule. Methanol is an appropriate surrogate for the total HAPs in the vent gases. Data from a full scale treatability study conducted by PCA in June 2001 indicate that the alternative treatment technology may be capable of achieving approximately five times greater methanol treatment than prescribed in the air rule, although PCA will not have to commit to achieving this greater destruction rate.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4816.

Agency Contact: Eileen Furey, Environmental Protection Agency, Office of the Administrator, C–14J, Washington, DC 20460
Phone: 312–886–7950
Fax: 312–886–0747
Email: furey.eileen@epamail.epa.gov

David Beck, Environmental Protection Agency, Office of the Administrator, E14302, Washington, DC 20460
Phone: 919–541–5421
Email: beck.david@epamail.epa.gov

RIN: 2090–AA33

Environmental Protection Agency (EPA) — Long-Term Actions

Clean Air Act (CAA)

3201. NESHAP: OFF–SITE WASTE AND RECOVERY OPERATIONS RESIDUAL RISK STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, July 1, 2004.

Abstract: EPA developed technology-based emissions standards (''MACT'' standards] for this source category under section 112(d) of the Clean Air Act, codified in 40 CFR Part 63, Subpart DD. The current action, required by Section 112(f) of the Clean Air Act, is to assess residual risks after compliance with Subpart DD, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4695.

Sectors Affected: 56221 Waste Treatment and Disposal

Agency Contact: Elaine Manning, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919–541–5499
Fax: 919 541–5689
Email: manning.elaine@epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK68

3202. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7); AVAILABILITY OF INFORMATION TO THE PUBLIC; TECHNICAL AMENDMENT

Priority: Info./Admin./Other

Legal Authority: ''CAA 112(r)''

CFR Citation: 40 CFR 68.210

Legal Deadline: None

Abstract: Section 112(r)(7) of the Clean Air Act (CAA) and its implementing regulations at 40 CFR Part 68 require certain stationary sources to report an Off-site Consequence Analysis (OCA), including a worst-case release scenario, in a Risk Management Plan (RMP) that is to be made available to the public. In response to concerns that posting OCA information on the Internet might increase the risk of terrorist and other criminal activities, on August 5, 1999 the Chemical Safety Information, Site Securityand Fuels Regulatory Relief Act (CSISSFRRA) was enacted. The Act requires the President to promulgate regulations governing the distribution of the OCA sections of RMPs that, in the opinion of the President, would minimize the likelihood of accidental releases and the risk of terrorist and other criminal activities associated with posting this information. The President delegated his rulemaking authority to the Attorney General and the Administrator of EPA, who jointly promulgated the required regulations at 40 CFR Part 1400. The Part 1400 regulations restrict the public's access to the OCA sections of RMPs in certain ways. As currently drafted, however, section 68.210(a) of Part 68 states that RMPs are available to the public under CAA section 114, which makes information collected under the CAA, including RMPs in their entirety, available to the public, except for confidential business information. EPA is therefore revising 40 CFR Section 68.210(a) to reflect the August 2000 rulemaking. The revision will state that OCA data is made available to the public under the provisions of 40 CFR Part 1400. This revision is not meant to regulate any new entities.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4607.

Agency Contact: Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202–564–8019
Fax: 202 564–8233
Email: jacob.sicy@epamail.epa.gov

RIN: 2050–AE95

3203. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(3); REVISIONS TO THE LIST OF SUBSTANCES

Priority: Other Significant

Legal Authority: ''CAA 112(r)''

CFR Citation: 40 CFR 68.130

Legal Deadline: None

Abstract: The list of substances subject to the Chemical Accident Prevention requirements at 40 CFR Part 68 was promulgated on January 31, 1994. The Clean Air Act states that the list may be revised from time to time by EPA's own motion or by petition and shall be reviewed at least every 5 years. Since the January 1994 final list rule, EPA has modified the listing for hydrochloric acid; deleted a category of explosive chemicals; exempted flammable substances in gasoline used as fuel and in naturally occurring hydrocarbon mixtures prior to initial processing; and excluded flammable substances used as a fuel or held for sale as a fuel at a retail facility. In fulfillment of the statute's five-year review requirement, EPA has conducted a thorough review of the list. Based on that review, EPA is proposing additions, deletions and modifications to the list of substances. Deletions are based on EPA's review of the chemical toxicity, physical property, production/use quantity and accident history of currently listed substances and new information or erroneous data that impacts the basis of the chemical's listing. Other toxic and flammable chemicals are proposed to be added because they meet the criteria for listing a toxic or flammable substance. In addition, EPA proposes to revise the reporting threshold and toxic endpoints of several toxic substances based on updated toxicity information. Facilities (such as chemical manufacturers, processors, and users), with more than the threshold quantity of a listed substance in a process, are required to develop a Risk Management Program and submit a Risk Management Plan to EPA. The proposed changes to the list will ensure that facilities are properly managing risks of the most acutely toxic and flammable chemicals that could have an adverse impact on the facility and surrounding community in event of an accidental release.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4619.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

Agency Contact: Kathy Franklin, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202–564–7987
Fax: 202 564–8444
Email: franklin.kathy@epamail.epa.gov

Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202–564–8019
Fax: 202 564–8233
Email: jacob.sicy@epamail.epa.gov

RIN: 2050–AE96

3204. EVALUATION OF UPDATED TEST PROCEDURES FOR THE CERTIFICATION OF GASOLINE DEPOSIT CONTROL ADDITIVES

Priority: Substantive, Nonsignificant

Legal Authority: ''CAA 211''

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: All gasoline must contain additives to control the formation of deposits in the fuel supply system and engine of motor vehicles. If uncontrolled, such deposits can result in a significant increase in motor vehicle emissions. This action will propose that updated test procedures be adopted for the certification of gasoline deposit control additives regarding their ability to control fuel injector and intake valve deposits. The adoption of the updated procedures will ensure that the gasoline deposit control program continues to ensure an adequate level of deposit control, thereby preventing an increase in motor vehicle emissions. The updated test procedures require less time to perform and are less costly. Therefore, the adoption of the proposed procedures will reduce the burden on industry of complying with the gasoline deposit control program. The proposed action will not impact small businesses, or state, local, or tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4531.

Agency Contact: Jeff Herzog, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 20460
Phone: 734–214–4227
Fax: 734 214–4816
Email: herzog.jeff@epamail.epa.gov

RIN: 2060–AJ61

3205. NAAQS: SULFUR DIOXIDE (RESPONSE TO REMAND)

Priority: Other Significant

Legal Authority: 42 USC 7409 ''CAA 109''

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: None

Abstract: On November 15, 1994, the Environmental Protection Agency (EPA) proposed not to revise the existing 24-hour and annual primary standards. The EPA sought public comment on the need to adopt additional regulatory measures to address the health risk to asthmatic individuals posed by short-term peak sulfur dioxide exposure. On March 7, 1995, EPA proposed implementation strategies for reducing short-term high concentrations of sulfur dioxide emissions in the ambient air. On May 22, 1996, EPA published its final decision not to revise the primary sulfur dioxide NAAQS. The notice stated that EPA would shortly propose a new implementation strategy to assist States in addressing short-term peaks of sulfur dioxide. The new implementation strategy - the Intervention Level Program - was proposed on January 2, 1997. In July 1996, the American Lung Association and the Environmental Defense Fund petitioned the U.S. Court of Appeals for the D.C. Circuit for a judicial review of EPA's decision not to establish a new 5-minute NAAQS. On January 30, 1998, the court found that EPA did not adequately explain its decision and remanded the case so EPA could explain its rationale more fully. EPA published a schedule for responding to the remand in the May 5, 1998 Federal Register. Since that notice, EPA has continued to work on the proposed response to the remand by reviewing additional SO2 air quality information. EPA published an informational notice in the Federal Register on January 9, 2001 (66 R 1665). EPA conducted monitoring to evaluate sources of SO2 peaks and is currently analyzing these data.. The results of this project will inform the response to the remand.

Timetable:

Action	Date	FR Cite
NPRM NAAQS Review	11/15/94	59 FR 58958
NPRM NAAQS implementation	03/07/95	60 FR 12492
Final NAAQS Review	05/22/96	61 FR 25566
NPRM rev. NAAQS impl	01/02/97	62 FR 210
Notice resp to remand	05/05/98	63 FR 24782
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 1002.

Agency Contact: Dave Mckee, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919–541–5288
Fax: 919 541–0237
Email: mckee.dave@epamail.epa.gov

Susan Stone, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919–541–1146
Email: stone.susan@epamail.epa.gov

RIN: 2060–AA61

3206. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON–FEDERAL CLASS I AREAS

Priority: Other Significant

Legal Authority: 42 USC 7670–7479 ''CAA 160–169''

CFR Citation: 40 CFR 51.166; 40 CFR 52.21

Legal Deadline: None

Abstract: Under the Clean Air Act's prevention of significant deterioration (PSD) program, a State or tribe may redesignate their lands as class I areas to provide enhanced protection for their air quality resources. This rule will clarify the PSD permit review procedures for new and modified major stationary sources near these non-Federal class I areas. EPA seeks to develop clarifying PSD permit application procedures that are effective, efficient, and equitable.

Timetable:

Action	Date	FR Cite
ANPRM	05/16/97	62 FR 27158
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN 3919.

Agency Contact: Darrel Harmon, Environmental Protection Agency, Air and Radiation, 6101A, Washington, DC 20460
Phone: 202–564–7416
Fax: 202 501–1153

Email: harmon.darrel@epamail.epa.gov

RIN: 2060–AH01

3207. PHASE I (FIP) TO REDUCE THE REGIONAL TRANSPORT OF OZONE IN THE EASTERN UNITED STATES

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 52; 40 CFR 97

Legal Deadline: NPRM, Statutory, January 25, 2003, EPA is required to promulgate FIPs by January 25 2003 unless EPA approves the State submitted plans.

Abstract: This action would promulgate Federal Implementation Plans (FIPs) which require nitrogen oxides (NOx) emissions decreases. The intended effect is to reduce the transport of ozone (smog) pollution and one of its main precursors (NOx) across State boundaries in the eastern half of the United States. On October 27, 1998, EPA published a final rule (the NOx SIP Call) which allowed States 12 months to develop, adopt, and submit revisions to their State Implementation Plans (SIPs) to address the transport problem. The Administrator is required to promulgate a FIP within 2 years of: (1) finding that a State has failed to make a required submittal or (2) finding that a submittal is not complete or (3) disapproving a SIP submittal. On June 22, 2000, the D.C. Court of Appeals assigned a new SIP submittal date of October 30, 2000. Eleven States (Virginia, West Virginia, Alabama, Kentucky, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Michigan, and Ohio) and the District of Columbia had not submitted adequate SIPs, as announced in a findings rule published on December 26, 2000. All of these States have since submitted approvable plans. (Note: The FIPs discussed here would apply to all elements of the NOx SIP call that were not remanded to EPA by the court on March 3, 2000. The portions of the SIP call that were remanded to EPA will be covered under Phase 2 SIPs, and if necessary, separate FIP actions would be prepared for those.)

Timetable:

Action	Date	FR Cite
NPRM	10/21/98	63 FR 56393
Findings Action	12/26/00	65 FR 81366
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local

Additional Information: SAN 4096.

Sectors Affected: 333415 Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 324199 All Other Petroleum and Coal Products Manufacturing; 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 32731 Cement Manufacturing; 331221 Cold-Rolled Steel Shape Manufacturing; 221121 Electric Bulk Power Transmission and Control; 221122 Electric Power Distribution; 327211 Flat Glass Manufacturing; 221112 Fossil Fuel Electric Power Generation; 327213 Glass Container Manufacturing; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 331111 Iron and Steel Mills; 322122 Newsprint Mills; 333618 Other Engine Equipment Manufacturing; 327212 Other Pressed and Blown Glass and Glassware Manufacturing; 322121 Paper (except Newsprint) Mills; 32213 Paperboard Mills; 32511 Petrochemical Manufacturing; 48621 Pipeline Transportation of Natural Gas; 325211 Plastics Material and Resin Manufacturing; 32211 Pulp Mills; 22133 Steam and Air-Conditioning Supply

Agency Contact: Doug Grano, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–3292
Fax: 919 541–0824
Email: grano.doug@epamail.epa.gov

Jan King, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–5665
Fax: 919 541–0824
Email: king.jan@epamail.epa.gov

RIN: 2060–AH87

3208. NESHAP: AEROSPACE MANUFACTURING AND REWORK FACILITIES RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, September 30, 2003, –.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart GG. The current action, required by section 112(f) of the CAA, is to assess residual risks from the same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4653.

Sectors Affected: 33641 Aerospace Product and Parts Manufacturing

Agency Contact: Tony Wayne, Environmental Protection Agency, Air and Radiation, C435–09, Washington, DC 20460
Phone: 919–541–5439
Fax: 919 541–0942
Email: wayne.tony@epamail.epa.gov

RIN: 2060–AK08

3209. NESHAP: ETHYLENE OXIDE FOR STERILIZATION FACILITIES – RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 6, 2002, –.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA codified in 40 CFR Part 63, Subpart O. This source category covers ethylene

oxide commercial sterilizers. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. We have completed the risk assessment, received Work Group comments, and are planning to submit for internal peer review. The assessment results show cancer incidence less than 1.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4654.

Sectors Affected: 3254 Pharmaceutical and Medicine Manufacturing; 311942 Spice and Extract Manufacturing

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, C435–B, Washington, DC 20460
Phone: 919–541–0837
Fax: 919 541–0942
Email: markwordt.david@epamail.epa.gov

Chris Stoneman, Environmental Protection Agency, Air and Radiation, MD–15, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–0823
Email: stoneman.christopher@epa.gov

RIN: 2060–AK09

3210. NESHAP: GROUP II POLYMERS AND RESINS – RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, March 8, 2003, –.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA. This source category covers certain chemical process units used to manufacture products. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4657.

Sectors Affected: 325211 Plastics Material and Resin Manufacturing

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919–541–5402
Email: mcdonald.randy@epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AK13

3211. NESHAP: NATIONAL EMISSION STANDARDS FOR MARINE TANK VESSEL LOADING OPERATIONS – RESIDUAL RISK STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, September 19, 2003, Final Action.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart Y. This source category covers tanks or ships that contain gasoline, crude oil, or HAPs in bulk. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4661.

Sectors Affected: 483 Water Transportation

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, C435–B, Washington, DC 20460
Phone: 919–541–0837
Fax: 919 541–0942
Email: markwordt.david@epamail.epa.gov

RIN: 2060–AK17

3212. NESHAP: SECONDARY LEAD SMELTING RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, June 23, 2003, –.

Abstract: National emission standards for hazardous air pollutants (NESHAP) for secondary lead smelting were promulgated on June 23, 1995 under Clean Air Act Section 112(d). The standards establish emission limitations and work practice standards for all new and existing secondary lead smelters that produce refined lead from lead scrap, mainly lead acid batteries. Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from secondary lead smelters and to develop new risk based standards, if warranted.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4665.

Sectors Affected: 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)

Agency Contact: Iliam Rosario, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–5308

Fax: 919 541–5308
Email: rosario.iliam@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK19

3213. NESHAP: SHIPBUILDING AND SHIP REPAIR SURFACE COATING — RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 31, 2003, –.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart II. This source category covers air-toxic emissions from the painting, welding, and sandblasting of ships under construction or repair at major sources. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4666.

Sectors Affected: 336611 Ship Building and Repairing

Agency Contact: Mohamed Serageldin, Environmental Protection Agency, Air and Radiation, C539–03, Washington, DC 20460
Phone: 919–541–2379
Fax: 919 541–5689
Email: seragelldin.mohamed@epamail.epa.gov

RIN: 2060–AK20

3214. NESHAP: HALOGENATED SOLVENT CLEANING – RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 2, 2002, –.

Abstract: This action is required by the CAA to assess residual risk and develop standards as necessary to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4668.

Sectors Affected: 335999 All Other Miscellaneous Electrical Equipment and Component Manufacturing; 332999 All Other Miscellaneous Fabricated Metal Product Manufacturing; 336999 All Other Transportation Equipment Manufacturing; 337124 Metal Household Furniture Manufacturing; 332116 Metal Stamping; 339 Miscellaneous Manufacturing; 336 Transportation Equipment Manufacturing

Agency Contact: Lynn Dail, Environmental Protection Agency, Air and Radiation, C539–03, Washington, DC 20460
Phone: 919–541–2363
Fax: 919 541–5689
Email: dail.lynn@epamail.epa.gov

RIN: 2060–AK22

3215. NESHAP: MAGNETIC TAPE MANUFACTURING OPERATIONS RESIDUAL RISK STANDARD

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 15, 2002, –.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. The facilities covered by the 112(d) standard and under investigation in the project are Magnetic Tape coatings facilities that manufacture audio and video recording and computer information storage, and emit major source levels of air toxics. There are a total of six facilities manufacturing magnetic tape in the nation. Half of these are located in the State of Alabama. We have completed the risk assessment, received Work Group comments, and are preparing for internal peer review.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4669.

Sectors Affected: 334613 Magnetic and Optical Recording Media Manufacturing; 33461 Manufacturing and Reproducing Magnetic and Optical Media

Agency Contact: Lynn Dail, Environmental Protection Agency, Air and Radiation, C539–03, Washington, DC 20460
Phone: 919–541–2363
Fax: 919 541–5689
Email: dail.lynn@epamail.epa.gov

RIN: 2060–AK23

3216. NESHAP: PRINTING AND PUBLISHING INDUSTRY – RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, May 30, 2004, –.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart KK. This source category covers air-toxic emissions from many activities located at printing and publishing facilities — primarily the printing process itself, plus affiliated equipment such as cleaning, ink and solvent mixing, chemical storage, and solvent recovery. The current action, required by section 112(f) of the CAA, is to assess residual

risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN 4664.

Sectors Affected: 322221 Coated and Laminated Packaging Paper and Plastics Film Manufacturing; 322222 Coated and Laminated Paper Manufacturing; 323112 Commercial Flexographic Printing; 323111 Commercial Gravure Printing; 322212 Folding Paperboard Box Manufacturing; 322225 Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses; 323119 Other Commercial Printing; 322223 Plastics, Foil, and Coated Paper Bag Manufacturing

Agency Contact: Dave Salman, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919–541–0859
Fax: 919 541–5689
Email: salman.dave@epamail.epa.gov

RIN: 2060–AK24

3217. NESHAP: PETROLEUM REFINERIES—RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, August 31, 2003.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart CC. This source category covers air-toxic emissions from equipment at petroleum refineries, such as process vents, storage vessels, and valve leaks. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4663.

Sectors Affected: 32411 Petroleum Refineries

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, C439–03, Washington, DC 20460
Phone: 919–541–0884
Fax: 919–541–0246
Email: lucas.bob@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK25

3218. NATIONAL EMISSION STANDARDS FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS – RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, January 25, 2003, –.

Abstract: A national emission standard for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks was previously promulgated under Section 112(d) of the Clean Air Act. That standard set emission limits for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. The Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from hard and decorative chromium electroplating and chromium anodizing tanks and, if warranted, to develop new risk based standards.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4750.

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, MD–C439–02, Washington, DC 20460
Phone: 919–541–5289
Fax: 919 541–5450
Email: mulrine.phil@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK72

3219. NESHAP: GROUP I POLYMERS AND RESINS — RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 00 CFR NYD

Legal Deadline: Final, Statutory, September 6, 2004, –.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart U. This source category covers process units used to manufacture elastomer products from raw materials. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4656.

Sectors Affected: 325212 Synthetic Rubber Manufacturing

Agency Contact: Bob Rosensteel, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919–541–5608
Fax: 919 541–3470
Email: rosensteel.bob@epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AK12

3220. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, April 22, 2003, –.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. This rule will cover the major sources of air emissions within the synthetic organic chemical industry.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4659.

Sectors Affected: 325 Chemical Manufacturing

Agency Contact: Mark Morris, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5416
Fax: 919 541–0840
Email: morris.mark@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AK14

3221. NESHAP: GROUP IV POLYMERS AND RESINS—RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, September 12, 2004.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart JJJ. This source category covers chemical process units used to manufacture thermoplastic products from raw materials. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4658.

Sectors Affected: 325211 Plastics Material and Resin Manufacturing

Agency Contact: Bob Rosensteel, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919–541–5608
Fax: 919 541–3470
Email: rosensteel.bob@epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AK15

3222. INTERSTATE OZONE TRANSPORT: RULEMAKING ON SECTION 126 PETITIONS FROM THE DISTRICT OF COLUMBIA, DELAWARE, MARYLAND, AND NEW JERSEY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7426

CFR Citation: 40 CFR 52; 40 CFR 97

Legal Deadline: Final, Statutory, December 14, 1999, The rulemaking includes action on 4 separate petitions. See Additional Information.

Abstract: In April through July 1999, 3 Northeastern States (New Jersey, Maryland, and Delaware) and the District of Columbia submitted individual petitions to EPA in accordance with section 126 of the Clean Air Act (CAA). Each petition specifically requests that EPA make a finding that nitrogen oxides (NOx) emissions from certain stationary sources in other States significantly contribute to ozone nonattainment and maintenance problems with respect to the 1-hour and 8-hour ozone standards in the petitioning State. If EPA makes such a finding of significant contribution, EPA is authorized to establish Federal emissions limits for the sources. The petitions rely on the analyses from EPA's NOx SIP call. The sources targeted by the petitions are large electricity generating units and large non-electricity generating units, as defined in EPA's NOx SIP call. The EPA took rulemaking action on similar petitions from 8 other Northeastern States that were submitted in 1997.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN 4383. There is a different statutory deadline associated with each petition based on the date of receipt by EPA: New Jersey - 12/14/99, Maryland - 01/01/00, Delaware - 02/10/00, District of Columbia - 03/07/00

Agency Contact: Carla Oldham, Environmental Protection Agency, Air

and Radiation, MD–15, Research Triangle Park, NC 27711
Phone: 919–541–3347
Fax: 919 541–0824
Email: oldham.carla@epamail.epa.gov

David Cole, Environmental Protection Agency, Air and Radiation, MD–15, C539–02, Washington, DC 20460
Phone: 919–541–5565
Fax: 919 541–0824
Email: cole.david@epamail.epa.gov

RIN: 2060–AI99

3223. STREAMLINED EVAPORATIVE TEST PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7521(m)

CFR Citation: 40 CFR 86 (Revision)

Legal Deadline: None

Abstract: This action will streamline the test procedure used to establish compliance with evaporative emission requirements for light duty vehicles and trucks. The current test procedure requires both two and three day diurnal emission tests, as well as running-loss testing. The revisions will delete the three day requirement and add flexibilities for running-loss compliance. This will enable manufacturers to save significant resources without any decrease in environmental benefits.

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3910.

Agency Contact: David Good, Environmental Protection Agency, Air and Radiation, NFEVL, Ann Arbor, MI 49105
Phone: 734–214–4450
Email: good.david@epamail.epa.gov

RIN: 2060–AH34

3224. CONTROL OF METHYL TERTIARY BUTYL ETHER (MTBE)

Priority: Substantive, Nonsignificant

Legal Authority: ''Not Yet Determined''

CFR Citation: 00 CFR NYD

Legal Deadline: None

Abstract: EPA is considering taking action to control the use of Methyl Tertiary Butyl Ether (MTBE), which is an organic compound that is primarily used as a fuel additive in gasoline. MTBE has been used to meet the oxygen requirement established by the Federal Reformulated Gasoline Program (RFG) established by the 1990 amendments to the Clean Air Act (CAA). Over 85 percent of reformulated gasoline contains MTBE. EPA is concerned that the widespread use of MTBE may have resulted in the contamination of groundwater and drinking water supplies, threatening their future use. While current detections levels are generally believed to be below levels that may cause public health concerns, low level MTBE contamination may render water unpotable due to offensive taste and odor. In November of 1998, EPA established a Blue Ribbon Panel to investigate air quality benefits and water quality concerns associated with oxygenates, including MTBE, in gasoline, and to provide independent advice and recommendations on ways to maintain air quality while protecting water quality. In September, 1999, the panel recommended that the use of MTBE be substantially reduced. EPA is now evaluating the Blue Ribbon Panel's recommendations, and has conducted a preliminary review of authorities available to address risks associated with MTBE. EPA issued an Advance Notice of Proposed Rulemaking to inform the public of this preliminary inquiry, and to solicit public comment on possible regulatory action.

Timetable:

Action	Date	FR Cite
ANPRM	03/24/00	65 FR 16094
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: SAN 4393.

Agency Contact: Joseph Bachman, Environmental Protection Agency, Air and Radiation, 5402, Washington, DC 20460
Phone: 202–343–9373
Fax: 202 565–2084
Email: bachman.joseph@epamail.epa.gov

Robert Perlis, Environmental Protection Agency, Air and Radiation, 2333A, Washington, DC 20460
Phone: 202–564–5636
Email: perlis.robert@epamail.epa.gov

RIN: 2060–AJ00

3225. OPERATING PERMITS: REVISIONS (PART 70)

Priority: Other Significant

Legal Authority: 42 USC 7661 et seq

CFR Citation: 40 CFR 51; 40 CFR 52; 40 CFR 70

Legal Deadline: None

Abstract: In response to litigation on the operating permits rule regulations, 40 CFR part 70, to provide more effective implementation of part 70, and to address comments provided in response to notices of proposed rulemaking, parts 70, 51 and 52 are being revised. The changes will streamline the procedures for revising stationary-source operating permits issued by State and local permitting authorities under title V of the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM Original	08/29/94	59 FR 44460
Supp NPRM 1	04/27/95	60 FR 20804
Supp NPRM	08/31/95	60 FR 45530
NPRM	07/27/98	63 FR 40053
Supp NPRM 3	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State, Local

Additional Information: SAN 3412.

Agency Contact: Ray Vogel, Environmental Protection Agency, Air and Radiation, C304–03, Washington, DC 20460
Phone: 919–541–3153
Fax: 919 541–5509
Email: vogel.ray@epamail.epa.gov

Steve Hitte, Environmental Protection Agency, Air and Radiation, C304–04, Washington, DC 20460
Phone: 919–541–0886
Fax: 919 541–5509
Email: hitte.steve@epamail.epa.gov

RIN: 2060–AF70

3226. REVISED PERMIT REVISION PROCEDURES FOR THE FEDERAL OPERATING PERMITS PROGRAM–PART 71

Priority: Other Significant

Legal Authority: 42 USC 7661(a)(d)(3)

CFR Citation: 40 CFR 71.7

Legal Deadline: None

Abstract: The proposed regulatory change would streamline permit revisions procedures for stationary air sources that are subject to the Federal operating permits program.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 3922.

Agency Contact: Scott Voorhees, Environmental Protection Agency, Air and Radiation, C304–04, Research Triangle Park, NC 27711
Phone: 919–541–5348
Fax: 919 541–5509
Email: voorhees.scott@epamail.epa.gov

Steve Hitte, Environmental Protection Agency, Air and Radiation, C304–04, Washington, DC 20460
Phone: 919–541–0886
Fax: 919 541–5509
Email: hitte.steve@epamail.epa.gov

RIN: 2060–AG92

3227. SELECTION OF SEQUENCE OF MANDATORY SANCTIONS TO BE APPLIED PURSUANT TO SECTION 502 OF THE CLEAN AIR ACT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7661a(d); 42 USC 7661a(g); 42 USC 7661a(i)

CFR Citation: 40 CFR 70

Legal Deadline: None

Abstract: This rule would establish the order of sanctions for operating permits program deficiencies under the mandatory sanctions provisions of title V of the Clean Air Act. This rule would stipulate that an emission offset sanction applies first and a highway funding sanction six months later. Sanction application under section 502 of the Clean Air Act is automatic under the timeframes prescribed once EPA selects the sanction order; EPA's only discretion concerns the ordering of sanctions as discussedabove. Thus, the only relevant potential impact is the effect of applying, as a general matter, the emission offset sanction six months before the highway sanction. The EPA does not believe this will have a significant impact given the short period of time the offset sanction will apply before the highway sanction would apply when States fail to correct title V deficiencies. Moreover, EPA also believes that, in the event applying the highway sanction is not necessary six months following the offset sanction, because the State has corrected the deficiency prompting the finding, applying the offset sanction first eliminates the need for EPA and other agencies to bear the greater administrative and implementation burden of having to effectuate the highway sanction.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4700.

Agency Contact: Scott Voorhees, Environmental Protection Agency, Air and Radiation, C304–04, Research Triangle Park, NC 27711
Phone: 919–541–5348
Fax: 919 541–5509
Email: voorhees.scott@epamail.epa.gov

Steve Hitte, Environmental Protection Agency, Air and Radiation, C304–04, Washington, DC 20460
Phone: 919–541–0886
Fax: 919 541–5509
Email: hitte.steve@epamail.epa.gov

RIN: 2060–AK46

3228. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7541; 42 USC 7601

CFR Citation: 40 CFR 51; 40 CFR 85

Legal Deadline: None

Abstract: This action establishes a new short test procedure for use in I/M programs required by the Clean Air Act Amendments of 1990. Vehicles that are tested and failed using this procedure and that meet eligibility requirements established by the act would be eligible for free warranty repair from the manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN 3263.

Agency Contact: Buddy Polovick, Environmental Protection Agency, Air and Radiation, 6406, Washington, DC 20460
Phone: 734–214–4928
Fax: 734 214–4052
Email: polovick.buddy@epamail.epa.gov

RIN: 2060–AE20

3229. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671 ''CAA 176(c)''

CFR Citation: 40 CFR 51; 40 CFR 93

Legal Deadline: None

Abstract: The transportation conformity rule, promulgated in November 1993, ensures that transportation and air quality planning are consistent with Clean Air Act air quality standards. The Open Market Trading Guidance provides guidance to states for establishing a method to quantify emissions reductions (called discrete emissions reductions or DERs) that can be traded among parties and how such trading should occur. This action will amend the transportation conformity rule to clarify how emissions trading could be reconciled in the conformity process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 3917.

Agency Contact: Angela Spickard, Environmental Protection Agency, Air and Radiation, NFEVL, Ann Arbor, MI 49105
Phone: 734–214–4283
Email: spickard.angela@epamail.epa.gov

RIN: 2060–AH31

3230. INSPECTION MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE

Priority: Other Significant

Legal Authority: 23 USC 101; 42 USC 7401 et seq

CFR Citation: 40 CFR 51 (Revision); 40 CFR 93 (New)

Legal Deadline: None

Abstract: The Environmental Protection Agency (EPA) has had oversight and policy development authority for Inspection and Maintenance (I/M) programs since the passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments set forth standards for implementation of I/M programs. EPA used the statutory requirements of the Act, including I/M requirements for Federal facilities, to promulgate regulations which states would use in the development of their I/M State Implementation Plans (SIPs). Those rule requirements effectively gave States certain authorities over the Federal government. The Department of Justice has now ruled that Federal sovereign immunity was not fully waived under the CAA for those requirements and EPA should amend its rule to remove the requirement that States include those elements in their SIPs. EPA is proposing to: (1) Amend the Federal facilities I/M requirements by removing that section; (2) correct existing I/M SIP approval actions which include these elements; (3) establish new Federal facilities I/M program requirements which Federal facilities in I/M program areas must meet in order to comply with the Act; and (4) designate for each State which section of the Act Federal agencies must comply with based on how that State promulgated its I/M regulations. These changes will have minimal to no impact on the States as no new requirements are being created. The States are under no obligation, legal or otherwise, to modify existing SIPs meeting the previously applicable requirements as a result of this action, nor will emissions reduction credit be affected. However, the changes will clarify for affected Federal facilities what they must do to meet the CAA requirements by establishing new regulations per those requirements.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4348.

Agency Contact: Buddy Polovick, Environmental Protection Agency, Air and Radiation, 6406, Washington, DC 20460
Phone: 734–214–4928
Fax: 734 214–4052
Email: polovick.buddy@epamail.epa.gov

Sara Schneeberg, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202–564–5592
Email: schneeberg.sara@epamail.epa.gov

RIN: 2060–AI97

3231. RESCINDING FINDING THAT PREEXISTING PM10 STANDARDS NO LONGER APPLICABLE IN NORTHERN ADA COUNTY/BOISE, IDAHO

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 50.6(d); 40 CFR 52.676; 40 CFR 81.313

Legal Deadline: None

Abstract: The EPA had previously taken action to revoke the PM-10 national ambient air quality standards (NAAQS) for the Boise/Ada County area in anticipation that a revised PM-10 NAAQS would soon be in place. However, the DC Circuit court subsequently vacated the revised PM-10 NAAQS, the effectiveness of which served as the underlying basis for EPA's decision to revoke the preexisting PM-10 NAAQS. Therefore, in order to protect public health in the Boise/Ada County area, EPA is proposing to reinstate the pre-existing PM-10 NAAQS. Without this action there would be no Federal PM-10 NAAQS applicable to this area. This action is tentatively subject to the terms of a settlement agreement that was signed by all parties in January 2001. A Federal Register notice of the proposed settlement requesting public comment was published January 30, 2001 in accordance with section 113(g) of the Act. No negative comments were received. EPA/DOJ signed the settlement agreement and the State is in the processof carrying out its obligations under the settlement agreement. The State submitted its maintenance plan for Boise on 9/27/2002. Under the settlement, EPA agreed to take final action on the State's submittal by 9/30/2003. On July 30, 2003 a Federal Register notice was published proposing to rescind the finding that the 1987 PM10 NAAQS are not applicable in the Ada County/Boise, Idaho area, and simultaneously, to approve a PM10 SIP maintenance plan for the Ada County/Boise Idaho area and to redesignate the area from nonattainment to attainment. There will be a 30-day comment period. Written comments must be received on or before August 29, 2003. Under the settlement agreement, we must sign and forward to the Federal Register office our final action by September 30, 2003.

Timetable:

Action	Date	FR Cite
NPRM 1	06/26/00	65 FR 39321
Notice	07/26/00	65 FR 45953
NPRM	07/30/03	68 FR 44715
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN 4391.

Agency Contact: Gary Blais, Environmental Protection Agency, Air and Radiation, MD–15, C504–02, RTP, NC 27711
Phone: 919–541–3223
Fax: 919 541–5489

Email: blais.gary@epamail.epa.gov

Geoffrey Wilcox, Environmental Protection Agency, Air and Radiation, 2344A, Washington, DC 20460
Phone: 202–564–5601
Email: wilcox.geoffrey@epamail.epa.gov

RIN: 2060–AJ05

3232. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): CLEAN UNITS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This proposed rule would revise the provisions for the clean unit test contained in the major New Source Review (NSR) requirements. This action proposes to revise the length of the clean unit designation period contained in the final NSR rules. The current rules allow for clean unit designation to be used for 10 years provided the source meets the requirements to maintain clean unit status. This proposed rule would recognize that the average life expectancy of control equipment is 15 years rather than the 10 years contained in the final rules. Permitting agencies and industry will benefit from this action by potentially reducing the number of future permit actions. As a result, this action reduces the compliance burden, including annual compliance costs, for all sources subject to the major NSR program requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4691.

Agency Contact: Juan Santiago, Environmental Protection Agency, Air and Radiation, C33903, Washington, DC 20460
Phone: 919–541–1084
Fax: 919 541–5509
Email: santiago.juan@epamail.epa.gov

Lynn Hutchinson, Environmental Protection Agency, Air and Radiation, C33903, Washington, DC 20460
Phone: 919–541–5795
Fax: 919 541–5509
Email: hutchinson.lynn@epamail.epa.gov

RIN: 2060–AK42

3233. AMENDMENTS TO THE REQUIREMENTS ON VARIABILITY IN THE COMPOSITION OF ADDITIVES CERTIFIED UNDER THE GASOLINE DEPOSIT CONTROL PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414; 42 USC 7545; 42 USC 7601(a)

CFR Citation: 40 CFR 80

Legal Deadline: Other, Statutory, May 30, 2001, Settlement Agreement with American Chemistry Council in 8/2000 requires publication of NPRM ''as expeditiously as practicable.''.

Abstract: A Direct Final Rule (DFRM) and parallel Notice of Proposed Rule (NPRM) was published on November 5, 2001 in response to a settlement agreement reached with the American Chemical Council (ACC) regarding their litigation on the Gasoline Deposit Control Additive Rule. This litigation pertained to the information that manufacturers must provide on additive composition at the time of certification. Adverse comments were received on two of the four amendments. A partial withdrawal notice was published on January 24, 2002 which withdrew the amendments on which we received adverse comments. In this action, we plan to finalize the provisions that were withdrawn. The provisions we plan to finalize are based on an ACC consensus position, which reduces the burden on manufacturers in demonstrating compliance with limits on the compositional variability of the deposit control additives, while maintaining the emissions control benefits of the gasoline deposit control program.

Timetable:

Action	Date	FR Cite
Direct Final Action 1	11/05/01	66 FR 55885
Final Action 2	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4557.1. Split from RIN 2060-AJ69. Action is consistent with Settlement Agreement signed with American Chemistry Council in January 2000, which became final in August, 2000 (no comments were received in the public notice and comment). ACC v. EPA, D.C. Cir. No. 94-1778 (consol).

Sectors Affected: 325998 All Other Miscellaneous Chemical Product Manufacturing

Agency Contact: Jeff Herzog, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 20460
Phone: 734–214–4227
Fax: 734 214–4816
Email: herzog.jeff@epamail.epa.gov

Andrea Medici, Environmental Protection Agency, Air and Radiation, ARLO/PTSLO, Washington, DC 20460
Phone: 202–564–5634
Fax: 202 564–5653
Email: medici.andrea@epamail.epa.gov

RIN: 2060–AK62

3234. VOLUNTARY SUPERIOR MONITORING

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 60 to 61; 40 CFR 63; 40 CFR 70; 40 CFR 71

Legal Deadline: None

Abstract: The Voluntary Superior Monitoring (VSM) project has been revised from a regulatory to non-regulatory effort. Initially, the VSM project was designed to provide incentives to industry to induce them to conduct better or ''superior'' emissions monitoring than what is required through regulation and permitting. We had planned to revise the Parts 60, 61, and 63 general provisions to allow sources an option to install and operate better emissions monitoring (than what is regulatorily required) in return for incentives. This approach was deemed unworkable, therefore we revised the goals of the VSM project to aim for identifying opportunities for better or superior monitoring in new rulemakings. Thus, the focus of VSM now is to work with OAQPS regulation writers to find rules that would benefit from voluntary upgrades of emissions monitoring. For example, we have inserted language in an upcoming rule that allows states to

receive SIP credits for requiring sources to install better emissions monitors. This is a ''win-win'' situation. Sources install the superior monitors, find problems sooner, correct them quicker, and emit less pollutants. This measure can save sources money in maintenance of control devices while emitting less pollutants. Additionally, this measure is much less expensive, but just as effective, than other control measures.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4783.

Sectors Affected: 325 Chemical Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 323 Printing and Related Support Activities; 336 Transportation Equipment Manufacturing; 221 Utilities; 321 Wood Product Manufacturing

Agency Contact: Tom Driscoll, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919–541–5135
Fax: 919 541–5509
Email: driscoll.tom@epamail.epa.gov

Barrett Parker, Environmental Protection Agency, Air and Radiation, EN–341W, D243–02, Research Triangle Park, NC 27711
Phone: 919–541–5635
Fax: 919 541–1039
Email: parker.barrett@epamail.epa.gov

RIN: 2060–AK85

3235. DEFERRAL OF EFFECTIVE DATE OF NONATTAINMENT DESIGNATIONS FOR 8–HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR EARLY ACTION COMPACT AREAS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7407; 42 USC 7601

CFR Citation: 40 CFR 81

Legal Deadline: None

Abstract: EPA is proposing to defer the effective date of nonattainment air quality designations for ''Early Action Compact Areas'' that are violating the 8-hour ozone national ambient air quality standard, but have agreed to reduce ground-level ozone pollution earlier than the Clean Air Act requires. This proposal establishes the first of three dates by which EPA would defer the effective date of nonattainment designations for any of these areas that continues to meet all compact milestones. In a separateaction, EPA will designate these areas ''nonattainment'' by April 15, 2004; however, as long as Early Action Compact areas meet agreed-upon milestones, the impact of nonattainment designation for the 8-hour ozone standard will be deferred until September 30, 2005.

Timetable:

Action	Date	FR Cite
NPRM	12/16/03	68 FR 70108
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Additional Information: SAN 4798. This action has been merged with SAN 4839. All further action will be under SAN 4839. SAN 4798 is hereby withdrawn.

Agency Contact: David Cole, Environmental Protection Agency, Air and Radiation, MD–15, C539–02, Washington, DC 20460
Phone: 919–541–5565
Fax: 919 541–0824
Email: cole.david@epamail.epa.gov

Valerie Broadwell, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919–541–3310
Fax: 919 541–0824
Email: broadwell.valerie@epamail.epa.gov

RIN: 2060–AL85

3236. CONSIDERATION OF INDUSTRY PETITION TO REMOVE THE 2–PIECE CAN SUBCATEGORY FROM THE CLEAN AIR ACT HAZARDOUS AIR POLLUTANT SOURCE CATEGORY LIST

Priority: Substantive, Nonsignificant

Legal Authority: 42 CFR 63

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Agency has received a petition to remove the 2-piece Can subcategory from the Metal Can Surface Coating source category, which is on the list of hazardous air pollutant source categories under Section 112(c) of the Clean Air Act. The Agency must review the petition and either grant or deny the petition within 12 months of the date the complete petition is received. If the Agency grants the petition, a notice of proposed rulemaking will be published in the FR, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the FR providing an explanation of the denial. The Can Manufactures Association submitted the petition on November 4, 1996, and provided additional materials through April 4, 1999. At that time we determined the petition was complete. A final decision on the merits of the petition has been delayed due to outstanding toxicological issues regarding 2 pollutants (formaldehyde and ethylene glycol monobutyl ether (EGBE)), and due to a technically weak ecological assessment prepared by the petitioner. Issues with formaldehyde and EGBE should be resolved soon and we are still awaiting an updated ecological assessment from the petitioner.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4799.

Agency Contact: Kelly Rimer, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–2962
Fax: 919 541–0840
Email: rimer.kelly@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AL86

3237. NESHAP: FERROALLOYS PRODUCTION: FERROMANGANESE AND SILICOMANGANESE RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, May 20, 2007.

Abstract: EPA developed technology-based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks and develop additional emission standard, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4810.

Agency Contact: Margaret Sieffert, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 312–353–1151
Fax: 919 541–5450
Email: sieffert.margaret@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Washington, DC 20460
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AL93

3238. MINERAL WOOL PRODUCTION RESIDUAL RISK STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: PL 91–190, sec 203; 42 USC 7401

CFR Citation: 40 CFR 63.1175 to 63.1199

Legal Deadline: None

Abstract: Section 112(f)(2) of the Clean Air Act (CAA) directs us to assess the risk remaining (residual risk) after the application of control technology standards under section 112(d) (MACT). The EPA is to promulgate more stringent standards for a category or subcategory of sources subject to MACT standards under section 112(d) if promulgation of such standards is necessary to protect public health with an ample margin of safety or to prevent (taking into consideration various factors) adverse environmental effects. In particular, the CAA specifies the cancer risk of concern for setting more stringent standards. The CAA states that if the MACT standards do not reduce lifetime excess cancer risk to the individual most exposed to emissions... to less than one in one million, the Administrator shall promulgate standards under this subsection for such source categories. The standards to be promulgated under this subsection must provide an ample margin of safety to protect public health in accordance with this section (as in effect before the date of enactment of the Clean Air Act Amendments of 1990), unless the Administrator determines that a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental impact. Section 112(f)(2)(B) expressly preserves EPA's interpretation of an ample margin of safety developed in the 1989 benzene NESHAP final rule. EPA will review the mineral wool production MACT standard and conduct analyses to determine whether the residual risk warrants further regulation. The CAA requires that the residual risk rules be promulgated (if necessary) within eight years [nine for the two-year bin standards] after the promulgation of the associated MACT standard. The MACT rule for the mineral wool production source category was promulgated on June 1, 1999. Therefore, the statutory deadline for promulgating a residual risk rule (if necessary) for this source category is Jue 1, 2007.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4825. Legal: Legislative deadline for the residual risk rule is 8 years after promulgation of that source category's MACT rule.

Agency Contact: Susan Fairchild, Environmental Protection Agency, Air and Radiation, C–504–05, Washington, DC 20460
Phone: 919–541–5167
Fax: 919 541–5600
Email: fairchild.susan@epamail.epa.gov

Jim Crowder, Environmental Protection Agency, Air and Radiation, C504–05, Washington, DC 20460
Phone: 919–541–5596
Fax: 919 541–5600
Email: crowder.jim@epamail.epa.gov

RIN: 2060–AL96

3239. NESHAP FOR FLEXIBLE POLYURETHANE FOAM PRODUCTION: RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: EPA promulgated technology-based emission standards for this source category in 1998 under section 112(d) of the Clean Air Act. These standards are codified at 40 CFR Part 63, Subpart III. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks that remain once that standard becomes effective, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN 4831.

Agency Contact: Maria Noell, Environmental Protection Agency, Air and Radiation, C504–04, Washington, DC 20460
Phone: 919–541–5607
Fax: 919 541–3470
Email: noell.maria@epamail.epa.gov

Warren Johnson, Environmental Protection Agency, Air and Radiation, C504–04, Washington, DC 20460
Phone: 919–541–5124
Fax: 919 541–3470
Email: johnson.warren@epamail.epa.gov

RIN: 2060–AL99

3240. NESHAP: PHARMACEUTICALS PRODUCTION: RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, October 21, 2010, Residual risk standards if necessary, otherwise, finding of no residual risk.

Abstract: EPA promulgated technology-based emission standards for this source category in 1998 under section 112(d) of the Clean Air Act. These standards are codified at 40 CFR part 63, subpart FFF. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risk that remains once that rule becomes effective, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4832.

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919–541–5402
Email: mcdonald.randy@epa.gov

Randy Waite, Environmental Protection Agency, Air and Radiation, C540–04, Research Triangle Park, NC 27711
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AM00

3241. • NESHAP: AREA SOURCE STANDARDS—PAINT STRIPPING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 30, 2000.

Abstract: This regulation is being pursued under the Clean Air Act, Section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from ''area'' sources, which are sources consisting of several smaller pollution sources grouped within one site. As part of that strategy, several area-source categories were listed for possible regulation. Paint stripping area sources was listed as one of those categories, and this rulemaking will address measures to control pollution from the paint-stripping category.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4861.

Agency Contact: Tony Wayne, Environmental Protection Agency, Air and Radiation, C435–09, Washington, DC 20460
Phone: 919–541–5439
Fax: 919 541–0942
Email: wayne.tony@epamail.epa.gov

RIN: 2060–AM07

3242. • PROTECTION OF STRATOSPHERIC OZONE: AMENDMENTS TO THE SECTION 608 LEAK REPAIR REGULATIONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 82, subpart F

Legal Deadline: None

Abstract: This rulemaking will propose changes and amendments to the refrigerant leak repair regulations (40 CFR 82, subpart F) promulgated under Section 608 of the Clean Air Act. The goal of the regulations is to protect the stratospheric ozone layer by promulgating regulations that reduce the use and emissions of ozone-depleting refrigerants to the lowest achievable level. This proposal will clarify the leak repair regulations by requiring that owners and operators of comfort cooling, commercial refrigeration, and industrial process refrigeration appliances that have ozone-depleting charges greater than 50 pounds calculate leak rates, verify all repairs, and document repair efforts. This rulemaking will provide further clarity by adding definitions and discussing compliance scenarios.

Timetable:

Action	Date	FR Cite
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Additional Information: SAN 4856.

Agency Contact: Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washignton, DC 20460
Phone: 202–343–9870
Fax: 202–565–2155
Email: banks.julius@epamail.epa.gov

Nancy Smagin, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9126
Fax: 202 343–2338
Email: smagin.nancy@epamail.epa.gov

RIN: 2060–AM09

3243. • NESHAP: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: This action is a direct final amendment with an accompanying proposal to the national emission standards for hazardous air pollutants for asphalt processing and asphalt

roofing manufacturing that will correct minor errors in that rule.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4855.

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, C504–05, Washington, DC 20460
Phone: 919–541–5262
Email: colyer.rick@epamail.epa.gov

Jim Crowder, Environmental Protection Agency, Air and Radiation, C504–05, Washington, DC 20460
Phone: 919–541–5596
Fax: 919 541–5600
Email: crowder.jim@epamail.epa.gov

RIN: 2060–AM10

3244. • NESHAP: AREA SOURCE STANDARDS—GLASS MANUFACTURING INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, November 30, 2000.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. The ESD is currently working on the section 112(k) area source strategy to address area source contributions of air toxic substances. With the finalization of the Integrated Urban Air Toxics Strategy in July of 1999, the EPA introduced and outlined its ''risk based'' air toxics program, which includes both regulatory and non-regulatory programs and actions. The IntegratedUrban Air Toxics Strategy lists the goals of the EPA's air toxics program, which are as follows: (1) reduce the incidence of cancer attributable to exposure to hazardous air pollutants by 75% nationally; (2) reduce national non-cancer risks substantially; and (3) address risks which are disproportionately posed on specific sub-populations and geographic areas. In order to accomplish these goals, the EPA has integrated it's air toxics program into four components. The first component is source specific regulatory programs. This component includes the development of MACT standards under section 112(d), MACT or generally available control technology (GACT) standards112(k), residual risk standards under 112(f), and other standards to regulate emissions of air toxics from specific sources. The EPA will consider development of a NESHAP for glass manufacturing area sources under section 112(k). Section 112(k) requires the development of standards for area sources which account for 90% of theemissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either MACT or GACT, as defined in section 112. The processes involved in glass manufacturing are known to emit arsenic and lead. In 1986, EPA promulgated the NESHAP for Inorganic Arsenic Emissions From Glass Manufacturing Plants. Since that time, EPA has re-evaluated both the carcinogenicit4/10/1998) and the oral RfD assessment (02/01/1993) for arsenic.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4873.

Agency Contact: Susan Fairchild, Environmental Protection Agency, Air and Radiation, C–504–05, Washington, DC 20460
Phone: 919–541–5167
Fax: 919 541–5600
Email: fairchild.susan@epamail.epa.gov

Jim Crowder, Environmental Protection Agency, Air and Radiation, C504–05, Washington, DC 20460
Phone: 919–541–5596
Fax: 919 541–5600
Email: crowder.jim@epamail.epa.gov

RIN: 2060–AM12

3245. • NESHAP: AREA SOURCE STANDARDS—ACRYLIC/ MODACRYLIC FIBER (AMF) PRODUCTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Statutory, September 15, 2005.
Final, Statutory, September 15, 2006.

Abstract: This regulation is being pursued under the Clean Air Act, section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from ''area'' sources, which are sources consisting of several small pollution sources grouped within one site. As part of that strategy, several area-source categories were listed for possible regulation. Acrylic/modacrylic fiber production sources was listed as one of those categories, and this rulemaking will address measures to control pollution from AMF facilities.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4860. There is only one existing facility in the USA that will be subject to this rule. The facility is currently meeting the standards for major sources under 40 CFR 63 Subpart YY.

Agency Contact: Tony Wayne, Environmental Protection Agency, Air and Radiation, C435–09, Washington, DC 20460
Phone: 919–541–5439
Fax: 919 541–0942
Email: wayne.tony@epamail.epa.gov

RIN: 2060–AM13

3246. • NESHAP: AREA SOURCE STANDARDS—OIL AND NATURAL GAS PRODUCTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.760 to 779

Legal Deadline: Final, Statutory, November 30, 2000.

Abstract: This regulation is being pursued under the Clean Air Act, Section 112(k). Under section 112(k),

EPA developed a national strategy to address air-toxic pollution from ''area'' sources, which are sources that emit hazardous air pollutants (HAP) below the major source level of 10 tons/year of a single HAP and 25 tons/year of all HAP. As part of that strategy, several area-source categories were listed for regulation. Oil and Natural Gas (ONG) production sources was listed as one of those categories,and this rulemaking will address measures to control pollution from ONG facilities. Oil and natural gas production processes are known to emit benzene, toluene, ethyl-benzene and xylene. In 1999, EPA promulgated the NESHAP for Oil and Natural Gas Production.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4875.

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, C439–04, Washington, DC 20460
Phone: 919–541–3078
Fax: 919 541–0246
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM16

3247. • NESHAP: OIL AND NATURAL GAS PRODUCTION RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.760 to 63.779

Legal Deadline: Final, Statutory, June 17, 2007.

Abstract: EPA promulgated technology-based emission standards for this source category in 1999 under section 112(d) of the Clean Air Act. These standards are codified at 40 CFR part 63, subpart HH. The current action, required by section 112(f) and d(6) of the Clean Air Act, is to assess residual risk that remains once that rule becomes effective, and develop additional emission standards, as necessary, to provide an ample margin of safety; and to review the MACT standards promulgated in 1999 for developments in practices, processes and control technologies and revise, as necessary, existing standards.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4847.

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, C439–04, Washington, DC 20460
Phone: 919–541–3078
Fax: 919 541–0246
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM18

3248. • NESHAP: AREA SOURCE STANDARDS—INDUSTRIAL INORGANIC CHEMICALS MANUFACTURING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from the industrial inorganic chemicals manufacturing industry. This source category was listed for regulation under the Urban Air Toxic Strategy to address HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4874.

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, C504–05, Washington, DC 20460
Phone: 919–541–5262
Email: colyer.rick@epamail.epa.gov

Jim Crowder, Environmental Protection Agency, Air and Radiation, C504–05, Washington, DC 20460
Phone: 919–541–5596
Fax: 919 541–5600
Email: crowder.jim@epamail.epa.gov

RIN: 2060–AM19

3249. • NESHAP: TOTAL FACILITY LOW RISK DETERMINATION (TFLRD) FOR RESIDUAL RISK

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Section 112(f) of the Clean Air Act requires that we assess residual risk remaining after MACT and develop additional emission standard, as necessary, to provide an ample margin of safety. Many facilities have numerous MACT standards that they are subject to. This action will provide a procedure for facilities to assess risk, and if a facility wide low risk determination can be shown, to avoid applicable residual risk standards. The evaluation will be made on a facility wide HAP emissions basis.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4848.

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, C439–03, Washington, DC 20460
Phone: 919–541–0884
Fax: 919–541–0246
Email: lucas.bob@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–04, Research Triangle Park, NC 27711

Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM22

3250. • AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR IRON AND STEEL FOUNDRIES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 30, 2000.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90% of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN 4879.

Agency Contact: Conrad Chin, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–1512
Fax: 919 541–3207
Email: chin.conrad@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Washington, DC 20460
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AM36

3251. • NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 63

Legal Deadline: Final, Statutory, November 30, 2000.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90% of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112. The Integrated Urban Air Toxics Strategy lists plating and polishing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN 4886.

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, MD–C439–02, Washington, DC 20460
Phone: 919–541–5289
Fax: 919 541–5450
Email: mulrine.phil@epamail.epa.gov

RIN: 2060–AM37

3252. • AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: C;lean Air Act sec112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 30, 2000.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112(k) requires development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT). The Integrated Air Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN 4884.

Agency Contact: Jim Eddinger, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–5426
Fax: 919 541–5450
Email: eddinger.jim@epamail.epa.gov

RobertJ Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Washington, DC 20460
Phone: 919–541–1045
Fax: 919 541–5450
Email:
wayland.robertj@epamail.epa.gov

RIN: 2060–AM44

3253. • PROTECTION OF STRATOSPHERIC OZONE: SUBSTITUTE REFRIGERANT RECYCLING; AMENDMENT TO THE DEFINITION OF REFRIGERANT

Priority: Substantive, Nonsignificant

Legal Authority: 42 U.S.C. 7401 et seq

CFR Citation: 40 CFR 82.154(a)

Legal Deadline: None

EPA—Clean Air Act (CAA) — Long-Term Actions

Abstract: This action will correct the final rule entitled ''Protection of Stratospheric Ozone: Refrigerant Recycling; Substitute Refrigerants'' which was promulgated in the Federal Register on March 12, 2004 (69 FR 11946). Specifically, EPA is amending the regulatory text for the definition of ''refrigerant'' at 40 CFR 82.152 and the prohibition against venting substitute refrigerants at 40 CFR 82.154(a). These corrections reflect the preamble and intent of the March 12, 2004 rule that maintained the statutory venting prohibition while not otherwise regulating the sales or handling of substitute refrigerants that do not consist of an ozone-depleting substance (ODS), namely pure hydrofluorocarbon (HFC) and perfluorocarbon (PFC) refrigerants. Failure to make this correction would result in the unintentional regulation of substances that do not damage the ozone layer. EPA has not been granted authority to promulgate such regulations under the CAA.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4917.

Agency Contact: Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9870
Fax: 202–565–2155
Email: banks.julius@epamail.epa.gov

Tom Land, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

RIN: 2060–AM51

3254. • NESHAP: AREA SOURCE STANDARDS—CLAY CERAMICS INDUSTRY

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Section 112 or the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4906.

Agency Contact: Joseph Wood, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919 541–5446
Fax: 919 541–5600
Email: wood.joe@epa.gov

Keith Barnett, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919–541–5605
Fax: 919 541–5600
Email: barnett.keith@epamail.epa.gov

RIN: 2060–AM53

Environmental Protection Agency (EPA) — Completed Actions

Clean Air Act (CAA)

3255. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS REQUIREMENTS UNDER CLEAN AIR ACT SECTION 112(R)(7); AMENDMENTS TO THE SUBMISSION SCHEDULE AND DATA REQUIREMENTS

Priority: Other Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 68

Completed:

Reason	Date	FR Cite
Final Action	04/09/04	69 FR 18819

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Vanessa Rodriguez
Phone: 202–564–7913
Fax: 202 564–8233
Email: rodriguez.vanessa@epamail.epa.gov

RIN: 2050–AF09

3256. PETITIONS TO DELIST SOURCE CATEGORIES FROM THE SOURCE CATEGORY LIST, DEVELOPED PURSUANT TO SECTION 112(C) OF THE CLEAN AIR ACT

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Withdrawn	05/18/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kelly Rimer
Phone: 919–541–2962
Fax: 919 541–0840
Email: rimer.kelly@epamail.epa.gov

Dave Guinnup
Phone: 919–541–5368
Fax: 919 541–0840
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AJ23

3257. MOTOR VEHICLE AND ENGINE COMPLIANCE PROGRAM FEES FOR: LIGHT–DUTY VEHICLES AND TRUCKS; HEAVY–DUTY VEHICLES AND ENGINES; NONROAD ENGINES; AND MOTORCYCLES

Priority: Other Significant

CFR Citation: 40 CFR 86 (Revision)

Completed:

Reason	Date	FR Cite
Final Action	05/11/04	69 FR 26221

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Trina Vallion
Phone: 734–214–4449
Fax: 734 214–4053
Email: vallion.trina@epamail.epa.gov

Dan Harrison
Phone: 734–214–4281
Email: harrison.dan@epamail.epa.gov

RIN: 2060–AJ62

3258. NESHAP: COMBUSTION TURBINE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	03/05/04	69 FR 10512

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sims Roy
Phone: 919–541–5263
Fax: 919 541–5450
Email: roy.sims@epamail.epa.gov

RobertJ Wayland
Phone: 919–541–1045
Fax: 919 541–5450
Email:
wayland.robertj@epamail.epa.gov

RIN: 2060–AG67

3259. NESHAP: IRON AND STEEL FOUNDRIES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	04/22/04	69 FR 21905

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kevin Cavender
Phone: 919–541–2364
Fax: 919 541–5450
Email: cavender.kevin@epamail.epa.gov

Steve Fruh
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AE43

3260. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	11/10/03	68 FR 63852

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Randy McDonald
Phone: 919–541–5402
Email: mcdonald.randy@epa.gov

Randy Waite
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AE82

3261. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT (TIN–FREE STEEL)

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn	05/05/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Phil Mulrine
Phone: 919–541–5289
Fax: 919 541–5450
Email: mulrine.phil@epamail.epa.gov

Steve Fruh
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AH08

3262. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS COATING MANUFACTURING

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	12/11/03	68 FR 69164

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Randy Mcdonald
Phone: 919–541–5402
Fax: 919 541–3470
Email:
mcdonald.randy@epamail.epa.gov

Randy Waite
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AK59

3263. INTERSTATE OZONE TRANSPORT: RESPONSE TO COURT DECISIONS ON THE NOX SIP CALL, NOX SIP CALL TECHNICAL AMENDMENTS, AND SECTION 126 RULES

Priority: Other Significant

CFR Citation: 40 CFR 51 (Revision)

Completed:

Reason	Date	FR Cite
Final Action	04/21/04	69 FR 21603

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Jan King
Phone: 919–541–5665
Fax: 919 541–0824
Email: king.jan@epamail.epa.gov

Carla Oldham
Phone: 919–541–3347
Fax: 919 541–0824
Email: oldham.carla@epamail.epa.gov

RIN: 2060–AJ16

3264. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: VOLATILE ORGANIC LIQUID STORAGE VESSELS; AMENDMENTS

Priority: Substantive, Nonsignificant. Major under 5 USC 801.

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	10/15/03	68 FR 59328

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Morris
Phone: 919–541–5416
Fax: 919 541–0840
Email: morris.mark@epamail.epa.gov

Randy Waite
Phone: 919–541–5447
Fax: 919–541–3470
Email: waite.randy@epa.gov

RIN: 2060–AJ53

3265. PROPOSED AMENDMENTS TO PERFORMANCE STANDARDS AND MONITORING REQUIREMENTS FOR PARTICULATE MATTER AT STATIONARY SOURCES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60 Appendix B; 40 CFR 60 Appendix F

Completed:

Reason	Date	FR Cite
Final Action	01/12/04	69 FR 1785

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dan Bivins
Phone: 919–541–5244
Fax: 919 541–0516
Email: bivins.dan@epamail.epa.gov

Conniesue Oldham
Phone: 919–541–7774
Email:
oldham.conniesue@epamail.epa.gov

RIN: 2060–AJ88

3266. NESHAP: MERCURY CELL CHLOR–ALKALI PLANTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	12/19/03	68 FR 70904

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Iliam Rosario
Phone: 919–541–5308
Fax: 919 541–5308
Email: rosario.iliam@epamail.epa.gov

Steve Fruh
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AE85

3267. NESHAP: MISCELLANEOUS METAL PARTS AND PRODUCTS (SURFACE COATING)

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	01/02/04	69 FR 130

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

Agency Contact: Kim Teal
Phone: 919–541–5580
Fax: 919 541–5689
Email: teal.kim@epamail.epa.gov

RIN: 2060–AG56

3268. NESHAP: LIME MANUFACTURING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	01/05/04	69 FR 394

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joe Wood
Phone: 919–541–5446
Fax: 919 541–5600
Email: wood.joe@epamail.epa.gov

Keith Barnett
Phone: 919–541–5605
Fax: 919 541–5600
Email: barnett.keith@epamail.epa.gov

RIN: 2060–AG72

3269. NESHAP: SURFACE COATING OF METAL CANS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	11/13/03	68 FR 64433

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Paul Almodovar
Phone: 919–541–0283
Fax: 919 541–5689
Email:
almodovar.paul@epamail.epa.gov

RIN: 2060–AG96

3270. NESHAP: SURFACE COATING OF AUTOMOBILES AND LIGHT–DUTY TRUCKS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	04/26/04	69 FR 22601

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Dave Salman
Phone: 919–541–0859
Fax: 919 541–5689
Email: salman.dave@epamail.epa.gov

RIN: 2060–AG99

3271. NESHAP: PRIMARY MAGNESIUM REFINING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	10/10/03	68 FR 58615

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Lula Melton
Phone: 919–541–2910
Fax: 919 541–5450
Email: melton.lula@epamail.epa.gov

Steve Fruh
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AH03

3272. NESHAP: SITE REMEDIATION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	10/08/03	68 FR 58172

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Greg Nizich
Phone: 919–541–3078
Fax: 919 541–0246
Email: nizich.greg@epamail.epa.gov

Martha Smith
Phone: 919–541–2421
Fax: 919 541–0246
Email: smith.martha@epamail.epa.gov

RIN: 2060–AH12

3273. NESHAP: ORGANIC LIQUIDS DISTRIBUTION (NON–GASOLINE)

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	02/03/04	69 FR 5038

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Martha Smith
Phone: 919–541–2421
Fax: 919 541–0246
Email: smith.martha@epamail.epa.gov

Kent Hustvedt
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AH41

3274. NESHAP: TACONITE IRON ORE PROCESSING INDUSTRY

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	10/30/03	68 FR 61768

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Conrad Chin
Phone: 919–541–1512
Fax: 919 541–3207
Email: chin.conrad@epamail.epa.gov

Steve Fruh
Phone: 919–541–2837
Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AJ02

3275. CLARIFICATION TO EXISTING PART 63 NESHAP DELEGATIONS' PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	06/23/03	68 FR 37334

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Agency Contact: Tom Driscoll
Phone: 919–541–5135
Fax: 919 541–5509
Email: driscoll.tom@epamail.epa.gov

Robin Segall
Phone: 919–541–0893
Fax: 919 541–0896
Email: segall.robin@epamail.epa.gov

RIN: 2060–AJ26

3276. NESHAP: GASOLINE DISTRIBUTION FACILITIES—AMENDMENT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63 subpart R

Completed:

Reason	Date	FR Cite
Final Action	12/19/03	68 FR 70960

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steve Shedd
Phone: 919–541–5397
Fax: 919 685–3195
Email: shedd.steve@epamail.epa.gov

Martha Smith
Phone: 919–541–2421
Fax: 919 541–0246
Email: smith.martha@epamail.epa.gov

RIN: 2060–AJ42

3277. BENZENE WASTE OPERATIONS NESHAP; AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	12/04/03	68 FR 67932

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bob Lucas
Phone: 919–541–0884
Fax: 919–541–0246
Email: lucas.bob@epamail.epa.gov

Kent Hustvedt
Phone: 919–541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AJ87

3278. NESHAP: CHLORINE PRODUCTION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	12/19/03	68 FR 70949

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Iliam Rosario
Phone: 919–541–5308
Fax: 919 541–5308
Email: rosario.iliam@epamail.epa.gov

Steve Fruh
Phone: 919–541–2837

Fax: 919 541–3207
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK38

3279. NESHAP: PERCHLORETHYLENE DRY CLEANING FACILITIES (COMPLETION OF A SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412; 5 USC 610

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On September 22, 1993 (58 FR 49354), EPA promulgated standards to control perchlorethylene emissions from drycleaning facilities under Section 112 of the Clean Air Act. (See 40 CFR part 63, subpart M). Pursuant to Section 610 of the Regulatory Flexibility Act, EPA has reviewed this rule to determine if it should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. The full results of EPA's review have been summarized in a reportand placed in docket number OAR-2003-0029 in EPA's electronic docket system (www.epa.gov/edocket). These results are briefly summarized here.

EPA has concluded that there is continued need for this rule to protect public health by reducing harmful perchloroethylene (PCE) emissions as mandated by Section 112 of the Clean Air Act. EPA's review also addressed the following issues: complaints received, complexity, duplication and overlap. Regarding complaints, several commenters urged EPA tomake the rule more stringent to further reduce or eliminate PCE use. The Agency is currently addressing these kinds of considerations as part of its review of the NESHAP under Clean Air Act Sections 112(d)(6) and 112(f), and therefore will not address these issues further here.

A number of commenters cited recordkeeping burdens, but some also acknowledged that the requirements promote efficiency and are consistent with good business practices. Other commenters note that while recordkeeping does impose some paperwork burden, they do not believe it translates into significant economic cost. Another commenter proposed ways to lessen monitoring and recordkeeping burden. The Agency finds that revising the requirements as proposed by the commenters may lead to increased PCE emissions and may fail to demonstrate continued compliance.

The Agency also found that the rule's complexity is necessary to minimize economic impacts on small businesses while ensuring emissions reductions. The Agency received no comments requesting simplification of the rule requirements. EPA therefore finds that revisions to the NESHAP based on rule complexity are not necessary.

The extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules was also assessed as part of this review. The Agency is not aware of any instance where the NESHAP conflicts with state, local, or other requirements, and received no comments to that effect.

Finally, the Agency must consider the degree to which technology, economic conditions, or other factors have changed in the area of the rule. As noted above, although the Agency finds that no revisions to the NESHAP are necessary for the purpose of this RFA review, the Agency will continue to assess advances in technology as part of the ongoing review of the NESHAP that is required by section 112(d)(6) of the Clean Air Act.

In light of the considerations outlined above, EPA has decided to continue this rule in effect without change. A fuller explanation of the results of this review is given in the aforementioned report which has been placed in the docket established for this review.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/03	
End Review	10/01/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4785.

Agency Contact: Tom Eagles, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460
Phone: 202–564–1952
Email: eagles.tom@epamail.epa.gov

RIN: 2060–AK64

3280. FEDERAL PLAN REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE NOVEMBER 30, 1999

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 62

Completed:

Reason	Date	FR Cite
Final Action	10/03/03	68 FR 57518

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Agency Contact: David Painter
Phone: 919–541–5515
Fax: 919 541–2664
Email: painter.david@epamail.epa.gov

RIN: 2060–AJ28

3281. CONTROL OF EMISSIONS FROM HIGHWAY MOTORCYCLES

Priority: Other Significant

CFR Citation: 40 CFR 94

Completed:

Reason	Date	FR Cite
Final Action	01/15/04	69 FR 2398

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roberts French
Phone: 734–214–4380
Fax: 734 214–4050
Email: french.roberts@epamail.epa.gov

Glenn Passavant
Phone: 734–214–4408
Email:
passavant.glenn@epamail.epa.gov

RIN: 2060–AJ90

3282. PROTECTION OF STRATOSPHERIC OZONE: BAN ON TRADE OF METHYL BROMIDE TO NON–PARTIES TO THE MONTREAL PROTOCOL

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
Direct Final Rule	07/25/03	68 FR 43930

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tom Land
Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

Kate Choban
Phone: 202–343–9337
Fax: 202 343–2338
Email: choban.kate@epamail.epa.gov

RIN: 2060–AK67

3283. PROTECTION OF STRATOSPHERIC OZONE: SUPPLEMENTAL RULE REGARDING A RECYCLING STANDARD UNDER SECTION 608

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82(F)

Completed:

Reason	Date	FR Cite
Final Action	07/24/03	68 FR 43786
Final Action–Correction	09/18/03	68 FR 54677

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Julius Banks
Phone: 202–343–9870
Fax: 202–565–2155
Email: banks.julius@epamail.epa.gov

Tom Land
Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

RIN: 2060–AF36

3284. PROTECTION OF STRATOSPHERIC OZONE: REFRIGERANT RECYCLING; SUBSTITUTE REFRIGERANTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82(F)

Completed:

Reason	Date	FR Cite
Final Action	03/12/04	69 FR 11946
Final Action Effective	05/11/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Julius Banks
Phone: 202–343–9870
Fax: 202–565–2155
Email: banks.julius@epamail.epa.gov

Tom Land
Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

RIN: 2060–AF37

3285. PROTECTION OF STRATOSPHERIC OZONE: RECONSIDERATION OF SECTION 608 SALES RESTRICTION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82(F)

Completed:

Reason	Date	FR Cite
Withdrawn	05/14/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Julius Banks
Phone: 202–343–9870
Fax: 202–565–2155
Email: banks.julius@epamail.epa.gov

Tom Land
Phone: 202–343–9185
Fax: 202–565–2155
Email: land.tom@epamail.epa.gov

RIN: 2060–AG20

3286. COMPILATION OF SOURCE–SPECIFIC ALTERNATIVE METHODS BEING APPROVED FOR SOURCE–CATEGORY WIDE APPLICATION

Priority: Substantive, Nonsignificant

CFR Citation: 00 CFR NYD

Completed:

Reason	Date	FR Cite
Withdrawn	05/21/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rima Howell
Phone: 919–541–0443
Fax: 919 541–1039
Email: howell.rima@epamail.epa.gov

Conniesue Oldham
Phone: 919–541–7774
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AJ84

3287. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES; ADDENDUM TO SECOND AMENDMENT TO THE TIER 2/GASOLINE SULFUR REGULATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 80; 40 CFR 86

Completed:

Reason	Date	FR Cite
Direct Final Rule	06/12/02	67 FR 40169

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Manners
Phone: 734–214–4873
Fax: 734 214–4051
Email: manners.mary@epamail.epa.gov

Robin Moran
Phone: 734–214–4781
Fax: 734 214–4816
Email: moran.robin@epamail.epa.gov

RIN: 2060–AK63

3288. AMENDMENT TO MARINE DIESEL RULE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 94

Completed:

Reason	Date	FR Cite
Direct Final Action	09/19/03	68 FR 54956

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Karl Simon
Phone: 202–564–1106
Email: simon.karl@epamail.epa.gov

Alan Stout
Phone: 734–214–4805
Fax: 734–214–4834
Email: stout.alan@epamail.epa.gov

RIN: 2060–AL81

EPA—Clean Air Act (CAA) — Completed Actions

3289. REVISIONS TO FEDERAL OPERATING PERMITS PROGRAM FEE PAYMENT DEADLINES FOR CALIFORNIA AGRICULTURAL SOURCES

Priority: Substantive, Nonsignificant

CFR Citation: 42 CFR 71.9(f)

Completed:

Reason	Date	FR Cite
Withdrawal of Direct Final Rule	06/27/03	68 FR 38197

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Candace Carraway
Phone: 919–541–3189
Fax: 919 541–5509
Email: carraway.candace@epamail.epa.gov

David Wampler
Phone: 415–972–3975
Fax: 415–947–3579
Email: wampler.david@epamail.epa.gov

RIN: 2060–AL82

3290. AMENDMENTS TO THE PHASE 2 REQUIREMENTS FOR SPARK–IGNITION NONROAD ENGINES LESS THAN 19 KILOWATTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 90 (Revision)

Completed:

Reason	Date	FR Cite
NPRM	01/12/04	69 FR 1836
Direct Final Rule	01/12/04	69 FR 1824

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Philip Carlson
Phone: 734–214–4270
Fax: 734 214–4816
Email: carlson.philip@epamail.epa.gov

Glenn Passavant
Phone: 734–214–4408
Email: passavant.glenn@epamail.epa.gov

RIN: 2060–AL88

3291. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2004

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82.4

Completed:

Reason	Date	FR Cite
NPRM	10/28/03	68 FR 61382
Final Action	01/28/04	69 FR 4059

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Scott Monroe
Phone: 202–343–9712
Fax: 202 343–2338
Email: monroe.scott@epamail.epa.gov

RIN: 2060–AM01

3292. PROJECT XL SITE–SPECIFIC RULEMAKING FOR ANDERSEN CORPORATION'S FACILITY IN BAYPORT, MINNESOTA

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 52

Completed:

Reason	Date	FR Cite
Withdrawn	03/12/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brian Barwick
Phone: 312–886–6620
Email: barwick.brian@epamail.epa.gov

David Beck
Phone: 919–541–5421
Email: beck.david@epamail.epa.gov

RIN: 2090–AA21

Environmental Protection Agency (EPA) — Proposed Rule Stage

Atomic Energy Act (AEA)

3293. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW–ACTIVITY MIXED RADIOACTIVE WASTE

Priority: Other Significant

Legal Authority: 42 USC 2021 ''Atomic Energy Act of 1954''; ''Reorganization Plan No. 3 of 1970''; ''Nuclear Waste Policy Act of 1982''

CFR Citation: 40 CFR 193

Legal Deadline: None

Abstract: This rulemaking would address the problem of disposal of low-activity mixed radioactive wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rulemaking is intended to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule would not mandate a disposal method, but rather would permit an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of this rule. An Advanced Notice of Proposed Rulemaking is being issued to solicit early public input on this issue — see SAN 4054.1 elsewhere in this issue of the Regulatory Agenda.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/03	68 FR 65120
NPRM	01/00/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4054.

Agency Contact: Daniel Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202–343–9349
Fax: 202 343–2304
Email: schultheisz.daniel@epamail.epa.gov

RIN: 2060–AH63

Environmental Protection Agency (EPA) — Final Rule Stage

Atomic Energy Act (AEA)

3294. REVISION OF THE 40 CFR PART 194 WASTE ISOLATION PILOT PLANT COMPLIANCE CRITERIA

Priority: Substantive, Nonsignificant

Legal Authority: ''106 Stat. 4777 as amended by the 1996 LWA Amendments''; PL 102–579; PL 104–201; ''Waste Isolation Pilot Plant Land Withdrawal Act of 1992''

CFR Citation: 40 CFR 194.8(b)

Legal Deadline: None

Abstract: EPA is finalizing several alternative provisions to the compliance criteria in 40 CFR Part 194: (1) addition of a process for making minor changes to the provisions of the Compliance Criteria (194.6); (2) changes to the approval process for waste characterization programs at the Department of Energy transuranic (TRU) waste sites (194.8(b)); (3) changes to allow for submission of compliance applications and reference materials in alternative format (e.g., compact disk) (194.12 & 194.13); and replacement of the term ''process knowledge'' with ''acceptable knowledge''. The second item is the most significant change. Section 194.8(b) requires EPA to inspect TRU waste sites on a waste stream basis, and to initiate a notice-and-comment process for each inspection. If a site receives our approval to ship a single waste stream or group of waste streams, that site cannot ship a different waste stream until we perform an additional 194.8(b) inspection. Based on actual site inspection experience, we have learned that for regulatory purposes emphasis is better placed on the processes used to characterize the wastes streams rather than on the particular waste streams themselves. Also, we had witnessed DOE's capacity to properly characterize numerous waste streams at different waste generator sites. On this basis, we are proposing to alter the waste characterization approval process so that only one approval would be issued per site. EPA will assign reporting requirements for waste characterization activities and specify any limitations that would necessitate additional inspections. The purpose of the revisions to 194.8(b) is to achieve process and resources efficiencies while maintaining our confidence in DOE's technical capability to characterize wastes destined for the Waste Isolation Pilot Plant.

Timetable:

Action	Date	FR Cite
NPRM	08/09/02	67 FR 51929
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4403.

Agency Contact: Ray Lee, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202–564–4625
Fax: 202 343–2305
Email: lee.ray@epamail.epa.gov

Betsy Forinash, Environmental Protection Agency, Air and Radiation, 6602J, 6608J, Washington, DC 20460
Phone: 202–343–9233
Email: forinash.betsy@epamail.epa.gov

RIN: 2060–AJ07

Environmental Protection Agency (EPA) — Long-Term Actions

Atomic Energy Act (AEA)

3295. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR PART 190, SUBPART B AND 40 CFR 191, SUBPART A

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2021 ''Atomic Energy Act of 1954''; ''Reorganization Plan No. 3 of 1970''; ''Nuclear Waste Policy Act of 1982''

CFR Citation: 40 CFR 190(B); 40 CFR 191(A)

Legal Deadline: None

Abstract: The purpose of this action is to make a technical change to the dose methodology used in subpart A of 40 CFR 191, entitled Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level Waste and Transuranic Waste The current methodology is outdated. The dose methodology used in the rule published on September 19, 1985, was based on the target organ approach recommended by the International Commission on Radiological Protection (ICRP) in Report ι2. Since that time science has progressed and a new methodology based on an effective dose equivalent approach is currently being recommended by the ICRP in Report ι26. This action would update the 40 CFR 191, subpart A dose limits published in 1985 from the target organ to the state-of-the-art effective dose equivalent system. There would be no change in the level of protection, just the scientific methodology for determining compliance with the levels of protection established in 1985.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4003.

Agency Contact: Ray Clark, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202–343–9198
Fax: 202 343–2065
Email: clark.ray@epamail.epa.gov

RIN: 2060–AH90

3296. APPROACHES TO AN INTEGRATED FRAMEWORK FOR MANAGEMENT AND DISPOSAL OF LOW–ACTIVITY RADIOACTIVE WASTE: REQUEST FOR COMMENT

Priority: Other Significant

Legal Authority: 42 USC 2021 ''Atomic Energy Act of 1954''; ''Reorganization Plan No. 3 of 1970''; ''Nuclear Waste Policy Act of 1982''

CFR Citation: 40 CFR 193

Legal Deadline: None

Abstract: This Advance Notice of Proposed Rulemaking (ANPRM) will solicit public comment on voluntary approaches that would allow additional options for the disposal of low-activity mixed wastes. The wastes intended to be disposed of in these cells are Federally-regulated mixed wastes, consisting of a chemically hazardous component and low levels of

EPA—Atomic Energy Act (AEA) — Long-Term Actions

radioactivity. These wastes are anticipated to arise in the commercial sector from various sources, but may also be generated by Federal government activities. The intention of this effort is to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. It is envisioned that any rule that would be promulgated in this area would not mandate a disposal method, but rather permit an alternative to existing disposal methods. (See SAN 4054 elsewhere in today's Regulatory Agenda.) In this ANPRM, public comment will be solicited on application of such a rule to other low-activity radioactive wastes not currently regulated at the Federal level, and on possible non-regulatory approaches to improved management. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of any rule that would follow this ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/03	68 FR 65120
ANPRM Comment Period Extended	03/12/04	69 FR 11826
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4054.1. Split from RIN 2060-AH63.

Agency Contact: Daniel Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202–343–9349
Fax: 202 343–2304
Email: schultheisz.daniel@epamail.epa.gov

RIN: 2060–AL78

Environmental Protection Agency (EPA) — Completed Actions
Atomic Energy Act (AEA)

3297. WASTE ISOLATION PILOT PLANT (WIPP) FY 2001 REPORT TO CONGRESS

Priority: Info./Admin./Other

CFR Citation: 40 CFR 194

Completed:

Reason	Date	FR Cite
Report to Congress	04/20/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Raymond Lee
Phone: 202–343–9463
Fax: 202 343–2305
Email: lee.raymond@epamail.epa.gov

RIN: 2060–AK39

Environmental Protection Agency (EPA) — Prerule Stage
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3298. ENDOCRINE DISRUPTOR SCREENING PROGRAM (EDSP); CHEMICAL SELECTION APPROACH FOR INITIAL ROUND OF SCREENING

Priority: Other Significant

Legal Authority: 15 USC 2603 ''TSCA''; 21 USC 346(a) ''FFDCA''; 42 USC 300(a)(17) ''SDWA''; 7 USC 136 ''FIFRA''

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA published a proposed policy statement in the Federal Register setting forth the Endocrine Disruptor Screening Program on December 28, 1998. In that FR Notice, the Agency described the major elements of the Program EPA had developed to comply with the requirements of FFDCA section 408(p) as amended by FQPA. One of those elements is Priority Setting which was defined as the collection, evaluation, and analysis of relevant information to determine the general order in which chemical substances and mixtures will be subjected to screening and testing. Under this current action, EPA is developing a priority setting approach to be used by the Agency to identify the initial list of chemicals for which Tier 1 testing will be required. On December 30, 2002, EPA published in the Federal Register for public comment a proposed chemical selection approach for this initial list of chemicals. The public comment period on this proposed approach was extended to April 1, 2003 in a Federal Register notice dated February 26, 2003. Following consideration of comments on this proposed approach, EPA will issue a Federal Register notice setting forth its final approach. Although this action is not a rulemaking, the Agency has included it in the Regulatory Agenda to help inform the public.

Timetable:

Action	Date	FR Cite
Notice: Proposed Approach	12/30/02	67 FR 79611
Notice: Final Approach	01/00/05	
Notice: Draft Initial List	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4727. Split from RIN 2070-AD26.

Agency Contact: Mary Belefski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7201M, Washington, DC 20460
Phone: 202–564–8461
Fax: 202–564–8452
Email: belefski.mary@epamail.epa.gov

Gary Timm, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7201M, Washington, DC 20460
Phone: 202–564–8474
Fax: 202 564–8482

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Prerule Stage

Email: timm.gary@epamail.epa.gov

RIN: 2070–AD59

3299. PESTICIDE WORKER PROTECTION RULE (SECTION 610 REVIEW)

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: 7 USC 135

CFR Citation: 40 CFR Part 156; 40 CFR Part 170

Legal Deadline: None

Abstract: On August 21, 1992, the Environmental Protection Agency (EPA) issued final revisions to the Worker Protection Standards governing the protection of workers from agricultural pesticides. These revised regulations expand the scope of the standards to include not only workers performing hand labor operations in fields treated with pesticides, but employees in forests, nurseries, and greenhouses and employees who handle (mix, load, apply, etc.) pesticides for use in these locations. The revised regulations became effective January 1, 1995, and are applicable to agricultural farm workers and pesticide handlers working on farms, forests, nurseries, and greenhouses. In 1995 and 1996, the standard was amended to address specific concerns of the regulation community. EPA is reviewing this regulation pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). The purpose of this review is to determine whether the rule should be continued without change, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). EPA has already solicited comment on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and the degree to which technology, economic conditions or other relevant factors have changed since the rule was promulgated. We expect to announce the completion of this review and report its outcome in 2004. See EPA Docket ID number OPP-2003-0115 at www.epa.gov/edocket.

Timetable:

Action	Date	FR Cite
Final Action 1	08/21/92	57 FR 38102
Begin Review	05/27/03	68 FR 30942
Comment Period End	12/22/03	68 FR 73543
End Review	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4789.

Sectors Affected: 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 115 Support Activities for Agriculture and Forestry; 1131 Timber Tract Operations

Agency Contact: Donald Eckerman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5062
Email: eckerman.donald@epamail.epa.gov

Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–308–7002
Email: davis.kathy@epamail.epa.gov

RIN: 2070–AD66

Environmental Protection Agency (EPA) — Proposed Rule Stage
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3300. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136(a) to 136(y)

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: EPA will propose revisions to its data requirements for the registration of conventional pesticide products. In this action, the Agency is proposing revisions to the data requirements that pertain to product chemistry, toxicology, residue chemistry, applicator exposure, post-application exposure, nontarget terrestrial and aquatic organisms, nontarget plant protection, and environmental fate. The proposed data requirements reflect current scientific knowledge and understanding. These revisions will improve the Agency's ability to make regulatory decisions about the human health and environmental effects of pesticide products to better protect wildlife, the environment, and people, including sensitive subpopulations. Couple with revision data requirements, EPA proposes to reformat the requirements and revise its general procedures and policies associated with data submission. By codifying existing data requirements which are currently applied on a case-by-case basis, the pesticide industry, along with other partners in the regulated community, would attain a better understanding and could better prepare for the pesticide registration process. EPA intends to propose a series of revisions to the data requirements, covering different data disciplines and product types.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 2687.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

Agency Contact: Melissa Chun, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–4027
Fax: 703 305–5884
Email: chun.melissa@epamail.epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5944

Email: frane.jean@epamail.epa.gov

RIN: 2070–AC12

3301. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136(a) to 136(y)

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: EPA will update and revise its pesticide data requirements for antimicrobial products. The data requirements specify the data that are required for EPA to evaluate the registrability of a pesticide product. The revisions will also clarify the data requirements for all antimicrobials to reflect current practice.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4173.

Sectors Affected: 32519 Other Basic Organic Chemical Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

Agency Contact: Paul Parsons, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–308–9073
Fax: 703 305–5884
Email: parsons.paul@epamail.epa.gov

RIN: 2070–AD30

3302. ENDOCRINE DISRUPTER SCREENING PROGRAM (EDSP); IMPLEMENTING THE SCREENING AND TESTING PHASE

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 2603 ''TSCA''; 21 USC 346(a) ''FFDCA''; 42 USC 300(a)(17) ''SDWA''; 7 USC 136 ''FIFRA''

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The screening and testing phase of the Endocrine Disruptor Screening Program (EDSP) potentially will encompass a broad range of types of chemicals, including pesticide chemicals, TSCA chemicals, chemicals that may be found in sources of drinking water, chemicals that may have an effect that is cumulative to the effect of a pesticide chemical, chemicals that are both pesticide chemicals and TSCA chemicals, and other chemicals that are combinations of these types of chemicals. EPA is developing the procedures and processes that the Agency will use when implementing the screening and testing phase of the EDSP. Specifically, depending on decisions that the Agency makes regarding implementation of the testing phase of the EDSP, the action will describe the authorities that EPA may invoke to require testing by the chemical manufacturers and pesticide registrants and, if necessary, establish the process that the Agency will use to require the testing.

Timetable:

Action	Date	FR Cite
Policy/NPRM	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4728. Split from RIN 2070-AD26. In August 2000, the Agency submitted the required Status Report to Congress. In March 2002, the Agency submitted the requested status report to Congress on the Endocrine Disruptor Methods Validation subcommittee under the National Advisory Council on Environmental Policy and Technology.

Agency Contact: Jane—Scott Smith, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7201M, Washington, DC 20460
Phone: 202–564–8476
Fax: 202–564–8483
Email: smith.jane-scott@epamail.epa.gov

Joe Nash, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8886
Fax: 202–564–4765
Email: nash.joseph@epa.gov

RIN: 2070–AD61

3303. PESTICIDES; PROCEDURES FOR THE REGISTRATION REVIEW PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a (g); 7 USC 136w

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Agency will establish procedures to implement section 3(g) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) which provides for periodic review of pesticide registrations. The goal of these regulations is to review a pesticide's registration every 15 years.

Timetable:

Action	Date	FR Cite
ANPRM	04/26/00	65 FR 24586
NPRM	02/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4170.

Sectors Affected: 32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

Agency Contact: Vivian Prunier, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–308–9341
Fax: 703 308–5884
Email: prunier.vivian@epamail.epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5944
Email: frane.jean@epamail.epa.gov

RIN: 2070–AD29

3304. PESTICIDES; EMERGENCY EXEMPTION PROCESS REVISIONS

Priority: Other Significant

Legal Authority: 7 USC 136p; 7 USC 136w

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Proposed Rule Stage

CFR Citation: 40 CFR 166

Legal Deadline: None

Abstract: EPA will publish a Notice of Proposed Rulemaking in the Federal Register proposing several improvements to the pesticide emergency exemption process under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Two of these potential improvements are currently being tested through a limited pilot, and are based on recommendations from the States which are the primary applicants for emergency exemptions. EPA has established regulations under section 18 of FIFRA which allow a Federal or State agency to apply for an emergency exemption to allow an unregistered use of a pesticide for a limited time when such use is necessary to alleviate an emergency condition.

Timetable:

Action	Date	FR Cite
Notice: Limited Pilot	04/24/03	68 FR 20145
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4216.

Sectors Affected: 9241 Administration of Environmental Quality Programs

Agency Contact: Joe Hogue, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–308–9072
Fax: 703 305–5884
Email: hogue.joe@epamail.epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5944
Email: frane.jean@epamail.epa.gov

RIN: 2070–AD36

Environmental Protection Agency (EPA) — Final Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3305. PESTICIDE MANAGEMENT AND DISPOSAL; STANDARDS FOR PESTICIDE CONTAINERS AND CONTAINMENT

Priority: Other Significant

Legal Authority: 7 USC 136(q) ''FIFRA sec 19''; 7 USC 136(a) ''FIFRA sec 3''; 7 USC 136(w) ''FIFRA sec 25''

CFR Citation: 40 CFR 156; 40 CFR 165

Legal Deadline: Final, Statutory, December 24, 1991, –.

Abstract: FIFRA sec. 19 gives EPA authority to regulate the management of pesticides and their containers, including storage, transportation and disposal. As proposed, this rule would establish standards for removal of pesticides from containers and for rinsing containers; facilitate the safe use, refill, reuse, and disposal of pesticide containers by establishing standards for container design, labeling and refilling; and establish requirements for containment of stationary bulk containers and for containment of pesticide dispensing areas.

Timetable:

Action	Date	FR Cite
NPRM original	02/11/94	59 FR 6712
Supp NPRM 1	10/21/99	64 FR 56918
Supp NPRM 2	12/21/99	64 FR 71368
Notice: Reopen Comment Period	06/00/04	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 2659.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing; 11511 Support Activities for Crop Production; 42291 Farm Supplies Wholesalers

URL For More Information: www.epa.gov/pesticides/regulating/containers.htm

Agency Contact: Nancy Fitz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–7385
Fax: 703 308–3259
Email: fitz.nancy@epamail.epa.gov

Jude Andreasen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–308–9342
Fax: 703–308–3259
Email: andreasen.jude@epamail.epa.gov

RIN: 2070–AB95

3306. WPS; PESTICIDE WORKER PROTECTION STANDARD (WPS); GLOVE AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136(w)

CFR Citation: 40 CFR 170

Legal Deadline: None

Abstract: This final rule would create greater flexibility in requirements of the 1992 Worker Protection Standard related to the use of gloves by workers and applicators.

Timetable:

Action	Date	FR Cite
NPRM	09/09/97	62 FR 47544
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 3731.

Sectors Affected: 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 1131 Timber Tract Operations; 115 Support Activities for Agriculture and Forestry

Agency Contact: Nancy Vogel, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–6475
Fax: 703 305–5884
Email: vogel.nancy@epamail.epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5944
Email: frane.jean@epamail.epa.gov

RIN: 2070–AC93

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Final Rule Stage

3307. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136(a)(h); 7 USC 136(w)

CFR Citation: 40 CFR 152

Legal Deadline: Final, Statutory, September 15, 2000, The Final Rule is due 240 days after close of comment period.

Abstract: This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. In addition, the regulation will also include labeling standards for public health antimicrobial products.

Timetable:

Action	Date	FR Cite
NPRM	09/17/99	64 FR 50671
Notice	11/16/99	64 FR 62145
Final Original	12/14/01	66 FR 64759
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3892.

Sectors Affected: 32519 Other Basic Organic Chemical Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

Agency Contact: Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5944
Email: frane.jean@epamail.epa.gov

Cleo Pizana, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7510C, Washington, DC 20460
Phone: 703–308–6431
Email: pizana.cleo@epamail.epa.gov

RIN: 2070–AD14

Environmental Protection Agency (EPA) — Long-Term Actions
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3308. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: EPA will update the data requirements necessary to register a biochemical or microbial pesticide product. The revisions will codify data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for biochemical and microbial pesticides, including product chemistry and residue chemistry, toxicology and environmental fate and effects. The revision will not include plant incorporated protectants.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Additional Information: SAN 4596.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

Agency Contact: Candace Brassard, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–6598
Fax: 703 305–5884
Email: brassard.candace@epamail.epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5944
Email: frane.jean@epamail.epa.gov

RIN: 2070–AD51

3309. PESTICIDES; TOLERANCE PROCESSING FEES

Priority: Other Significant

Legal Authority: 21 USC 346(a)

CFR Citation: 40 CFR 180

Legal Deadline: None

Abstract: In 1996, the Food Quality Protection Act amended the Federal Food, Drug, and Cosmetic Act to require EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. This rule would have adjusted the fee structure and fee amounts for tolerance actions. However, under the Consolidated Appropriations Act of2004, signed on January 23, 2004, EPA is prohibited from collecting any tolerances fees until September 30, 2008. Accordingly, this rule will not be issued.

Timetable:

Action	Date	FR Cite
NPRM	06/09/99	64 FR 31039
Supplemental NPRM	07/24/00	65 FR 45569
Supplemental NPRM 2	08/31/00	65 FR 52979
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4027.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

Agency Contact: Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5944
Email: frane.jean@epamail.epa.gov

RIN: 2070–AD23

3310. PESTICIDE TOLERANCE REASSESSMENT PROGRAM

Priority: Routine and Frequent

Legal Authority: 21 USC 346(a) to 346(q)

CFR Citation: 40 CFR 180

Legal Deadline: Other, Statutory, August 3, 2006, See additional information.

Abstract: EPA will reassess pesticide tolerances and exemptions for raw and processed foods established prior to August 3, 1996, to determine whether they meet the reasonable certainty of no harm standard of the Federal Food, Drug and Cosmetic Act (FFDCA). FFDCA sec. 408(q), as amended by the Food Quality Protection Act (FQPA). FQPA requires that EPA conduct this reassessment on a phased 10-year schedule. Based on its reassessment, EPA will take a series of regulatory actions to modify or revoke tolerances. Since such actions are issued on a chemical-by-chemical basis, this regulatory plan entry does not list the individual actions that are likely to occur under this program. For status information about the individual chemicals, go to http://www.epa.gov/pesticides.

Timetable:

Action	Date	FR Cite
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4175. LEGAL DEADLINE CONT: EPA is required to complete reassessments on a phased schedule of: 33% by August 3; 1999; 66% by August 3; 2002; and 100% by August 3; 2006. The Agency will continue to assess pesticide tolerances throughout each year.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

Agency Contact: Robert McNally, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7508C, Washington, DC 20460
Phone: 703–308–8085
Fax: 703 308–8041
Email: mcnally.robert@epamail.epa.gov

Joseph Nevola, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7508C, Washington, DC 20460
Phone: 703–308–8037
Email: nevola.joseph@epamail.epa.gov

RIN: 2070–AD24

3311. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEINS

Priority: Other Significant

Legal Authority: 21 USC 346(a) et seq; 7 USC 136 et seq

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA is considering the addition of plant-incorporated protectants based on viral coat proteins to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to ''prevent, repel or mitigate any pest''. These substances are also ''pesticide chemical residues'' under theFederal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants based on viral coat proteins from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

Timetable:

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supp NPRM 1	07/22/96	61 FR 37891
Supp NPRM 2	05/16/97	62 FR 27132
Supp NPRM–RCAN	04/23/99	64 FR 19958
Final Resubmittal	07/19/01	66 FR 37855
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4602. This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

Agency Contact: Melissa Kramer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460
Phone: 202–564–8497
Fax: 202 564–8502
Email: kramer.melissa@epamail.epa.gov

Tom McClintock, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460
Phone: 202–564–8488
Fax: 202–564–8502
Email: mcclintock.tom@epamail.epa.gov

RIN: 2070–AD49

3312. PLANT–INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS

Priority: Other Significant

Legal Authority: 7 USC 136 et seq; 21 USC 346a et seq

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA is considering the addition of plant-incorporated protectants derived through genetic engineering from sexually compatible plants to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to ''prevent, repel or mitigate any pest''. These substances are also ''pesticide chemical residues'' under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants derived through genetic engineering from sexually compatible plants from the requirement of a tolerance under section 408 of the

FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a recent Supplemental Proposal (66 FR 37855).

Timetable:

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supp NPRM 1	07/22/96	61 FR 37891
Supp NPRM 2	05/16/97	62 FR 27132
Supp NPRM 3	04/23/99	64 FR 19958
Supp NPRM 4	07/19/01	66 FR 37855
Supp NPRM 5	08/20/01	66 FR 43552
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4611.

This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

Agency Contact: Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460
Phone: 202–564–8492
Fax: 202 564–8501
Email: milewski.elizabeth@epamail.epa.gov

Janet Andersen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7511C, Washington, DC 20460
Phone: 703–308–8712
Fax: 703 308–7026
Email: andersen.janet@epamail.epa.gov

RIN: 2070–AD55

3313. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT

Priority: Other Significant

Legal Authority: 7 USC 136 et seq; 21 USC 346a et seq

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA is considering the addition of plant-incorporated protectants that act by primarily affecting the plant to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to ''prevent, repel or mitigate any pest''. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a recent Supplemental Proposal (66 FR 37855).

Timetable:

Action	Date	FR Cite
NPRM Original	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supp NPRM 1	05/16/97	62 FR 27132
Supp NPRM 2	04/23/99	64 FR 19958
Supp NPRM 3	07/19/01	66 FR 37855
NPRM	To Be	Determined
Final FFDCA	To Be	Determined
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4612. This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

Agency Contact: Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460
Phone: 202–564–8492
Fax: 202 564–8501
Email: milewski.elizabeth@epamail.epa.gov

Janet Andersen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7511C, Washington, DC 20460
Phone: 703–308–8712
Fax: 703 308–7026
Email: andersen.janet@epamail.epa.gov

RIN: 2070–AD56

3314. ACCEPTABILITY OF RESEARCH USING HUMAN SUBJECTS

Priority: Other Significant

Legal Authority: 5 USC 301; 7 USC 136a; 7 USC 136w; 15 USC 2603; 21 USC 346a; 42 USC 300v–1(b); 42 USC 7601; 33 USC 1361; 42 USC 9615; 42 USC 11048; 42 USC 6912; 42 USC 300j–9

CFR Citation: 40 CFR 26 (Revision)

Legal Deadline: None

Abstract: EPA is evaluating its current policy with respect to the protection of human research subjects in testing not conducted or supported by the Federal government. Current EPA regulations in 40 CFR part 26 apply to research conducted or supported by the Agency or ''otherwise subject to regulation.'' No action has been taken yet to give effect to the ''otherwise subject to regulation'' phrase. In addition, EPA has asked for and received the advice of the National Academy of Sciences (NAS) on several issues surrounding the acceptability and interpretation of third party studies involving deliberate dosing of human subjects for the purpose of defining or quantifying toxic endpoints. EPA will seek public comment on issues related to Agency use of human research data in its regulatory decisionmaking. EPA believes the process being initiated will serve two important Agency goals: ensuring the availability of sound and appropriate scientific data in its decisions, and protection of the rights andsafety of human research subjects. EPA may issue one or more documents, which may include policy statements, rulemaking or requests for public comment.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/03	68 FR 24410
Notice/NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4610.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

Agency Contact: William Jordan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7501C, Washington, DC 20460
Phone: 703–305–1049
Fax: 703–308–4776
Email: jordan.william@epamail.epa.gov

John Carley, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7501C, Washington, DC 20460
Phone: 703–305–7019
Fax: 703–305–5060
Email: carley.john@epamail.epa.gov

RIN: 2070–AD57

3315. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS

Priority: Economically Significant

Legal Authority: 7 USC 136a(c) to 136a(d); 7 USC 136b(d) to 136b(f); 7 USC 136d(b) to 7 USC 136d(e); 7 USC 136w(a)

CFR Citation: 40 CFR 164 (Revision)

Legal Deadline: None

Abstract: EPA is preparing a comprehensive revision of the Rules of Practice governing the conduct of licensing adjudications under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The existing Rules of Practice were originally promulgated by EPA in 1973. In the subsequent 30 years, Congress has substantially amended FIFRA, creating a number of additional types of licensing adjudications which are not expressly provided for in the existing Rules of Practice. In order to include provisionstailored to these new types of proceedings, and to incorporate the standard practices which have evolved and the precedents which have been established since these rules were first promulgated, EPA intends to comprehensively revise the FIFRA Rules of Practice.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4618.

Sectors Affected: 112 Animal Production; 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing

Agency Contact: Scott Garrison, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2333A, Washington, DC 20460
Phone: 202–564–4047
Fax: 202 564–5644
Email: garrison.scott@epamail.epa.gov

Robert Perlis, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2333A, Washington, DC 20460
Phone: 202–564–5636
Fax: 202 564–5644
Email: perlis.robert@epamail.epa.gov

RIN: 2020–AA44

3316. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 7 USC 136(a) ''FIFRA sec 3''; 7 USC 136(w)

CFR Citation: 40 CFR 152.170

Legal Deadline: None

Abstract: This regulation as proposed would establish Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority had an EPA-approved Plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule are being reconsidered to determine whether the program can address water quality issues rather than ground-water only, and to determine the best partnership approach to implementation.

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
Notice	02/23/00	65 FR 8925
Supplemental NPRM	03/24/00	65 FR 15885
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Federalism: Undetermined

Additional Information: SAN 3222.

Sectors Affected: 9241 Administration of Environmental Quality Programs

Agency Contact: Arty Williams, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5239
Fax: 703 308–3259
Email: williams.arty@epamail.epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703–305–5944
Email: frane.jean@epamail.epa.gov

RIN: 2070–AC46

3317. PESTICIDES; EXEMPTION OF MEDICAL DEVICES TREATED WITH ANTIMICROBIAL PESTICIDES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a; 7 USC 136w

CFR Citation: 40 CFR 152.20

Legal Deadline: None

Abstract: This action will exempt from the requirements of FIFRA medical devices treated with antimicrobial pesticides. EPA has determined that these treated medical devices are adequately regulated by the Food and Drug Administration. This action would eliminate dual regulation of these products by EPA and FDA. EPA would continue to regulate the antimicrobial pesticide used to treat the medical device.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Long-Term Actions

Additional Information: SAN 4609.

Sectors Affected: 32619 Other Plastics Product Manufacturing; 31499 All Other Textile Product Mills

Agency Contact: Melba Morrow, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7510C, Washington, DC 20460
Phone: 703–308–2716
Fax: 703 308–8481
Email: morrow.melba@epamail.epa.gov

RIN: 2070–AD54

Environmental Protection Agency (EPA) — Prerule Stage
Toxic Substances Control Act (TSCA)

3318. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2601 et seq (TSCA)

CFR Citation: None

Legal Deadline: None

Abstract: This is a voluntary program to evaluate commercial chemicals to which children may have a high likelihood of exposure. Designed with extensive stakeholder participation, the purpose of this voluntary program is to obtain toxicity and exposure data needed to assess the risk of childhood exposure to commercial chemicals. EPA launched a pilot of this program on December 26, 2000. Manufacturers of 20 of the 23 pilot chemicals have volunteered to sponsor their chemicals in tier 1 in the pilot. A workshop was held in December 2001 to provide sponsors with additional guidance on the scope and content of the exposure assessments they will prepare. A peer consultation process is being used to evaluate the scientific merits of the hazard, exposure, and risk assessments submitted by sponsors. Assessments for six chemicals have been evaluated in the peer consultation process. Information on VCCEP and the chemical assessments submitted to date are available to the public at www.epa.gov/chemrtk/vccep1. Although not currently involving a rulemaking, EPA has included this pilot program in the Regulatory Agenda to inform the public about activities like this related to its chemical testing program.

Timetable:

Action	Date	FR Cite
Notice Announcing VCCEP & Pilot	12/26/00	65 FR 81700
Notice of Public Review	12/00/04	
Notice: Status of Pilot	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4876.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/chemrtk/vccep

Agency Contact: Ward Penberthy, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, 7405M, Washington, DC 20460
Phone: 202–564–8171
Fax: 202 564–4765
Email: penberthy.ward@epamail.epa.gov

Catherine Roman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8172
Fax: 202 564–4765
Email: roman.catherine@epamail.epa.gov

RIN: 2070–AC27

3319. LEAD; REQUIREMENTS FOR LEAD–BASED PAINT ACTIVITIES IN TARGET HOUSING AND CHILD–OCCUPIED FACILITIES (SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: TSCA 402/404; 15 USC 2682; 15 USC 2684

CFR Citation: 40 CFR 745 subpart L; 40 CFR 745 subpart Q

Legal Deadline: None

Abstract: In August, 1996, the Environmental Protection Agency (EPA) promulgated regulations under section 402 of the Toxic Substances Control Act (TSCA) to ensure that individuals conducting lead-based paint activities in target housing and child-occupied facilities are properly trained and certified, that training programs providing instruction in such activities are accredited and that these activities are conducted according to reliable, effective and safe work practice standards. EPA also finalizeda Federal regulation under section 404 of TSCA that allows States and Indian Tribes to seek authorization to administer and enforce the regulations developed under section 402 for the training and certification of individuals conducting LBP activities and the accreditation of training programs for LBP activities in 1996 (August 29, 1996, 61 FR 45778). EPA performed an analysis of the potential impacts on small entities and determined that this action is likely to have a modest adverse economic impact on a substantial number of small entities. The TSCA section 404 regulations became effective August 29, 1998. The final rule then provided for an additional phase-in period for the requirements for training program accreditation, individual and firm certification, and work practice standards. Regulations for accreditation of training programs became effective on March 1, 1999. Regulations for certification of individuals and firms became fully effective on March 1, 2000. EPA is reviewing the 1996 regulation pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). The purpose of this review is to determine whether the rule should be continued without change, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with the provisions of the Toxic Substances Control Act (TSCA). EPA has already solicited comment on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and the degree to which technology, economic conditions or other relevant factors have changed since the rule was promulgated. We expect to announce the completion of this review and report its outcome in 2004. See EPA Docket ID number

OPPT-2003-0015 at www.epa.gov/edocket.

Timetable:

Action	Date	FR Cite
Final Action 1	08/29/96	61 FR 45778
Review Begin	05/27/03	68 FR 30942
Comment Period End	12/22/03	68 FR 73543
Review End	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4788.

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0484
Fax: 202 566–0471
Email: wheeler.cindy@epamail.epa.gov

Mike Wilson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0521
Fax: 202 566–0469
Email: wilson.mike@epamail.epa.gov

RIN: 2070–AD65

3320. • NOTIFICATION OF CHEMICAL EXPORTS UNDER TSCA SECTION 12(B)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2611

CFR Citation: 40 CFR 707

Legal Deadline: None

Abstract: Section 12(b)(2) of the Toxic Substances Control Act (TSCA) states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which submission of data is required under section 4 or 5(b), or for which a rule, action or order has been proposed or promulgated under section 5, 6, or 7, shall notify the EPA Administrator of such export or intent to export. The Administrator in turn will notify the government of the importing country of EPA's regulatory action with respect to the substance. Legislation is currently pending to address the implementation in the US of the Rotterdam Convention on Prior Informed Consent (PIC), which itself includes export notification requirements. In order to address these concerns, and additional concerns expressed by other stakeholders, EPA intends to report to OMB in one year on the status of PIC implementation in the US. If the PIC agreement is in force in the US in August 2004, EPA will develop a plan of action for considering potential amendments to the 12(b) regulation. If the PIC Agreement is not yet in force in one year, EPA will take stock of the status of the PIC agreement in the US and, if appropriate, develop a plan of action for considering potential changes to the 12(b) regulation.

Timetable:

Action	Date	FR Cite
Review Begin	08/00/04	
Review End	08/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4858.

Agency Contact: Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8469
Fax: 202 564–4765
Email: schweer.greg@epamail.epa.gov

Dave Williams, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 913–551–7625
Fax: 202 564–4765
Email: williams.dave@epamail.epa.gov

RIN: 2070–AJ01

3321. • LEAD–BASED PAINT ACTIVITIES; VOLUNTARY PROGRAM FOR RENOVATION AND REMODELING

Priority: Other Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: 15 USC 2682 ''TSCA 4 402''; PL 102–550 ''sec 402(c)(3)''

CFR Citation: 40 CFR 745

Legal Deadline: None

Abstract: Under section 402(c)(2) of the Toxic Substances Control Act (TSCA) title IV, EPA conducted a study of the extent to which persons engaged in renovation and remodeling activities in target housing are exposed to lead in the conduct of such activities or disturb lead and create a lead-based paint hazard. EPA refers to the results of this study and consult with interested parties to determine which categories of renovation and remodeling activities require training and certification and which of the training and certification regulations originally developed for individuals performing lead-based paint abatement under section 402(a) of TSCA should be revised to apply them to the renovation and remodeling categories. If EPA determines that any category does not require certification, EPA must publish an explanation of the basis for that determination. As an alternative to the regulatory program, EPA is working with stakeholders to develop a voluntary program for renovations and remodeling activities. The voluntary program would partner the Agency and notional organizations together to promote an initiative which could provide incentives to participating contractors and property owners who incorporate lead safe work practices into their standard operating procedures. The Agency plans, in an ANPRM to be published in fall of 2004, to introduce the voluntary program, discuss its component parts, and review how it will be evaluated.

Timetable:

Action	Date	FR Cite
Notice Announcing 1st Pilot	09/00/04	
Notice Announcing 2nd Pilot	05/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 3557.1. Split from RIN 2070-AC83.

Agency Contact: Mike Wilson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0521
Fax: 202 566–0469
Email: wilson.mike@epamail.epa.gov

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

EPA—Toxic Substances Control Act (TSCA) — Prerule Stage

Phone: 202–566–1980
Fax: 202 566–0469
Email: simpson.julie@epamail.epa.gov

RIN: 2070–AJ03

3322. • TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720.45

Legal Deadline: None

Abstract: This notice will alert interested parties that EPA is considering new procedures and regulations for naming enzymes and proteins when listing such substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory (Inventory). More specifically, this notice outlines four identification elements that EPA currently believes are appropriate for use in developing unique TSCA Inventory nomenclature for proteinaceous enzymes. This notice also solicits public comment on several specific questions relating to this topic.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4878.

Agency Contact: Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8974
Fax: 202 564–9490
Email: alwood.jim@epamail.epa.gov

Henry Lau, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, TS–793, 7406M, Washington, DC 20460
Phone: 202–564–8572
Email: lau.henry@epamail.epa.gov

RIN: 2070–AJ04

Environmental Protection Agency (EPA) — Proposed Rule Stage
Toxic Substances Control Act (TSCA)

3323. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR POLYMERS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 723

Legal Deadline: None

Abstract: This regulatory action will eliminate exemptions under the Polymer Exemption Rule for certain polymers containing perfluoralkyl sulfonate (PFAS), perfluoroalkyl carboxylates (PFAC), perfluoroalky-containing telomers, and other polymers containing perfluoroalkkyl groups. Based on data on perfluorooctyl sulfonate (PFOS) and perfluorooctonic acid (PFOA), and other chemical substances containing perfluoroalkyl groups, EPA believes that these substances may persist in the environment, bioaccumulate, and be toxic. Certain polymers which contain PFAS, PFAC, perfluoroalkyl-containing telomers, or other substances with perfluoroalkyl groups, would no longer qualify for exemption from TSCA section 5 reporting.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4635.

Sectors Affected: 325 Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 326 Plastics and Rubber Products Manufacturing

Agency Contact: Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460
Phone: 202–564–9138
Fax: 202 564–9490
Email: cool.rebecca@epamail.epa.gov

RIN: 2070–AD58

3324. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 ''TSCA 4''; 15 USC 2611 ''TSCA 12''

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of eight chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfundsites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 USC 7412(f) and sections 112(d and e). Data from this action would also be used to support implementation of several provisions of section 112 of the CAA including, determining risks remaining after the application of technology based standards under section 112(d) of the

CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed (delisted) from section (b)(1) of the CAA list of HAPS.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 2563.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

Agency Contact: Robert Jones, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8161
Fax: 202 564–4765
Email: jones.robert@epamail.epa.gov

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8469
Fax: 202 564–4765
Email: schweer.greg@epamail.epa.gov

RIN: 2070–AB79

3325. TEST RULE; MULTIPLE SUBSTANCE RULE FOR THE TESTING OF DEVELOPMENTAL AND REPRODUCTIVE TOXICITY

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 ''TSCA 4''; 15 USC 2607(a) ''TSCA 8''; 15 USC 2611 ''TSCA 12''; 15 USC 2625 ''TSCA 26''

CFR Citation: 40 CFR 790 to 799; 40 CFR 704

Legal Deadline: None

Abstract: EPA is reproposing a test rule under section 4 of the Toxic Substances Control Act (TSCA) that would require manufacturers, defined by statute to include importers, and processors of seven (7) substances to conduct testing for developmental and/or reproductive toxicity. EPA is also proposing reporting rules for two of the seven substances. These rules would require the reporting of production volumes so it will be possible to determine when the testing program can be triggered for the two substances without causing a significant impact on revenues. This is a re-proposal of a test rule announced March 4, 1991 (56 FR 9092).

Timetable:

Action	Date	FR Cite
NPRM original	03/04/91	56 FR 9092
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4395.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

Agency Contact: Catherine Roman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8172
Fax: 202 564–4765
Email: roman.catherine@epamail.epa.gov

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8469
Fax: 202 564–4765
Email: schweer.greg@epamail.epa.gov

RIN: 2070–AD44

3326. TSCA INVENTORY UPDATE RULE REVISIONS

Priority: Other Significant

Legal Authority: 15 USC 2607(a) ''TSCA 8(a)''

CFR Citation: 40 CFR 710

Legal Deadline: None

Abstract: In this follow-on action to the Inventory Update Rule Amendments (IURA) (RIN 2070-AC61) that was finalized in January 2003, EPA is making additional changes to the IUR to adjust the submission period, the reporting frequency, and the recordkeeping period, and to clarify language associated with petitioning to be partially exempt from reporting requirements and with reporting information on imported materials. Additionally, certain technical corrections, such as removing obsolete regulatory text associated with IUR reporting that occurred in 2002 and correcting certain paragraph references will be included. EPA anticipates adverse comments on moving the submission period and therefore is first proposing these changes.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: SAN 3301.1. Split from RIN 2070-AC61.

Sectors Affected: 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing

Agency Contact: Susan Sharkey, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7406M, Washington, DC 20460
Phone: 202–564–8789
Fax: 202 564–8893
Email: sharkey.susan@epamail.epa.gov

Robert Lee, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7406M, Washington, DC 20460
Phone: 202–564–8786
Fax: 202 564–8893
Email: lee.robert@epamail.epa.gov

RIN: 2070–AD63

3327. FOLLOW–UP RULES ON EXISTING CHEMICALS

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 ''TSCA 5''; 15 USC 2607 ''TSCA 8''

CFR Citation: 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

Legal Deadline: None

Abstract: EPA has established a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will

be published on at least the chemicals listed below.

Timetable:

Action	Date	FR Cite
NPRM–2–4 Original	09/27/89	54 FR 39548
NPRM–Chloranil	05/12/93	58 FR 27980
NPRM–Benzidine	08/30/95	60 FR 45119
Final–Benzidine	10/07/96	61 FR 52287
NPRM–Heavy	01/15/02	67 FR 1937
NPRM–p–Aminophenol	06/00/04	
NPRM–2–4	12/00/04	
Final–Heavy	06/00/05	
NPRM–2–Etho	06/00/05	
NPRM–Benzidine–amend	06/00/05	
NPRM–Methylcyclo	06/00/05	
NPRM–Certain	09/00/05	
NPRM–o–Tolodine	09/00/05	
Final–Benzidine–amend	06/00/06	
Final–Chloranil	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 1923.

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing

Agency Contact: Diane Sheridan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8176
Fax: 202 564–4775
Email: sheridan.diane@epamail.epa.gov

Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8974
Fax: 202 564–9490
Email: alwood.jim@epamail.epa.gov

RIN: 2070–AA58

3328. SIGNIFICANT NEW USE RULE (SNUR); SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604 ''TSCA 5''

CFR Citation: 40 CFR 704; 40 CFR 721; 40 CFR 707; 40 CFR 710

Legal Deadline: None

Abstract: EPA is proposing a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals for use in residential upholstered furniture. The SNUR would require companies wanting to import or manufacture these chemicals for the significant new uses described in the proposed rule to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities.

Timetable:

Action	Date	FR Cite
NPRM: Penta/Octa	10/00/04	
NPRM: SFR	12/00/04	
Final Action: Penta/Octa	10/00/06	
Final Action: SFR	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: SAN 4512.

Sectors Affected: 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing

Agency Contact: Carolyn Grandson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8109
Fax: 202 564–4775
Email: grandson.carolyn@epamail.epa.gov

John Bowser, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8082
Fax: 202 564–4775
Email: bowser.john@epamail.epa.gov

RIN: 2070–AD48

3329. • SIGNIFICANT NEW USE RULE (SNUR); PENTABROMODIPHENYLETHER AND OCTABROMODIPHENYLETHER

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604 ''TSCA section 5''

CFR Citation: 40 CFR 704, 707, 710, 721

Legal Deadline: None

Abstract: Pentabromodiphenyl ether and octabromodiphenyl ether are two members of the class of chemicals called polybrominated diphenyl ethers, or PBDEs. There are commercial mixtures of PBDEs with different average amounts of bromination: penta-, octa-, and decaBDE. These chemicals are major components of commercial formulations often used as fire retardants in furniture foam (pentaBDE), plastics for TV cabinets, wire insulation, and backcoatings for draperies and upholstery (decaBDE), and plastics for personal computers (octaBDE). Environmental monitoring programs in Europe, Asia, North America, and the Arctic have detected several PBDEs in human breast milk, fish, aquatic birds, and elsewhere in the environment, with tetra- to hexabrominated BDEs being the most frequently detected. The exact mechanisms or pathways by which these PBDEs end up in the environment and humans would include releases from manufacturing or processing of the chemicals into products like plastics or textiles, aging and wear of the end consumer products, and direct exposure during use (e.g., from furniture). The limited toxicity test data that is currently available indicate the potential for adverse effects to humans and environmental organisms, especially for lower brominated mixtures, and existing hazard and exposure information on PBDEs is incomplete. These factors, taken together, raise concerns for long term potential adverse effects in people and wildlife over time if the lower brominated pentaBDE and octaBDE should continue to be produced, released, and built up in the environment. EPA believes that pentaBDE and octaBDE are manufactured and imported in the United States only by the Great Lakes Chemical Corporation. Great Lakes has committed to phase out these chemicals voluntarily by discontinuing their manufacture by the end of 2004. EPA believes that any manufacture or import of these chemicals occurring after Great Lakes' phase-out dates would increase the magnitude and duration of exposure to these chemicals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: Undetermined

EPA—Toxic Substances Control Act (TSCA) — Proposed Rule Stage

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Federalism: Undetermined

Additional Information: SAN 4870.

Agency Contact: Kenneth Moss, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–9232
Fax: 202 564–9490
Email: moss.kenneth@epamail.epa.gov

RIN: 2070–AJ02

3330. • POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTION REQUEST FROM U.S. MARITIME ADMINISTRATION (MARAD)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2605 ''TSCA 6(e)(3)(B)''

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: The U.S. Maritime Administration (MARAD) is responsible for disposing of surplus Navy non-combatant ships; many of these ships contain polychlorinated biphenyls (PCBs) in electrical equipment, and are contaminated with more than 50 ppm PCBs in paint, gaskets and cable that cannot be easily removed. In 2003, MARAD exported 4 surplus ships to a shipyard in the United Kingdom, Able UK, for scrapping; however, the planned export of an additional 9 ships has been prevented by a temporary restraining order issued by the U.S. District Court for D.C. A hearing will be held in June to determine if the export of these 9 vessels can proceed and the Able UK facility must reapply for various national and local permits before it can proceed with scrapping of any MARAD vessels. Following issuance of a letter of enforcement discretion in May 2003, MARAD has made plans to submit a petition for an export ban exemption under TSCA 6(e)(3)(B). EPA can grant these petitions through notice-and-comment rulemaking for a period of up to one year, provided it can make a finding of no unreasonable risk and good faith efforts to find substitutes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 2150.1. Split from RIN 2070-AB20.

Agency Contact: Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0515
Fax: 202 566–0473
Email: gimlin.peter@epamail.epa.gov

Tony Baney, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0514
Fax: 202 566–0473
Email: baney.tony@epamail.epa.gov

RIN: 2070–AJ05

Environmental Protection Agency (EPA) — Final Rule Stage
Toxic Substances Control Act (TSCA)

3331. SIGNIFICANT NEW USE RULES (SNURS); FOLLOW–UP RULES ON NON–5(E) NEW CHEMICAL SUBSTANCES

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 ''TSCA 5''

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

Timetable:

Action	Date	FR Cite
NPRM: 84–1056	06/11/86	51 FR 21199
NPRM: 86–566	12/08/87	52 FR 46496
NPRM	06/11/93	58 FR 32628
Final Rule: 84–1056	12/00/04	
Final Rule: 86–566	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 1976.

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

Agency Contact: Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8974
Fax: 202 564–9490
Email: alwood.jim@epamail.epa.gov

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460
Phone: 202–564–9138
Fax: 202 564–9490
Email: cool.rebecca@epamail.epa.gov

RIN: 2070–AA59

3332. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL–SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 ''TSCA 5''

CFR Citation: 40 CFR 721

Legal Deadline: None

EPA—Toxic Substances Control Act (TSCA) — Final Rule Stage

Abstract: When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import or process the substance without controls. Therefore, EPAextends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications, withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to notice and comment rulemaking and are listed below.

Timetable:

Action	Date	FR Cite
NPRM 1	06/06/94	59 FR 29255
NPRM 2	12/19/94	59 FR 65289
NPRM 3	06/26/97	62 FR 34421
NPRM 4	09/09/98	63 FR 48157
Final 1	12/00/04	
Final 2	12/00/04	
Final 3	12/00/04	
Final Action 4	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3495.

Sectors Affected: 324 Petroleum and Coal Products Manufacturing; 325 Chemical Manufacturing

Agency Contact: Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8974
Fax: 202 564–9490
Email: alwood.jim@epamail.epa.gov

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460
Phone: 202–564–9138
Fax: 202 564–9490
Email: cool.rebecca@epamail.epa.gov

RIN: 2070–AB27

3333. TEST RULES AND ENFORCEABLE CONSENT AGREEMENTS UNDER THE TOXIC SUBSTANCES CONTROL ACT (GENERIC ENTRY)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 ''TSCA 4''; 15 USC 2611 ''TSCA 12''

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities that could result in significant or substantial human or environmental exposure, (2) the available data to evaluate the chemical are inadequate, and (3) testingis needed to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA is considering whether to require testing on the chemicals listed below through rulemaking, or enforceable consent agreements (ECAs), or will publish a notice which provides the reasons for not doing so for chemicals listed herein. These chemicals have been designated for priority testing consideration by the Interagency Testing Committee (ITC) or recommended for testing consideration (for which the 12-month statutory requirement does not apply). The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes.

Timetable:

Action	Date	FR Cite
ANPRM (Aryl Phos)	12/29/83	48 FR 57452
NPRM (BFRs)	06/25/91	56 FR 29140
NPRM (Aryl Phos)	01/17/92	57 FR 2138
Final Action–ECA (DBE)	08/05/99	64 FR 42692
Final Action–ECA (TCE)	06/15/00	65 FR 37550
Final Action–ECA (EDC)	06/03/03	68 FR 33125
Final Action–ECA (H.F.)	12/00/04	
Final Action–ECA (M.A.)	12/00/04	
Final Action–ECA (P.A.)	12/00/04	
Final Action–ECA (ArylP)	06/00/05	
Final Action–ECA (DEA)	06/00/05	
Supplemental NPRM (BFRs)	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3493.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

Agency Contact: Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8469
Fax: 202 564–4765
Email: schweer.greg@epamail.epa.gov

Dave R. Williams, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8179
Fax: 202 564–4765
Email: williams.daver@epamail.epa.gov

RIN: 2070–AB94

3334. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603; 15 USC 2611 to 261212; 15 USC 2625 to 2626

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

EPA—Toxic Substances Control Act (TSCA) — Final Rule Stage

Abstract: This rule will require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis). Although varied based on specific data needs for the particular chemical, the data generally collected under this rule may include: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity, mutagenicity, ecotoxicity, and environmental fate. The first rule proposed testing for 37 HPV chemicals with substantial worker exposure. The number may be reduced based on new information on annual production volumes, worker exposure, and commitments to the HPV Challenge Program. The action is part of the Chemical Right-to-Know Initiative, which is described in The Regulatory Plan.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81658
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3990. See also the Regulatory Plan entry entitled Chemical Right-to-Know Initiative (RIN 2070-AD25; SAN 4176).

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

Agency Contact: Catherine Roman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8172
Fax: 202 564–4765
Email: roman.catherine@epamail.epa.gov

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8469
Fax: 202 564–4765
Email: schweer.greg@epamail.epa.gov

RIN: 2070–AD16

3335. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES

Priority: Routine and Frequent

Legal Authority: 15 USC 2607(a) ''TSCA 8(a)''

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-relateddata (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. These data will also support risk assessment and test rule decisions.

Timetable:

Action	Date	FR Cite
Final 37th ITC List	02/28/96	61 FR 7421
Final 38th ITC List	10/29/96	61 FR 55871
Final 38th ITC List–Stay	12/11/96	61 FR 65186
Final 38th–tech stay	01/07/98	63 FR 684
Final 38th ITC–rev	01/11/00	65 FR 1548
Final 39th ITC List	01/11/00	65 FR 1548
Final 41st ITC List	07/05/00	65 FR 41371
Final 42nd ITC List	07/24/00	65 FR 45535
Final 47th ITC List	07/26/01	66 FR 38955
Final 51st ITC List	06/11/03	68 FR 34832
Final 53rd ITC List	11/00/04	
Final 54th ITC List	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 2178.

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing

Agency Contact: Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8086
Fax: 202 564–4765
Email: brown.gerry@epamail.epa.gov

Joseph Nash, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8886
Fax: 202 564–4765
Email: nash.joseph@epamail.epa.gov

RIN: 2070–AB08

3336. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Priority: Routine and Frequent

Legal Authority: 15 USC 2607(d) ''TSCA 8(d)''

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: These rules require manufacturers, importers and processors to submit unpublished health and safety data on chemicals added to the requirements of the Toxic Substances Control Act section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee.

Timetable:

Action	Date	FR Cite
Final: 38th ITC List	10/29/96	61 FR 55871
Final: 38th ITC List	12/11/96	61 FR 65186
Final: 38th ITC List	01/07/98	63 FR 684
Final: 38th ITC List	01/11/00	65 FR 1548
Final: 43, 47, 50 & 51st ITC Lists	05/04/04	69 FR 24517
Final: 54th ITC List	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 1139.

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing

Agency Contact: Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8086
Fax: 202 564–4765
Email: brown.gerry@epamail.epa.gov

EPA—Toxic Substances Control Act (TSCA) — Final Rule Stage

John Harris, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8156
Fax: 202 564–4765
Email: harris.john@epa.gov

RIN: 2070–AB11

3337. • TESTING AGREEMENT FOR PERFLUOROOCTANOIC ACID (PFOA)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 ''TSCA 4''

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: PFOA is a synthetic (manmade) chemical that does not occur naturally in the environment. EPA identified data gaps regarding the sources and exposure pathways of PFOA and is seeking additional data concerning the potential relationship between fluoropolymer and fluorotelomer based polymer chemicals and PFOA. EPA has invited interested parties to monitor or participate in negotiations for developing several industry sponsored testing programs concerning fluoropolymers and fluorotelomer based polymers which may metabolize or degrade to PFOA. These testing programs would be set in place preferably as publicly negotiated enforceable consent agreements (ECAs) under section 4 of theToxic Substances Control Act (TSCA) among EPA, industry, and interested parties under section 4 of TSCA, but may also be established as negotiated memoranda of understanding (MOUs) where circumstances preclude moving forward under ECAs. The goal of the PFOA ECA process is to better understand the sources andexposure pathways leading to the presence of PFOA in humans and the environment.

Timetable:

Action	Date	FR Cite
Notice	12/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3493.1. Split from RIN 2070-AB94.

Agency Contact: Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8469
Fax: 202 564–4765
Email: schweer.greg@epamail.epa.gov

Dave R. Williams, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8179
Fax: 202 564–4765
Email: williams.daver@epamail.epa.gov

RIN: 2070–AJ06

Environmental Protection Agency (EPA) — Long-Term Actions
Toxic Substances Control Act (TSCA)

3338. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2646 ''TSCA 206''

CFR Citation: 40 CFR 763

Legal Deadline: Final, Statutory, November 28, 1992, –.

Abstract: The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend training and accreditation requirements to include persons performing certain asbestos-related work in public or commercial buildings, to increase the minimum number of training hours required for accreditation purposes and to effect other changes necessary to implement the amendments.

Timetable:

Action	Date	FR Cite
Model Plan	05/13/92	57 FR 20438
Interim Final Action	02/03/94	59 FR 5236
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN 3148.

Sectors Affected: 611519 Other Technical and Trade Schools

Agency Contact: Robert Courtnage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–564–8593
Fax: 202 566–0473
Email: courtnage.robert@epamail.epa.gov

Tony Baney, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0514
Fax: 202 566–0473
Email: baney.tony@epamail.epa.gov

RIN: 2070–AC51

3339. LEAD FISHING SINKERS; RESPONSE TO CITIZENS PETITION AND PROPOSED BAN

Priority: Other Significant

Legal Authority: 15 USC 2605 ''TSCA 6''

CFR Citation: 40 CFR 745

Legal Deadline: None

Abstract: On October 20, 1992, the Environmental Defense Fund (EDF), Federation of Fly Fishers, Trumpeter Swan Society, and North American Loon Fund petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA), and the Administrative Procedure Act (APA), to initiate rulemaking proceedings under section 6 of TSCA to require that the sale of lead fishing sinkers be accompanied by an appropriate label or notice warning that such products are toxic to wildlife. EPA granted the petition, however, the Agency believes that a labeling provision would not adequately address the risk of injury to waterfowl and other birds (waterbirds), from ingestion of lead fishing sinkers. In addition, EPA also believes that zinc fishing sinkers adversely affect waterbirds, and can cause mortality.

Therefore, EPA has proposed a rule under section 6(a) of TSCA to prohibit the manufacturing, processing, and distribution in commerce in the United States, of certain smaller size fishing sinkers containing lead and zinc, and mixed with other substances, including those made of brass.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM	03/09/94	59 FR 11122
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3252.

Agency Contact: Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–1980
Fax: 202 566–0469
Email: simpson.julie@epamail.epa.gov

Mike Wilson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0521
Fax: 202 566–0469
Email: wilson.mike@epamail.epa.gov

RIN: 2070–AC21

3340. LEAD–BASED PAINT ACTIVITIES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE—BRIDGES AND STRUCTURES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 15 USC 2603 ''TSCA 4''; PL 102–550 ''sec 402''; PL 102–550 ''sec 404''

CFR Citation: 40 CFR 745

Legal Deadline: Final, Statutory, April 28, 1994.

Abstract: The Residential Lead-Based Paint Hazard Reduction Act of 1992 mandates EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations fortraining and certification of training programs for LBP activities and child occupied facilities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 4376.

Sectors Affected: 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools

Agency Contact: Joel Wolf, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–260–3890
Fax: 202 566–0471
Email: wolf.joel@epamail.epa.gov

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–1980
Fax: 202 566–0469
Email: simpson.julie@epamail.epa.gov

RIN: 2070–AC64

3341. LEAD; MANAGEMENT AND DISPOSAL OF LEAD–BASED PAINT DEBRIS

Priority: Other Significant

Legal Authority: 15 USC 2682; 15 USC 2684; 42 USC 6901 to 6992

CFR Citation: 40 CFR 745

Legal Deadline: None

Abstract: Currently, waste derived from lead-based paint (LBP) abatements is managed under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Other Federal agencies (Department of Housing and Urban Development, Department of Health and Human Services) and several States and advocacy groups expressed concern that the costs associated with the disposal of large volume architectural components (e.g., doors and windows) may interfere with abatement activities. EPA's Office of Prevention, Pesticides and Toxic Substances and the Office of Solid Waste initiated a joint rulemaking to address the disposal of these architectural components. The proposed rule developed disposal standards for these components under the Toxic Substances Control Act (TSCA) title IV, (the definition of abatement under TSCA title IV, section 401(1)(B), includes disposal). The TSCA proposal established appropriate disposal standards for LBP architectural components and identified recycling and incineration activities that would be controlled or prohibited. To minimize duplication of waste management requirements, EPA is developed a companion RCRA rule to suspend temporarily hazardous waste management regulations applicable to lead-based paint debris which will be subject to the new TSCA standards. On July 31, 2000, the Office of Solid Waste clarified that any LBP waste generated from LBP abatements or renovation and remodeling activities in households, including single and multiple residences and hotels, qualifies for the household waste exemption from the RCRA hazardous waste requirements of Subtitle C. The primary purpose of these amendments was to create less expensive disposal options for LBP waste. The proposal also indicated that EPA had no plans to finalize the 1998 proposal as it pertained to the RCRA program. On June 18, 2003, OSW issued its final rule entitled ''Criteria for Classification of Solid Waste Disposal Facilities.'' The final TSCA rule will address remaining issues affecting disposal, reuse, and transportation and containerization of LBP debris.

Timetable:

Action	Date	FR Cite
NPRM	12/18/98	63 FR 70189
Comment Extension	02/12/99	64 FR 7159

Action	Date	FR Cite
NPRM (OSW)	10/23/01	66 FR 53566
Final Action (OSW)	06/18/03	68 FR 36487
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 3508. See also RCRA companion rule: Temporary Suspension of Toxicity Characteristic Rule for Specified Lead-Based Paint Debris (SAN 4263; RIN 2050-AE68).,

NPRM-
http://www.epa.gov/fedrgstr/EPA-

TRI/1998/December/Day-18/tri33326.htm

Sectors Affected: 233 Building, Developing and General Contracting; 23332 Commercial and Institutional Building Construction; 23542 Drywall, Plastering, Acoustical and Insulation Contractors; 23592 Glass and Glazing Contractors; 23521 Painting and Wall Covering Contractors; 23511 Plumbing, Heating and Air-Conditioning Contractors; 23321 Single Family Housing Construction; 562111 Solid Waste Collection; 54138 Testing Laboratories; 23594 Wrecking and Demolition Contractors

Agency Contact: Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–1980
Fax: 202 566–0469
Email: simpson.julie@epamail.epa.gov

Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0484
Fax: 202 566–0471
Email: wheeler.cindy@epamail.epa.gov

RIN: 2070–AC72

3342. LEAD–BASED PAINT ACTIVITIES; ABATEMENT AMENDMENTS FOR RENOVATION AND REMODELING

Priority: Other Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: 15 USC 2682 ''TSCA 402''; PL 102–550 ''sec 402(c)(3)''

CFR Citation: 40 CFR 745

Legal Deadline: Final, Statutory, October 28, 1996.

Abstract: In accordance with section 402(c)(3) of the Toxic Substances Control Act (TSCA), EPA may consider introducing regulatory requirements for renovation and remodeling contractors who work in target housing and child-occupied facilities where, as a result of their work, lead hazards are created. In anticipation of these requirements, the Agency is reviewing the existing training and certification requirements for abatement contractors codified at 40 CFR part 745, subpart L. The modifications to the abatement requirements will ensure compatibility between the existing requirements and any future renovation requirements. This is necessary because there is considerable overlap between the workforce and techniques associated with the two regulated activities. These revisions will also provide an opportunity for the Agency to address minor technical and procedural amendments that correct long-standing errors in the existing requirements or update them based on program experiences to date.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 3557.

Sectors Affected: 23599 All Other Special Trade Contractors; 23551 Carpentry Contractors; 53111 Lessors of Residential Buildings and Dwellings; 23322 Multifamily Housing Construction; 23521 Painting and Wall Covering Contractors; 531311 Residential Property Managers; 23321 Single Family Housing Construction; 54138 Testing Laboratories

Agency Contact: Mike Wilson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0521
Fax: 202 566–0469
Email: wilson.mike@epamail.epa.gov

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–1980
Fax: 202 566–0469
Email: simpson.julie@epamail.epa.gov

RIN: 2070–AC83

3343. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTIONS FROM THE PROHIBITIONS AGAINST MANUFACTURING, PROCESSING, AND DISTRIBUTION IN COMMERCE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2605 ''TSCA 6(e)(3)(B)''

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions against manufacturing, processing and distribution in commerce of PCBs upon finding that 1) no unreasonable risk to health or the environment will occur, and 2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	12/06/94	59 FR 62875
NPRM 1	09/17/02	67 FR 58567
Final 1	01/31/03	68 FR 4934
NPRM: MARAD Petition	09/00/04	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 2150.

Sectors Affected: 2211 Electric Power Generation, Transmission and Distribution; 31-33 Manufacturing; 5133 Telecommunications

Agency Contact: Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

Phone: 202–566–0515
Fax: 202 566–0473
Email: gimlin.peter@epamail.epa.gov

Tony Baney, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0514
Fax: 202 566–0473
Email: baney.tony@epamail.epa.gov

RIN: 2070–AB20

3344. POLYCHLORINATED BIPHENYLS (PCBS); DISPOSAL OF PCBS; IMPLEMENTATION ISSUES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 2607 ''TSCA 6''

CFR Citation: 40 CFR 761 (Revision)

Legal Deadline: None

Abstract: This proposed regulation will clarify and expand on implementation issues that have arisen as a result of the publication of the 1998 PCB Disposal Amendments (63 FR 35384). Topics will include but not be limited to, Use Authorizations, Public Participation Process, Appeals Process, Natural Gas Pipelines, Testing and Analysis, Manifesting of PCB Waste, Publication Process for Validated Alternate Decontamination Solvents and PCB Analytical Methods and Storage of Dedicated PCB Equipment. The action to authorize certain non-liquid PCB applications is also included in this action.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN 4597.

Sectors Affected: 31-33 Manufacturing; 81 Other Services (except Public Administration); 54 Professional, Scientific and Technical Services; 92 Public Administration; 53 Real Estate and Rental and Leasing; 48-49 Transportation; 22 Utilities; 562 Waste Management and Remediation Services

Agency Contact: Laura Casey, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–1982
Fax: 202 566–0473
Email: casey.laura@epamail.epa.gov

Tony Baney, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0514
Fax: 202 566–0473
Email: baney.tony@epamail.epa.gov

RIN: 2070–AD52

3345. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)

Priority: Other Significant

Legal Authority: 15 USC 2603 ''TSCA 4''; 15 USC 2611 ''TSCA 12''

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environment effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33178
Supp NPRM	12/24/97	62 FR 67466
Supp NPRM 2	04/21/98	63 FR 19694
NPRM – Reproposal	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3487.

Sectors Affected: 32411 Petroleum Refineries; 325 Chemical Manufacturing

Agency Contact: Rich Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8167
Fax: 202 564–4765
Email: leukroth.rich@epamail.epa.gov

Dave R. Williams, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8179
Fax: 202 564–4765
Email: williams.daver@epamail.epa.gov

RIN: 2070–AC76

3346. TEST RULE; CERTAIN METALS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 ''TSCA 4''; 15 USC 2611 ''TSCA 12''; 15 USC 2625 ''TSCA 26''

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is coordinating an evaluation of the data needs for assessing potential adverse affects that exposures to metals pose for health and the environment with the Agencies efforts to develop a framework for assessing potential risks from exposures to metals. This activity is intended to lead to EPA proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP) and EPA pursuant to the Comprehensive Environmental

Response, Compensation and Liability Act (CERCLA) section 104(I), the Clean Air Act (CAA) section 112 and other statutes requiring risk assessments, health assessments, permits, standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific communities. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section (b)(1) list of HAPs (delisting).

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 3882.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

Agency Contact: Robert Jones, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8161
Fax: 202 564–4765
Email: jones.robert@epamail.epa.gov

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8469
Fax: 202 564–4765
Email: schweer.greg@epamail.epa.gov

RIN: 2070–AD10

3347. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 ''TSCA 4''; 15 USC 2611 ''TSCA 12''; 15 USC 2625 ''TSCA 26''

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA's Office of Air and Radiation (OAR), in the administration of section 211 of the Clean Air Act (CAA), has requested that OPPT use its TSCA section 4 testing authority to obtain health effects data on a number of Oxygenated Fuel Additives (OFAs). These data are needed by EPA and others to increase understanding of the toxicity of these substances individually and in comparison to each other as well as to other OFAs such as methyl t-butyl ether (MTBE). EPA will be soliciting interested parties to work on an Enforceable Consent Agreement (ECA) under TSCA section 4, through which responsible parties can agree to provide data to EPA. Although not currently a rulemaking, EPA is including this in the Regulatory Agenda to inform the public of this activity which will have a regulatory impact once an ECA is finalized.

Timetable:

Action	Date	FR Cite
Notice to solicit	06/00/05	
Notice ECA	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4174.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

Agency Contact: Ward Penberthy, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, 7405M, Washington, DC 20460
Phone: 202–564–8171
Fax: 202 564–4765
Email: penberthy.ward@epamail.epa.gov

George Semeniuk, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460
Phone: 202–564–8174
Fax: 202–564–4765
Email: semeniuk.george@epamail.epa.gov

RIN: 2070–AD28

3348. SIGNIFICANT NEW USE RULE (SNUR); REFRACTORY CERAMIC FIBERS (RCFS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604 ''TSCA 5''; 15 USC 2605 ''TSCA 6''

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 6 to require reporting by the manufacturers, importers and/or processors of these chemicals.

Timetable:

Action	Date	FR Cite
NPRM	03/21/94	59 FR 13294
Final Action	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 3528.

Sectors Affected: 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

Agency Contact: Robert Courtnage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–564–8593
Fax: 202 566–0473
Email: courtnage.robert@epamail.epa.gov

Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0515
Fax: 202 566–0473
Email: gimlin.peter@epamail.epa.gov

RIN: 2070–AC37

3349. VOLUNTARY HIGH PRODUCTION VOLUME (HPV) CHEMICAL CHALLENGE PROGRAM

Priority: Other Significant

Legal Authority: 15 USC 2601 et seq (TSCA)

CFR Citation: None

Legal Deadline: None

Abstract: One of the key components of the Chemical Right-to-Know (ChemRTK) Initiative is the HPV Challenge Program. The goal of this program is to ensure that a baseline set of health and environmental effects data on approximately 2,800 high production volume (HPV) chemicals is made available to EPA and the public. U.S. HPV chemicals are industrial chemicals that are manufactured or imported into the United States in volumes of 1 million pounds or more per year. U.S. Manufacturers and importers of HPV chemicals were invited to voluntarily sponsor chemicals in the HPV Challenge Program. Sponsorship entails the identification and initial assessment of the adequacy of existing information, the conduct of new testing only if adequate information does not exist, and making the new and existing test results available to the public. Any needed testing on the HPV chemicals in the HPV Challenge Program should be completed by 2004 with all data available to the public by 2005. The Agency intends to consider specific chemicals which are not voluntarily sponsored in the HPV Challenge Program as candidates for test rules under Section 4 of the Toxic Substances Control Act (TSCA). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public.

Timetable:

Action	Date	FR Cite
Notice	12/26/00	65 FR 81686
Notice: Initiative Complete	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4176. See also items identified under the following RINs 2070-AD09; 2070-AD38; RIN 2070-AD16; RIN 2070-AC27.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

Agency Contact: Diane Sheridan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8176
Fax: 202 564–4775
Email: sheridan.diane@epamail.epa.gov

Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8974
Fax: 202 564–9490
Email: alwood.jim@epamail.epa.gov

RIN: 2070–AD25

3350. TSCA POLICY STATEMENT ON OVERSIGHT OF TRANSGENIC ORGANISMS (INCLUDING PLANTS)

Priority: Other Significant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: As a follow-up to the final Biotechnology Rule under the Toxic Substances Control Act (TSCA) EPA intends to address TSCA oversight of transgenic plants and other organisms. Recent information indicates that transgenic plants and other organisms are being developed for uses which appear to be subject to TSCA jurisdiction. For example, plants are being genetically modified to produce industrial grade, rather than food grade, oils. Many of these plants are subject to oversight by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture while being tested in the environment. Following APHIS approval of a petition for non-regulated status filed pursuant to APHIS' regulations implementing the Federal Plant Pest Act at 7 CFR Part 340, however, these plants cease to be subject to regulation by USDA. Additionally, transgenic animals that are not under the jurisdiction of FDA appear to be subject to TSCA. Such animals may be genetically improved livestock forcommercial purposes. The policy statement would address whether EPA should exercise jurisdiction under TSCA over such transgenic organisms prior to their commercial use.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4598.

Agency Contact: Flora Chow, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202–564–8983
Fax: 202 564–9062
Email: chow.flora@epamail.epa.gov

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460
Phone: 202–564–9138
Fax: 202 564–9490
Email: cool.rebecca@epamail.epa.gov

RIN: 2070–AD53

3351. LEAD; AMENDMENTS TO REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD–BASED PAINT OR LEAD–BASED PAINT HAZARDS IN TARGET HOUSING

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 4852d

CFR Citation: 40 CFR 745.100; 40 CFR 745.101; 40 CFR 745.102; 40 CFR 745.103; 40 CFR 745.107; 40 CFR 745.110; 40 CFR 745.113; 40 CFR 745.115; 40 CFR 745.118; 40 CFR 745.119

Legal Deadline: None

Abstract: Amendments will clarify to which target housing transactions the rule applies; add or clarify definitions of important terms; clarify the disclosure responsibilities of agents; clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and will amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. Small businesses and state/local/tribal governments that sell or lease target housing will be affected in that they will need to become familiar with new/revised requirements

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that apply to these transactions. Overall burden is not expected to increase significantly.

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	
Final Action	05/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Federalism: Undetermined

Additional Information: SAN 4777.

Sectors Affected: 53111 Lessors of Residential Buildings and Dwellings; 53121 Offices of Real Estate Agents and Brokers; 531311 Residential Property Managers; 92511 Administration of Housing Programs; 522292 Real Estate Credit

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0484
Fax: 202 566–0471
Email: wheeler.cindy@epamail.epa.gov

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–1980
Fax: 202 566–0469
Email: simpson.julie@epamail.epa.gov

RIN: 2070–AD64

Environmental Protection Agency (EPA) — Completed Actions
Toxic Substances Control Act (TSCA)

3352. LEAD; NOTIFICATION REQUIREMENTS FOR LEAD–BASED PAINT ABATEMENT ACTIVITIES AND TRAINING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 745

Completed:

Reason	Date	FR Cite
Final Action	04/08/04	69 FR 18495

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Mike Wilson
Phone: 202–566–0521
Fax: 202 566–0469
Email: wilson.mike@epamail.epa.gov

Julie Simpson
Phone: 202–566–1980
Fax: 202 566–0469
Email: simpson.julie@epamail.epa.gov

RIN: 2070–AD31

3353. TEST RULE; IN VITRO DERMAL ABSORPTION RATE TESTING OF CERTAIN CHEMICALS OF INTEREST TO THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 790 to 799

Completed:

Reason	Date	FR Cite
Final Action	04/26/04	69 FR 22402

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Catherine Roman
Phone: 202–564–8172
Fax: 202 564–4765
Email: roman.catherine@epamail.epa.gov

Greg Schweer
Phone: 202–564–8469
Fax: 202 564–4765
Email: schweer.greg@epamail.epa.gov

RIN: 2070–AD42

3354. TSCA SECTION 8(E) POLICY; NOTICE OF CLARIFICATION

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Final Action	06/03/03	68 FR 33129

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard Hefter
Phone: 202 564–7649
Fax: 202 564–7460
Email: hefter.richard@epa.gov

Terry O'Bryan
Phone: 202 564–7656
Fax: 202 564–7450
Email: obryan.terry@epa.gov

RIN: 2070–AC80

Environmental Protection Agency (EPA) — Proposed Rule Stage

Emergency Planning and Community Right—to—Know Act (EPCRA)

3355. EMERGENCY PLANNING AND COMMUNITY RIGHT–TO–KNOW ACT: MODIFICATION TO THE THRESHOLD PLANNING QUANTITY METHODOLOGY FOR THE EXTREMELY HAZARDOUS SUBSTANCES THAT ARE SOLIDS IN SOLUTION.

Priority: Other Significant

Legal Authority: 42 USC 11001

CFR Citation: 40 CFR 355

Legal Deadline: None

Abstract: EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on a very conservative assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule to revise the TPQ for solids in solution and seek comment on an alternative approach based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). Use of this experimental data would likely raise the TPQ for solids in solution and result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under Section 302-304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA will evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 4753.

Agency Contact: Kathy Franklin, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202–564–7987
Fax: 202 564–8444
Email: franklin.kathy@epamail.epa.gov

Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202–564–8019
Fax: 202 564–8233
Email: jacob.sicy@epamail.epa.gov

RIN: 2050–AF08

3356. ADDITION OF TOXICITY EQUIVALENCY (TEQ) REPORTING AND QUANTITY DATA FOR INDIVIDUAL MEMBERS OF THE DIOXIN AND DIOXIN–LIKE COMPOUNDS CATEGORY UNDER EPCRA, SECTION 313

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 11001 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: Under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (i.e., the Toxics Release Inventory (TRI)), dioxin and dioxin-like compounds are reported in units of grams for the category. This project will add toxic equivalency (TEQ) reporting for the category and quantity data for individual members of the category to the grams only reporting currently required for the category under EPCRA section 313. TEQs are a weighted quantity measure based on the toxicity of each dioxin congener relative to the most toxic dioxin congeners, 2,3,7,8-tetrachlorodibenzo-p-dioxin and 1,2,3,7,8-pentachlorodibenzo-p-dioxin. The addition of TEQ reporting will allow better understanding of the releases and waste management quantities currently reported to the TRI for dioxin and dioxin-like compounds. TEQ reporting will also make it easier to compare TRI data on dioxin and dioxin-like compounds with other EPA activities which present data on dioxin and dioxin-like compounds in terms of TEQs. Several industry groups have written OMB supporting the addition of TEQ reporting to TRI.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4692. TRI has not converted to NAICS so the Standard Industrial Classification (SIC) Codes are listed: SIC Code 10 Metal Mining (except SIC codes 1011, 1081, and 1094), SIC Code 12 Coal Mining (except SIC code 1241), SIC Code 20-39 Manufacturing, SIC Codes 4911, 4931, and 4939 Electric Utilities (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce), SIC Code 4953 Commercial Hazardous Waste Treatment (limited to facilities regulated under the RCRA, subtitle C, 42 U.S.C. section 6921 et seq.), SIC Code 5169 Chemicals and Allied Products-Wholesale, SIC Code 5171 Petroleum Bulk Terminals and Plants, SIC Code 7389 Solvent Recovery Services (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis).

URL For More Information: www.epa.gov/tri

Agency Contact: Daniel Bushman, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0743
Fax: 202 566–0741
Email: bushman.daniel@epamail.epa.gov

John Dombrowski, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0742
Fax: 202–566–0741
Email: dombrowski.john@epamail.epa.gov

RIN: 2025–AA12

3357. • TOXICS RELEASE INVENTORY REPORTING BURDEN REDUCTION RULE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 11023 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The primary goal of this effort by EPA is to reduce burdens associated with TRI reporting while at the same time continuing to provide valuable information to the public consistent with the goals and statutory requirements of the TRI program. But at the same time ensures that Toxics

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA) — Proposed Rule Stage

Release Inventory (TRI) continues to provide communities with the same high level of significant chemical release and other waste management information.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4896.

Agency Contact: Cassandra Vail, Environmental Protection Agency, Office of Environmental Information, 2844, Washington, DC 20460
Phone: 202–566–0753
Fax: 202 566–0741
Email: vail.cassandra@epamail.epa.gov

Evangeline Cummings, Environmental Protection Agency, Office of Environmental Information, 2844, Washington, DC 20460
Phone: 202–566–0621
Fax: 202–566–0706
Email: cummings.evangeline@epamail.epa.gov

RIN: 2025–AA14

Environmental Protection Agency (EPA) — Final Rule Stage
Emergency Planning and Community Right—to—Know Act (EPCRA)

3358. RESPONSE TO A PETITION REQUESTING DELETION OF PHOSMET FROM THE EXTREMELY HAZARDOUS SUBSTANCES (EHS) LIST

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 11002; 42 USC 11004; 42 USC 11048

CFR Citation: 40 CFR 355

Legal Deadline: None

Abstract: EPA has received a petition requesting that phosmet be removed from the list of Extremely Hazardous Substances (EHS) under the Emergency Planning and Community Right-to-Know Act (EPCRA). The petitioner claims that phosmet does not meet the acute toxicity criteria for listing. The proposed rule was published on November 12, 2003. EPA received nine comments, eight of those were from organizations which supported the delisting of phosmet. EPA is in the process of finalizing this action.

Timetable:

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64041
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3994.

Sectors Affected: 42291 Farm Supplies Wholesalers; 11133 Noncitrus Fruit and Tree Nut Farming; 111421 Nursery and Tree Production

Agency Contact: Kathy Franklin, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202–564–7987
Fax: 202 564–8444
Email: franklin.kathy@epamail.epa.gov

Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202–564–8019
Fax: 202 564–8233
Email: jacob.sicy@epamail.epa.gov

RIN: 2050–AE42

3359. RULEMAKING TO CHANGE TOXIC RELEASE INVENTORY (TRI) REPORTING REQUIREMENTS FROM STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES TO NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) CODES

Priority: Info./Admin./Other

Legal Authority: ''Not Yet Determined''

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The Office of Management and Budget (OMB) published a Federal Register Notice of final decision (62 FR 68) to adopt the North American Industry Classification System (NAICS) for the United States. This rulemaking initiates the conversion from TRI Reporting using Standard Industrial Classification (SIC) codes to TRI Reporting using NAICS codes. The TRI Program will convert to NAICS without producing any changes in the facilities that are now subject to TRI reporting. Therefore, there should be no increased burden resulting from this action.

Timetable:

Action	Date	FR Cite
NPRM	03/21/03	68 FR 13872
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4595.

Sectors Affected: 212 Mining (except Oil and Gas); 221 Utilities; 562 Waste Management and Remediation Services; 422 Wholesale Trade, Nondurable Goods

URL For More Information: www.epa.gov/tri

Agency Contact: Judith Kendall, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0750
Fax: 202 566–0741
Email: kendall.judith@epamail.epa.gov

John Dombrowski, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0742
Fax: 202–566–0741
Email: dombrowski.john@epamail.epa.gov

RIN: 2025–AA10

Environmental Protection Agency (EPA) — Long-Term Actions

Emergency Planning and Community Right—to—Know Act (EPCRA)

3360. EMERGENCY PLANNING AND COMMUNITY RIGHT–TO–KNOW ACT: AMENDMENTS AND STREAMLINING RULE

Priority: Other Significant

Legal Authority: 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022

CFR Citation: 40 CFR 355; 40 CFR 370

Legal Deadline: None

Abstract: This rule will address the remaining issues from the proposed rule of June 8, 1998. (Reporting thresholds for gasoline and diesel fuel at retail gas stations were included in a separate final rule; 64 FR 7031, February 11, 1999.) This supplemental proposal will address reporting thresholds for chemicals that pose minimal risk. The final rule to the June 8, 1998 proposal and this supplemental proposal will address: reporting thresholds for rock salt, sand, gravel and other chemicals that pose minimal risk; plain language rewrite; and may consider reporting thresholds for facilities with some similarities to gas stations (motor pools, marinas, etc.) and guidance on approaches to State flexibility.

This supplemental rule, when finalized, will minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act. This rule, when finalized, may also reduce the number of facilities subject to these reporting requirements. The reporting requirements under sections 311 and 312 are intended to enhance communities' and emergency response officials' awareness of chemical hazards; to facilitate the development of State and local emergency response plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, State and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

Timetable:

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Supp NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN 3215.

Agency Contact: Vanessa Rodriguez, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202–564–7913
Fax: 202 564–8233
Email: rodriguez.vanessa@epamail.epa.gov

Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202–564–8019
Fax: 202 564–8233
Email: jacob.sicy@epamail.epa.gov

RIN: 2050–AE17

3361. TRI; REVIEW OF CHEMICALS ON THE ORIGINAL TRI LIST

Priority: Other Significant

Legal Authority: 42 USC 1101 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: When TRI was established by Congress in 1986, the statutory language placed 309 chemicals and 20 categories of chemicals on the TRI list; that is referred to as the original TRI list. The chemicals on the original list were taken from two existing lists of toxic substances: the Maryland Chemical Inventory Report List of Toxic or Hazardous Substances, and the New Jersey Environmental Hazardous Substances list. This action constitutes the first systematic review of toxicology and environmental data for all the chemicals on the original TRI list to determine whether data for those chemicals conform with the statutory criteria for listing of chemicals on TRI. Chemicals for which data do not meet the statutory criteria will be delisted.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4015. Formerly listed as RIN 2070-AD18.

AFFECTED SECTORS: Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169) Petroleum Bulk Terminals and Plants (SIC code 5171); and Solvent RecoveryServices (SIC code 7389).

URL For More Information: www.epa.gov/tri

Agency Contact: Steve Devito, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0755
Fax: 202 566–0741
Email: devito.steve@epamail.epa.gov

John Dombrowski, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0742
Fax: 202–566–0741
Email: dombrowski.john@epamail.epa.gov

RIN: 2025–AA03

3362. TRI; RESPONSES TO PETITIONS RECEIVED TO ADD OR DELETE OR MODIFY CHEMICAL LISTINGS ON THE TOXIC RELEASE INVENTORY

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 11013 ''EPCRA 313''

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This is an ongoing action to cover all chemical petitions received by the TRI Program. These actions grant or deny petitions received to add or delete or modify chemicals on the list of toxic chemicals under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA) that are subject to reporting under the Toxic Chemical Release Reporting Rule. The actions cover individual chemicals or groups of chemicals for which petitions have been received.

Timetable:

Action	Date	FR Cite
Notice–DBNPA	10/27/95	60 FR 54949
NPRM–Diisononyl phthalate	09/05/00	65 FR 53681
Report–Alloys	08/22/01	66 FR 44107
Response–Acetonitrile	02/00/05	
Response–Chromium Antimony Titanate	02/00/05	
Final–DBNPA	08/00/05	
Final–Diisononyl phthalate	11/00/05	
Response–19 Volatile corrosion inhibitor chemicals	To Be	Determined
Response–Nitrogen tetroxide	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 2425. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

URL For More Information: www.epa.gov/tri

Agency Contact: Daniel Bushman, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0743
Fax: 202 566–0741
Email: bushman.daniel@epamail.epa.gov

John Dombrowski, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0742
Fax: 202–566–0741
Email: dombrowski.john@epamail.epa.gov

RIN: 2025–AA00

3363. TRI; REVISIONS TO THE OTHERWISE USE ACTIVITY EXEMPTIONS AND THE COAL EXTRACTION ACTIVITIES EXEMPTION

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 11001 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The Toxics Release Inventory (TRI) requires reporting from facilities that manufacture or process at least 25,000 pounds of a listed non-PBT chemical, or otherwise use 10,000 pounds of a listed non-PBT chemical. The activity thresholds are lower for listed PBT chemicals. In determining amounts of listed chemicals that are manufactured, processed or otherwise used, facilities may consider specific exemptions from reporting. EPA is presently reviewing a group of these exemptions. The categories of exemptions presently being reconsidered by EPA are the personal use exemption, and the motor vehicle maintenance exemption. Also known as otherwise use exemptions because they are limited to otherwise use activities, these exemptions are expressly provided for at 40 CFR 372.38(c). EPA is also considering changes to the coal mining extraction activities exemption provided for at 40 CFR 372.38(g).

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4265. Formerly listed as RIN 2070-AD39. By Statute and Regulation, this rule will affect SIC codes 20-39, 10 (except SIC codes 1011, 1081, 1094), 12 (except SIC code 1241), 4911, 4931, 4939, 4953, 5169, 5171, and 7389.

Agency Contact: Marc Edmonds, Environmental Protection Agency, Office of Environmental Information, 2844, Washington, DC 20460
Phone: 202–566–0758
Fax: 202 566–0741
Email: edmonds.marc@epamail.epa.gov

John Dombrowski, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0742
Fax: 202–566–0741
Email: dombrowski.john@epamail.epa.gov

RIN: 2025–AA06

3364. TRI; POLLUTION PREVENTION ACT INFORMATION REQUIREMENTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 11013 ''Pollution Prevention Act''

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: Section 6607(b) of the Pollution Prevention Act of 1990 (PPA) (Pub. L. 101-508) requires the addition of several data elements to the Toxic Chemical Release Inventory (TRI) reporting requirements as promulgated under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (Pub. L. 99-499). Section 313 of EPCRA requires owners or operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals to annually report their releases of these chemicals to each environmental medium. The PPA mandates that section 313 covered facilities also report on source reduction and recycling activities relating to the toxic chemicals beginning with the 1991 reporting year. Since 1991 covered facilities have been providing this information to EPA in section 8, Source Reduction and Recycling Activities, of EPA Form R. On September 25, 1991 (56 FR 48475), EPA proposed regulations which would provide definitions and instructions for reporting thePPA data elements on the EPA Form R. In this action, EPA will amend certain aspects of the September 25, 1991, proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48475
Notice of receipt	03/31/99	64 FR 15324
Response	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA) — Long-Term Actions

Government Levels Affected: Federal, State

Additional Information: SAN 2847. Formerly listed as RIN 2070-AC24. Affected Sectors Include: Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

URL For More Information: www.epa.gov/tri

Agency Contact: John Dombrowski, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0742
Fax: 202–566–0741
Email: dombrowski.john@epamail.epa.gov

RIN: 2025–AA09

3365. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 11001 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores can not be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
Final Action	09/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN 4616.

URL For More Information: www.epa.gov/tri

Agency Contact: Marc Edmonds, Environmental Protection Agency, Office of Environmental Information, 2844, Washington, DC 20460
Phone: 202–566–0758
Fax: 202 566–0741
Email: edmonds.marc@epamail.epa.gov

John Dombrowski, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202–566–0742
Fax: 202–566–0741
Email: dombrowski.john@epamail.epa.gov

RIN: 2025–AA11

Environmental Protection Agency (EPA) — Completed Actions
Emergency Planning and Community Right—to—Know Act (EPCRA)

3366. TRADE SECRECY CLAIMS FOR EMERGENCY PLANNING AND COMMUNITY RIGHT–TO–KNOW INFORMATION; AND TRADE SECRET DISCLOSURES TO HEALTH PROFESSIONALS; AMENDMENT

Priority: Info./Admin./Other

CFR Citation: 40 CFR 350.16; 40 CFR 350.17; 40 CFR 350.27

Completed:

Reason	Date	FR Cite
NPRM	11/14/03	68 FR 64726
Direct Final	11/14/03	68 FR 64719

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sicy Jacob
Phone: 202–564–8019
Fax: 202 564–8233
Email: jacob.sicy@epamail.epa.gov

Larry Reisman
Phone: 202–566–0751
Fax: 202 564–0741
Email: reisman.larry@epamail.epa.gov

RIN: 2050–AF10

Environmental Protection Agency (EPA) — Prerule Stage

Resource Conservation and Recovery Act (RCRA)

3367. • LAND DISPOSAL RESTRICTIONS PHASE III: DECHARACTERIZED WASTEWATERS, CARBAMATE WASTES, AND SPENT POTLINERS (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 610

CFR Citation: 40 CFR 148; 40 CFR 268; 40 CFR 271; 40 CFR 403

Legal Deadline: None

Abstract: In April 1996, the Environmental Protection Agency (EPA) promulgated regulations establishing land disposal restrictions (LDR) treatment standards for certain hazardous wastes (61 FR 15566 and 61 FR 15660, April 8, 1996). EPA issued the LDR regulations under the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act. They became effective on April 5, 1996. EPA did not perform a regulatory flexibility analysis for this rule because, at that time, no data on potentially affected small entities were available. Also, due to the statutory requirements of the LDR program, no legal avenues existed for the Agency to provide relief from the LDRs for small entities.

This gives notice that EPA will review the LDR regulations pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). EPA solicits comments on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, orlocal government rules; and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated. This rule is statutorily required. While EPA may be able to make amendments in accordance with comments received, the rule may not be rescinded. EPA also will welcome comments on any other aspect of the rule. In submitting comments, please reference Docket ID number RCRA-2004-0004, and follow the instructions provided in Unit G of the preambleto the Regulatory Agenda.

EPA continues to view this regulation as a vital component of efforts to protect human health and the environment. EPA intends to continue to require compliance with the regulation.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/04	
End Comment Period	07/00/04	
End Review	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4898.

Agency Contact: Rhonda Minnick, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703–308–8771
Fax: 703 308–8433
Email: minnick.rhonda@epamail.epa.gov

RIN: 2050–AG17

3368. • LAND DISPOSAL RESTRICTIONS PHASE II: UNIVERSAL TREATMENT STANDARDS, AND TREATMENT STANDARDS FOR ORGANIC TOXICITY CHARACTERISTIC WASTES AND NEWLY LISTED WASTES (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 610

CFR Citation: 40 CFR 148; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 268; 40 CFR 271

Legal Deadline: None

Abstract: In September 1994, the Environmental Protection Agency (EPA) promulgated regulations establishing land disposal restrictions (LDR) treatment standards for certain hazardous wastes (59 FR 47982, September 19, 1994). EPA issued the LDR regulations under the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act. They became effective on December 19, 1994. EPA did not perform a regulatory flexibility analysis for this rule because, at that time, no data on potentially affected small entities were available. Also, due to the statutory requirements of the LDR program, no legal avenues existed for the Agency to provide relief from the LDR's for small entities.

This gives notice that EPA will review the LDR regulations pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). EPA solicits comments on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated. This rule is statutorily required. While EPA may be able to make amendments in accordance with comments received, the rule may not be rescinded. EPA also will welcome comments on any other aspect of the rule. In submitting comments, please reference Docket ID number RCRA-2004-0003, and follow the instructions provided in Unit G of the preamble to the Regulatory Agenda.

EPA continues to view this regulation as a vital component of efforts to protect human health and the environment. EPA intends to continue to require compliance with the regulation.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/04	
End Comment Period	07/00/04	
End Review	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4897.

Agency Contact: Rhonda Minnick, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703–308–8771
Fax: 703 308–8433
Email: minnick.rhonda@epamail.epa.gov

RIN: 2050–AG19

Environmental Protection Agency (EPA) — Proposed Rule Stage

Resource Conservation and Recovery Act (RCRA)

3369. REVISIONS TO SOLID WASTE LANDFILL CRITERIA—LEACHATE RECIRCULATION ON ALTERNATIVE LINERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: EPA plans to propose a rule amending the Federal criteria for municipal solid waste landfills (MSWLF) to allow leachate recirculation over alternative liner systems which meet the performance standard specified by the MSWLF criteria. The performance determination would be made by the State director of an approved MSWLF program. EPA also plans to propose a new section to the MSWLF criteria which will allow the alternative of clean closure of landfills rather than require the installation of a landfill cap, which would allow the solid waste in the MSWLF to be totally removed from the site and be properly disposed of at another site. Finally, EPA plans to propose an additional factor for determining the frequency of ground water monitoring for the detection monitoring program specified in this subpart. The additional factor for consideration concerns liner performance where there is some direct system for determining liner performance. However, the minimum monitoring frequency would still be no less than once a year as stated in the existing regulation.

The Federal role is to establish minimum protective criteria. This proposal would allow additional flexibility for facility managers of municipal landfills to achieve compliance with the criteria. By providing additional flexibility this proposal will reduce potential costs while providing alternative means of environmental protection.

Timetable:

Action	Date	FR Cite
NODA	04/06/00	65 FR 18014
NPRM	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: SAN 4230.

Sectors Affected: 562 Waste Management and Remediation Services

Agency Contact: Craig Dufficy, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703–308–9037
Fax: 703 308–8686
Email: dufficy.craig@epamail.epa.gov

Deborah Hanlon, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703–308–5824
Fax: 703 308–8686
Email: hanlon.deborah@epamail.epa.gov

RIN: 2050–AE67

3370. REVISIONS FOR TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

Priority: Other Significant

Legal Authority: 42 USC 6901 et seq

CFR Citation: 40 CFR 262 subpart H (Revision)

Legal Deadline: None

Abstract: The Agency is considering changing the existing regulation 40 CFR 262 subpart H, which regulates transboundary movement of hazardous waste within all countries that are members of the Organization for Economic Cooperation and Development (OECD). This is in response to the fact that there is now approximately $30 to 40 billion in annual trade among developed countries in waste recyclables, with the United States having a positive trade balance. Because each of the developed countries (the 30 OECD countries) had a different system for controlling the exports and imports of waste, including recyclables, the international recycling market was not as efficient as it could be. A more streamlined, uniform system for exports and imports will also increase recycling and lessen disposal. The United States was actively involved in the negotiation of a legally binding OECD multilateral agreement to create a more streamlined system. OECD member countries are then obligated to transfer the terms of the multilateral agreement to their domestic regulations in order for the multilateral agreement to have legal authority. This regulation would be amended to comply with changes passed by the OECD Council. Existing waste lists may be restructured to comply with the new OECD waste lists. As such, previously existing waste lists may be renamed according to adopted OECD terminology. Shipments of small waste amounts destined for laboratory analysis may be exempted from filing certain paperwork requirements that are otherwise required. A certificate of recovery may be required upon final recovery of wastes and timeframes for recovery operations may be changed to reflect the decisions made by the OECD Council. This needs to have a Federal solution because international exports and imports are overseen at the Federal level due to the foreign powers authority clause.

Many alternatives were considered by government and industry during the intensive negotiations on the legally binding multilateral agreement, with the United States having a great deal of influence over which alternatives were in the final agreement. The Agency plans to codify the streamlining provisions of the OECD multilateral agreement, regulating exporters and importers of waste recyclables.

Exporters and importers of waste recyclables will need to implement the international uniform procedures of the OECD multilateral agreement, however these costs will be less than would be needed to deal with 30 different national export and import systems. In addition, some common existing export and import procedures were streamlined so that the new procedures are even more efficient than was common in the past. The benefits are greater administrative efficiency for U.S. exporters and importers in the international recycling market, and a lower level of waste disposal in the United States since there is more efficient access to other recycling markets.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
Direct Final	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4606.

Agency Contact: Maximo Diaz, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–0439
Fax: 703 308–0514
Email: diaz.maximo@epamail.epa.gov

Frank Mcalister, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8196
Fax: 703 308–0514
Email: mcalister.frank@epamail.epa.gov

RIN: 2050–AE93

3371. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Priority: Other Significant

Legal Authority: 42 USC 6912(a) ''RCRA 2002(a)''; 42 USC 6924 ''RCRA 3004''; 42 USC 6925 ''RCRA 3005''; 42 USC 6926 ''RCRA 3006''

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

Legal Deadline: None

Abstract: EPA's regulations require companies to provide financial assurance for environmental obligations, and allow companies that meet certain requirements to self insure their environmental obligations for closure, post-closure care and third party liability. EPA proposed a revised financial test because the revised test would be better at predicting which firms will enter bankruptcy and not be able to cover their financial assurance obligations at hazardous waste treatment, storage and disposal facilities. If such a firm were to enter bankruptcy, the government could incur the clean up liability.

EPA's regulations set the minimum national standards for state hazardous waste programs, and so a change in federal requirements would be necessary to ensure consistent improvements in the test. Without rulemaking, states would have the option of not adopting these changes, and so the improvement in the test would not be implemented in states that cannot have regulations that are more stringent than Federal standards.

The proposal considered several alternative financial tests, and the analysis supporting the original proposal found that the savings from the proposed alternative would be $19 million in public and private costs. If EPA promulgates a revised financial test, it may affect companies that treat, store or dispose of hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM Original	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
NODA	12/00/04	
Final	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 2647.

Sectors Affected: 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 33299 All Other Fabricated Metal Product Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 331311 Alumina Refining; 4411 Automobile Dealers; 323110 Commercial Lithographic Printing; 334 Computer and Electronic Product Manufacturing; 22111 Electric Power Generation; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 325193 Ethyl Alcohol Manufacturing; 221112 Fossil Fuel Electric Power Generation; 45431 Fuel Dealers; 4471 Gasoline Stations; 811111 General Automotive Repair; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 33271 Machine Shops; 56292 Materials Recovery Facilities; 333319 Other Commercial and Service Industry Machinery Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 323114 Quick Printing; 22132 Sewage Treatment Facilities; 48422 Specialized Freight (except Used Goods) Trucking, Local; 311942 Spice and Extract Manufacturing; 336 Transportation Equipment Manufacturing; 56211 Waste Collection; 56221 Waste Treatment and Disposal

Agency Contact: Dale Ruhter, Environmental Protection Agency, Solid Waste and Emergency Response, 5303W, Washington, DC 20460
Phone: 703–308–8192
Fax: 703 308–8609
Email: ruhter.dale@epamail.epa.gov

RIN: 2050–AC71

3372. LAND DISPOSAL RESTRICTIONS: DETERMINATION OF EQUIVALENT TREATMENT FOR MACROENCAPSULATION OF RADIOACTIVE LEAD SOLIDS; DEFINITION OF MACROENCAPSULATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924

CFR Citation: 40 CFR 268.42

Legal Deadline: None

Abstract: EPA anticipates taking action to grant a national determination of equivalent treatment petition at the request of the Department of Energy. Currently the use of containers is prohibited for the disposal of radioactive lead solids. This necessitates the segregation and separation of radioactive lead solids from other debris. Containers of high density polyethylene (HDPE) can be constructed that provide a resistant barrier to degradation by the wastes and materials into which it may come into contact after disposal. We believe these changes in disposal practices will promote more efficient cleanup of contaminated sites by removing a regulatory distinction between radioactive lead solids and other forms of hazardous debris, reduce worker exposures, and promote further advancement in new technologies for disposal. The use of containers are expected to be less costly than extrusion coatings and, therefore, this action would be cost neutral to cost beneficial to the Department of Energy and other generators of radioactive lead solids.

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	
Direct Final Rule	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

EPA—Resource Conservation and Recovery Act (RCRA) — Proposed Rule Stage

Additional Information: SAN 4743. Action is of equivalent regulatory stringency. States and Tribes will not be required to adopt rule.

Agency Contact: Nicole Schindler, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703–308–0146
Fax: 703 308–8433
Email: schindler.nicole@epamail.epa.gov

Hugh Davis, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703–306–0206
Fax: 703 308–8433
Email: davis.hugh@epamail.epa.gov

RIN: 2050–AF12

3373. RCRA INCENTIVES FOR PERFORMANCE TRACK MEMBERS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 279

Legal Deadline: None

Abstract: The Performance Track program provides recognition and incentives for facilities that demonstrate to the Agency that they are top environmental performers. Performance Track is a voluntary, facility based program that reviews applicants twice a year for conformance to four core criteria. These criteria are: a commitment to continuous improvement, a well-functioning Environmental Management system in place for at least one year, a solid record of compliance, and a commitment to community outreach and annual public reporting. Currently there are 344 members in Performance Track. In this action, EPA plans to propose permit modifications, performance based standards for tanks and generator standards, and reduced duplication between RCRA and CAA standards. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. Performance Track facilities commit to environmental improvements that reach beyond regulatory compliance, and as such benefits are quantifiable via each member facilities' annual report, and in aggregate through EPA's progress reports on the program. In EPA's first Performance Track progress report, member facilities collectively reduced: energy use by 1.1 million mmBtus, water use by 475 million gallons, hazardous materials use by 908 tons, emissions of volatile organic compounds (VOCs) by 329 tons, emissions ofair toxics by 57 tons, emission of nitrogen oxides (NOx) by 152 tons, discharges to water of biochemical oxygen demand (BOD), chemical oxygen demand (COD), and total suspended solids (TSS) by 1,227 tons, toxic discharges to water 5,543 tons, solid waste by 150,000 tons, and hazardous waste by 692 tons.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4828.

Agency Contact: Robert Sachs, Environmental Protection Agency, Office of the Administrator, 1808T, Washington, DC 20460
Phone: 202–566–2884
Fax: 202–566–0966
Email: sachs.robert@.epa.gov

David Guest, Environmental Protection Agency, Office of the Administrator, 1808T, Washington, DC 20460
Phone: 202–566–2872
Fax: 202 566–2985
Email: guest.david@epamail.epa.gov

RIN: 2090–AA34

Environmental Protection Agency (EPA) — Final Rule Stage
Resource Conservation and Recovery Act (RCRA)

3374. STANDARDIZED PERMIT FOR RCRA HAZARDOUS WASTE MANAGEMENT FACILITIES

Priority: Other Significant

Legal Authority: 42 USC 6905; 42 USC 6912; 42 USC 6924; 42 USC 6925; 42 USC 6927; 42 USC 6974

CFR Citation: 40 CFR 124; 40 CFR 267; 40 CFR 270

Legal Deadline: None

Abstract: EPA has proposed creating a new type of general permit, called a standardized permit, for facilities that generate waste and routinely manage the waste on-site in tanks, containers, and containment buildings. Under the standardized permit, facility owners and operators would certify compliance with generic design and operating conditions set on a national basis. The permitting agency would review the certifications submitted by the facility owners and operators. The permitting agency would alsobe able to impose additional site-specific terms and conditions for corrective action or other purposes, as called for by RCRA. Ensuring compliance with the standardized permit's terms and conditions would occur during inspection of the facility after the permit has been issued. The standardized permit should streamline the permit process by allowing facilities to obtain and modify permits more easily while maintaining the protectiveness currently existing in the individual RCRA permit process.EPA estimates that the potential average annual cost savings to eligible facilities from implementation of this rule will range from approximately $100 to $5,800 (i.e., 2 to 140 burden hours) per permit action, depending on such things as the type of permit and the type of storage equipment. The proposal raised issues for public comment on how all facilities receiving RCRA permits can satisfy RCRA corrective action requirements under appropriate alternative state cleanup programs and on financial assurance issues. The Agency is developing a final rule addressing this topic.

Timetable:

Action	Date	FR Cite
NPRM	10/12/01	66 FR 52192
Final Action	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4028.

Sectors Affected: 3251 Basic Chemical Manufacturing; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing

Agency Contact: Jeff Gaines, Environmental Protection Agency, Solid Waste and Emergency Response, 5303W, Washington, DC 20460
Phone: 703–308–8655
Fax: 703–308–8609
Email: gaines.jeff@epamail.epa.gov

RIN: 2050–AE44

3375. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6912(a) ''RCRA 6002(e)''

CFR Citation: 40 CFR 247

Legal Deadline: None

Abstract: RCRA section 6002 and E.O. 13101 require EPA to prepare guidelines in the Federal Register which designate items that are or can be made with recovered materials and to issue recommendations for government procurement of these items. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. Government procurement of EPA-designated items containing recovered materials fosters markets for recovered materials and, thereby, closes the recycling loop. To date, EPA has designated 54 items under three Comprehensive Procurement Guidelines (CPG1, CPG2 and CPG3). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG which provides recommendations on buying the designated items. The E.O. requires EPA to update the CPG every two years. EPA will propose item designations in CPG5. Shortly afterwards, EPA will issue final item designations in CPG4. EPA recently published a Notice of Data Availability for a prospective designation of nylon carpet.

Timetable:

Action	Date	FR Cite
Notice–PPRMA	06/08/98	63 FR 31214
Notice–RMAN1	06/08/98	63 FR 31217
NPRM	08/26/98	63 FR 45558
Final–CPG3–RMAN3	01/19/00	65 FR 3069
Notice–NAFD	01/19/00	65 FR 3082
NPRM–CPG4–RMAN4	08/28/01	66 FR 45256
Notice	07/16/03	68 FR 42040
NPRM–CPG5	12/10/03	68 FR 68813
Final–CPG4–RMAN4	04/30/04	69 FR 24028
Final CPG 5	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN 3545.

Sectors Affected: 92111 Executive Offices; 92119 All Other General Government

Agency Contact: Susan Nogas, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, 5306W, Washington, DC 20460
Phone: 703 308–0199
Fax: 703 308–8686
Email: nogas.sue@epa.gov

RIN: 2050–AE23

3376. METHODS INNOVATION RULE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6936; 42 USC 6937; 42 USC 6938; 42 USC 6939; 42 USC 6974; 42 USC 9601; 42 USC 9614(c)

CFR Citation: 40 CFR 258; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270; 40 CFR 279

Legal Deadline: None

Abstract: The Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (also known as SW-846) ensures the availability of established, validated methods for the measurements and monitoring needed for the Resource Conservation and Recovery Act (RCRA) program. EPA's process for releasing analytical methods through the SW-846 methods compendium, which support the RCRA program, has been through publishing FR notices and taking public comment. SW-846 methods are widely used, but the majority of the methods are not required by any particular regulation. Therefore, EPA has proposed a streamlined process for releasing analytical methodologies to the public, while also promoting the Performance Base Measurement Approach in the Methods Innovation Proposed Rule (MIR). The comment period was extended until February 28, 2003. In addition EPA has been working to break down the barriers that the environmental monitoring community faces when trying to use new monitoring techniques. As a first step, EA has accelerated its review process for new methods by eliminating several unnecessary internal review steps. However, there are currently 32 citations in title 40 of the Code of Federal Regulations (CFR) where the use of SW-846 methods is required. As a second step for speeding up the approval process, EPA proposed to remove the requirements to use SW-846 methods for other than method defined parameters (i.e., where the method defines the regulations, such as the Toxicity Characteristic Leaching Procedure) from 40 CFR. This action will likely lead to an even more streamlined approval process since SW-846 will then be able to be handled strictly as guidance and not need the regulatory process for approval. This additional streamlining will permit new, more cost-effective methods to attain public and regulatory authority acceptance in much less time, allowing required monitoring to be done more cheaply, faster and, in some cases, more accurately.

Since many advances have occurred in waste sampling strategies since initial guidance was published in 1984, along with the proposal EPA has announced the availability of a new guidance document for public comment entitled, ''RCRA Waste Sampling Draft Technical Guidance.'' One main advantage to releasing the guidance is that the document provides new approaches to waste sampling, with real life examples which we expect will lead to improved

ability to characterize waste streams. We believe that the release of this MIR and Waste Sampling Guidance will be widely accepted by the regulated, scientific, and academic community because they provide state of the art approaches for determining hazardous waste and sampling characteristic techniques.

Timetable:

Action	Date	FR Cite
NPRM	10/30/02	67 FR 66252
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 3989.

Agency Contact: Kim Kirkland, Environmental Protection Agency, Solid Waste and Emergency Response, 5307W, 5307W, Washington, DC 20460
Phone: 703–308–0490
Fax: 703 308–0511
Email: kirkland.kim@epamail.epa.gov

RIN: 2050–AE41

3377. HAZARDOUS WASTE MANIFEST REGULATION

Priority: Other Significant

Legal Authority: 42 USC 6922 ''RCRA 3002''; 42 USC 6923 ''RCRA 3003''; 42 USC 6924 ''RCRA 3004''; 42 USC 6926 ''RCRA 3006''; PL 105–277; ''Government Paperwork Elimination Act 17''

CFR Citation: 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline: None

Abstract: The Uniform Hazardous Waste Manifest (Form 8700-22) is a multicopy form used to identify the quantity, composition, origin, routing, and destination of hazardous waste during its transportation. Waste handlers (e.g., generators and transporters) are required to use the manifest, and States may not require a different manifest in its place. However, the manifest has State blocks which allow States, at their option, to require the entry of additional specific information to serve their State's regulatory needs. Under the current regulations more than 20 states print the manifest form in accordance with the format specified in Federal regulations. However, the variability among State manifest programs associated with state optional blocks, different copy distribution schemes, and the manifest hierarchical acquisition scheme has drawn complaints from the regulated community. Variability among States' manifest programs and the manifest system's current reliance on paper result in significant paperwork and cost burden to waste handlers and States who choose to collect manifest information. The Agency intends to standardize further the manifest form elements, and to specify one format for the manifests that may be used in all States. In addition, the Agency intends to announce standard requirements for tracking rejected wastes, container residues, and international shipments of hazardous wastes. Finally, the Agency intends to pursue an optional approach that would use information technologies to conduct the manifest process electronically, thereby reducing paperwork burden, and improving the speed and accuracy of preparing, transmitting, and recordkeeping the manifest form. However, the Agency will bifurcate the manifest rule so that the form revisions may be expedited, while additional analysis on the e-manifest continues.

Timetable:

Action	Date	FR Cite
NPRM	05/22/01	66 FR 28240
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 3147. Because of significant issues identified during the public comment period on the electronic manifest part of the rule, this part of the rule has been separated from the form revisions part of the rule for purposes of publishing a final action. The form revisions part of the rule will be finalized first, while final action on the electronic manifest must await further stakeholder outreach and analysis.

Sectors Affected: 325 Chemical Manufacturing; 2211 Electric Power Generation, Transmission and Distribution; 332 Fabricated Metal Product Manufacturing; 2122 Metal Ore Mining; 2111 Oil and Gas Extraction; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 323 Printing and Related Support Activities; 3221 Pulp, Paper, and Paperboard Mills; 482 Rail Transportation; 484 Truck Transportation; 5621 Waste Collection; 5622 Waste Treatment and Disposal; 483 Water Transportation

Agency Contact: Rich Lashier, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8796
Fax: 703 308–0522
Email: lashier.rich@epamail.epa.gov

Bryan Groce, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8750
Fax: 703 308–0522
Email: groce.bryan@epamail.epa.gov

RIN: 2050–AE21

3378. OFFICE OF SOLID WASTE BURDEN REDUCTION INITIATIVE

Priority: Other Significant

Legal Authority: 42 USC 6907; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937; 42 USC 6938; 42 USC 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104–13

CFR Citation: 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 261.4; 40 CFR 268.7; 40 CFR 268.9

Legal Deadline: None

Abstract: EPA plans to reduce the burden imposed by the RCRA reporting and recordkeeping requirements to help meet the Federal Governmentwide goal established by the Paperwork Reduction Act (PRA).

In June 1999, EPA published a Notice of Data Availability (NODA) in the Federal Register (64 FR 32859) to seek comment on a number of burden reduction ideas to eliminate duplicative and nonessential paperwork. After reviewing the comments received on the NODA, EPA proposed (67 FR 2518, 1/17/02) to implement many of these

ideas. EPA issued a notice (68 FR 61662; 10/29/03) seeking further input on a number of changes we proposed. EPA plans to finalize this burden reduction effort.

Timetable:

Action	Date	FR Cite
NODA 1	06/18/99	64 FR 32859
NPRM	01/17/02	67 FR 2518
NODA 2	10/29/03	68 FR 61662
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4084. Applicable SIC codes: Chemicals and Allied Products (28), Primary Metal Industries (33), Fabricated Metals (34), Industrial Machinery and Equipment (35), Electrical Equipment (36), Transportation Equipment (37), Other Manufacturing, Transportation and Utilities (40-49), Wholesale Trade (50-51), Services (70-89) and Other SIC Groups

Sectors Affected: 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 323 Printing and Related Support Activities; 562 Waste Management and Remediation Services

Agency Contact: Robert Burchard, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703–308–8450
Fax: 703 308–8433
Email: burchard.robert@epamail.epa.gov

RIN: 2050–AE50

3379. LISTING DETERMINATION AND LDR FOR WASTES GENERATED DURING THE MANUFACTURE OF AZO, ANTHRAQUINONE, AND TRIARYLMETHANE DYES AND PIGMENTS

Priority: Other Significant

Legal Authority: 42 USC 6921 ''RCRA 3001''; 42 USC 9602 ''CERCLA 102''

CFR Citation: 40 CFR 148; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 271; 40 CFR 302

Legal Deadline: NPRM, Judicial, November 10, 2003, –.
Final, Judicial, February 15, 2005, –.

Abstract: This action is mandated by the 1984 Hazardous and Solid Waste Amendments and a consent decree (EDF v. Browner, Civil Action No. 89-0598, D.D.C.). This action addresses the potential human health and environmental risks posed by wastes from the manufacture of dyes and pigments, and determines whether these wastes should be listed as hazardous wastes under the Resource Conservation and Recovery Act (RCRA) to control any potentially unacceptable risks. If listed under RCRA, these wastes would alsobe added to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On November 25, 2003, we proposed to list nonwastewaters from the production of dyes and/or pigments when those wastes contain mass loadings of any of eight specific organic constituents of concern above proposed listing levels on an annual basis. We proposed a contingency that would exempt these wastes if they are managed in landfills meeting appropriate design criteria (so long as a mass loadinglevel for toluene-2,4-diamine is not exceeded). This proposal will provide the benefit of protecting human health and the environment. At the same time, we are providing specific risk-reduction goals for industry, which, if met, will significantly reduce the regulatory burden associated with the listing determination. The estimated incremental compliance costs for the proposal to the dyes and/or pigments industries are in the range of $0.5 to $4.3 million per year, depending on total waste quantity manage, nonconditional mass loading levels, and the number of affected facilities. We expect impacts on small businesses to be minimal.

The current action is a re-proposal of prior actions. We proposed listing decisions for most of the targeted wastes in 1994, and several other wastes in 1999. The 1994 and 1999 proposals were incomplete because they did not contain information claimed to be confidential by industry (the data are subject to an injunction prohibiting their release). The current action does not rely on the contested data and replaces the 1994 and 1999 proposals. The re-proposal also identifies land disposal restrictions for the wastes of concern.

The current action is targeted on wastes from the manufacture of dyes and pigments, with specific emphasis on certain product classes (azos, anthraquinones, triarylmethanes). Manufacturers of these products will need to assess their wastes to determine whether they meet the final listing definitions.

Timetable:

Action	Date	FR Cite
NPRM–Dyes1	12/22/94	59 FR 66072
NPRM– Dyes 2	07/23/99	64 FR 40192
NPRM3	11/25/03	68 FR 66164
Final Action	02/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN 3066.

Sectors Affected: 325132 Organic Dye and Pigment Manufacturing

Agency Contact: Gwen Dipietro, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8285
Fax: 703 308–0514
Email: dipietro.gwen@epamail.epa.gov

Robert Kayser, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–7304
Fax: 703 308–0514
Email: kayser.robert@epamail.epa.gov

RIN: 2050–AD80

3380. RECYCLING OF CATHODE RAY TUBES (CRTS) AND MERCURY–CONTAINING EQUIPMENT: CHANGES TO HAZARDOUS WASTE REGULATIONS

Priority: Other Significant

Legal Authority: 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925

CFR Citation: 40 CFR 261; 40 CFR 273

Legal Deadline: None

Abstract: This action will ultimately revise the existing Federal hazardous waste regulations to encourage recycling and better management of

Cathode Ray Tubes (CRTs) by providing a conditional exclusion from the definition of solid waste for CRTs being recycled. A CRT is the display component of a television or computer monitor. A CRT is made largely of specialized glasses, some of which contain lead to protect the user from X-rays inside the CRT. Due to the lead, when they are disposed of or reclaimed, some CRTs are hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations. This rule will also streamline RCRA requirements for managing mercury-containing equipment by adding such equipment to the universal waste rule. This rule is planned in response to a June 9, 1998 recommendation on CRT recycling from the Common Sense Initiative (CSI) Council to the Environmental Protection Agency (EPA), and in response to a petition from the Utilities Solid Waste Activities Group regarding mercury-containing equipment. The goal of this action is to improve management and encourage recycling, thereby minimizing disposal of mercury, increasing resource recovery, and enhancing protection of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	06/12/02	67 FR 40507
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4092.

Sectors Affected: 334411 Electron Tube Manufacturing

Agency Contact: Marilyn Goode, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8800
Fax: 703 308–0514
Email: goode.marilyn@epamail.epa.gov

RIN: 2050–AE52

3381. REVISION OF WASTEWATER TREATMENT EXEMPTIONS FOR HAZARDOUS WASTE MIXTURES

Priority: Other Significant

Legal Authority: 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924; 42 USC 6926

CFR Citation: 40 CFR 261.3(a)(2)(iv)(A) to 261.3(a)(2)(iv)(

Legal Deadline: None

Abstract: This revision to the wastewater treatment exemptions for hazardous waste mixtures has been proposed to address inconsistencies in the regulations, as well as provide regulatory relief. Current EPA mixture rule exemptions have not kept up with more recent additions to solvent listings, Clean Air Act regulations, wastewater treatment technology, and policies affecting other hazardous wastes. Therefore, the need exists for a Federal deregulatory solution to resolve these inconsistencies. It is estimated that this rule, if finalized, will save $11 to 49 million in compliance costs. EPA proposed to add two solvents (benzene and 2-ethoxyethanol) to the hazardous waste exemptions for mixtures of spent solvents in wastewater treatment plants (headworks rule) at 40 CFR 261.3(a)(2)(iv)(A) - (B). EPA proposed not to take action on two other solvents, 2-nitropropane and 1,1,2-trichloroethane. In addition, EPA has proposed (1) changing the implementation of the rule from using mass balance only, to choice of using direct monitoring; (2) revising the types of facilities and the types of wastes eligible for the de minimis exemption under section 261.3(a)(2)(iv)(D); and clarifying the applicability of the exemption to scrubber waters from the incineration of spent solvents. Facilities affected by this action include industrial facilities with on-site wastewater treatment plants, commercial wastewater treatment facilities, and certain Federal facilities.

Timetable:

Action	Date	FR Cite
NPRM	04/08/03	68 FR 17234
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4501. This rule has been nominated for reform in OMB's Report to Congress on the Costs and Benefits of Regulation, Appendix A. OMB has given it a high priority level.

Sectors Affected: 31-33 Manufacturing; 562 Waste Management and Remediation Services

URL For Public Comments: www.epa.gov/edocket

Agency Contact: Lisa Lauer, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–7418
Fax: 703 308–0522
Email: lauer.lisa@epamail.epa.gov

RIN: 2050–AE84

3382. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS

Priority: Other Significant

Legal Authority: 42 USC 6924 ''RCRA 3004''; 42 USC 6925 ''RCRA 3005''; 42 USC 7412 ''CAA 112''; 42 USC 7414 ''CAA 114''

CFR Citation: 40 CFR 63; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

Legal Deadline: NPRM, Judicial, March 31, 2004, Consent decree for Phase 2 portion of rule.
Final, Judicial, June 15, 2005, Consent decree.

Abstract: On September 30, 1999, EPA promulgated standards to control emissions of hazardous air pollutants from incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste (referred to as the Phase I Rule). A number of parties, representing interests of both industry and the environmental community, sought judicial review of the rule. The Court ruled against EPA and vacated the Phase I rule. On October 19, 2001, EPA, together with all petitioners, filed a joint motion asking the Court to stay the issuance of its mandate to allow them time to develop interim standards. These stop-gap interim standards were promulgated on February 13 and 14, 2002. They replace the vacated standards temporarily, until revised replacement standards are promulgated by June 15, 2005. EPA will ultimately finalize the Phase I replacement standards. Also, EPA is developing emission standards for hazardous waste burning industrial, institutional, commercial boilers, process heaters, and hydrochloric acid production furnaces. These sources are referred to as Phase II Sources because the standards were originally scheduled to be promulgated after Phase I source

standards were finalized; however, a separate consent decree now requires us to finish developing emission standards for the Phase II sources by the same date as those for Phase I (June 15, 2005). EPA has developed options for calculating the emission standards that are considered to be consistent with both the statutory requirements and the opinion of the Court. EPA has proposed emission standards and compliance provisions for both the Phase I and Phase II sources.

Timetable:

Action	Date	FR Cite
NPRM–CK	04/19/96	61 FR 17358
Final–Fasttrack	06/19/98	63 FR 33782
Final–CK	09/30/99	64 FR 52828
NODA	07/27/00	65 FR 39581
DF 1	07/03/01	66 FR 35087
NPRM–Phase1	07/03/01	66 FR 35126
Parallel Proposal	07/03/01	66 FR 35124
Direct Final Action	10/15/01	66 FR 52361
Final Compliance Exten.	12/06/01	66 FR 63313
Interim Final Action	02/13/02	67 FR 6792
Final HAP	02/14/02	67 FR 6968
NPRM–Phases 1&2	04/20/04	69 FR 21197
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN 3333. For information on the Phase I portion of this effort, see SAN 4418, RIN 2050-AE79.

Sectors Affected: 3335 -; 3343 Audio and Video Equipment Manufacturing; 3251 Basic Chemical Manufacturing; 3273 Cement and Concrete Product Manufacturing; 3271 Clay Product and Refractory Manufacturing; 3328 Coating, Engraving, Heat Treating and Allied Activities; 3342 Communications Equipment Manufacturing; 3341 Computer and Peripheral Equipment Manufacturing; 2211 Electric Power Generation, Transmission and Distribution; 45431 Fuel Dealers; 3332 Industrial Machinery Manufacturing; 3274 Lime, Gypsum and Gypsum Product Manufacturing; 3327 Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing; 3362 Motor Vehicle Body and Trailer Manufacturing; 3361 Motor Vehicle Manufacturing; 3363 Motor Vehicle Parts Manufacturing; 2123 Non-Metallic Mineral Mining and Quarrying; 3259 Other Chemical Product Manufacturing; 3329 Other Fabricated Metal Product Manufacturing; 3339 Other General Purpose Machinery Manufacturing; 3279 Other Nonmetallic Mineral Product Manufacturing; 3255 Paint, Coating, Adhesive, and Sealant Manufacturing; 3253 Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing; 3241 Petroleum and Coal Products Manufacturing; 4227 Petroleum and Petroleum Products Wholesalers; 3254 Pharmaceutical and Medicine Manufacturing; 3231 Printing and Related Support Activities; 5629 Remediation and Other Waste Management Services; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing; 3344 Semiconductor and Other Electronic Component Manufacturing; 22132 Sewage Treatment Facilities; 5622 Waste Treatment and Disposal

Agency Contact: Rhonda Minnick, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703–308–8771
Fax: 703 308–8433
Email: minnick.rhonda@epamail.epa.gov

RIN: 2050–AE01

3383. PROJECT XL — ORTHO–MCNEIL PILOT PROJECT ALLOWING ON–SITE TREATMENT OF LOW–LEVEL MIXED WASTES WITHOUT RCRA PERMIT

Priority: Info./Admin./Other

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This site-specific rulemaking would allow Ortho-McNeil Pharmaceutical (OMP) to treat small volumes of low-level mixed wastes on-site using a bench-scale catalytic oxidizing treatment unit as an alternative to long-term storage and off-site transportation and land disposal at a Nuclear Regulatory Commission (NRC)-licensed, Resource Conservation and Recovery Act permitted Treatment, Storage and Disposal Facility. This treatment effectively destroys the organic component of the wastestream, yielding a residual that is only a low-level radioactive waste and can be disposed at an NRC-licensed low-level radioactive waste disposal facility. OMP is also working with various companies to develop and test recovery technologies that could be used in lieu of disposal.

Timetable:

Action	Date	FR Cite
NPRM	07/24/01	66 FR 38395
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4439.

Agency Contact: Sandra Panetta, Environmental Protection Agency, Office of the Administrator, 1807, Washington, DC 20460
Phone: 202–566–2184
Fax: 202 566–2218
Email: panetta.sandra@epamail.epa.gov

Donna Perla, Environmental Protection Agency, Office of the Administrator, 1802, Washington, DC 20460
Phone: 202–566–2177
Fax: 202 566–2200
Email: perla.donna@epamail.epa.gov

RIN: 2090–AA14

3384. PROJECT XL SITE–SPECIFIC RULEMAKING FOR THE IBM SEMICONDUCTOR MANUFACTURING FACILITY IN HOPEWELL JUNCTION, NEW YORK

Priority: Info./Admin./Other

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

CFR Citation: 40 CFR 261.4(a)

Legal Deadline: None

Abstract: This rulemaking provides a site-specific exclusion from the regulatory definition of solid waste for certain wastewater treatment sludges (otherwise designated as Hazardous Waste No. F006) when they are used as ingredients in the production of cement. Without this exclusion, the sludges being legitimately recycled as substitutes for raw materials would remain subject to hazardous waste regulatory requirements, including the need for a storage permit by the cement manufacturer, which is a major disincentive to recycling the sludges in this manner. This XL project tests the

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presumption that these sludges can be safely recycled without regulatory oversight.

Timetable:

Action	Date	FR Cite
NPRM	06/06/01	66 FR 30349
Supplemental NPRM	04/14/03	68 FR 18042
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4565.

Agency Contact: Sandra Panetta, Environmental Protection Agency, Office of the Administrator, 1807, Washington, DC 20460
Phone: 202–566–2184
Fax: 202 566–2218
Email: panetta.sandra@epamail.epa.gov

Andrew Baca, Environmental Protection Agency, Office of the Administrator, 5301W, Washington, DC 20460
Phone: 703–308–6787
Fax: 703 308–0513
Email: baca.andrew@epamail.epa.gov

RIN: 2090–AA29

Environmental Protection Agency (EPA) — Long-Term Actions
Resource Conservation and Recovery Act (RCRA)

3385. MANAGEMENT OF CEMENT KILN DUST (CKD)

Priority: Other Significant

Legal Authority: 42 USC 6912(a) ''RCRA 2002(a)''; 42 USC 6921(a) ''RCRA 3001(a)''

CFR Citation: 40 CFR 256; 40 CFR 259; 40 CFR 261; 40 CFR 264

Legal Deadline: None

Abstract: In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with cement kiln dust (CKD). In 1995, EPA determined that some additional control of CKD was needed and published a regulatory determination (60 FR 7366, 2/7/95). On August 20, 1999, EPA issued a proposed rule (64 FR 45632) outlining the Agency's preferred regulatory approach (i.e., an exemption from hazardous waste listing for properly managed CKD) and several optional approaches including requirements solely under RCRA subtitle D. On July 25, 2002, the Agency published a notice (67 FR 48648) to announce the availability for public inspection and comment of recently acquired data on CKD.

The Agency is now considering an approach whereby it would finalize the proposed option of issuing the protective CKD management standards as described in the August 20, 1999 proposal as a RCRA subtitle D rule. The Agency would temporarily suspend its active consideration of the proposed listing of mismanaged CKD as a hazardous waste, and assess how CKD management practices and state regulatory programs evolve over the next three to five years. Based on this assessment, EPA will then proceed to either formally withdraw or promulgate the portion of the 1999 proposal that classifies as a RCRA hazardous waste CKD that has been egregiously mismanaged.

EPA will be promoting pollution prevention, recycling, and safer disposal of CKD by considering finalization of protective management standards for this waste. The Agency believes that these management standards are a creative, affordable, and common sense approach that can protect human health and the environment without imposing unnecessary regulatory burdens on the cement kiln industry. These standards provide a new, tailored framework that safeguards ground water and limits risk from releases of dust to air.

Timetable:

Action	Date	FR Cite
Regulatory Determination	02/07/95	60 FR 7366
NPRM	08/20/99	64 FR 45632
Notice – Extend Comment Period	10/28/99	64 FR 58022
NODA 1	07/25/02	67 FR 48648
Notice–Extend Comment Period	11/08/02	67 FR 68130
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 3856.

Sectors Affected: 32731 Cement Manufacturing

Agency Contact: Anthony Carrell, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703–308–0458
Fax: 703 308–8686
Email: carrell.anthony@epamail.epa.gov

Steve Souders, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703–308–8431
Fax: 703–308–8686
Email: souders.steve@epamail.epa.gov

RIN: 2050–AE34

3386. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 USC 6907(a)(3); 42 USC 6944(a)

CFR Citation: 40 CFR 257

Legal Deadline: None

Abstract: This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), which concluded that waste management regulations underRCRA are appropriate for certain coal combustion wastes. The utility industry has made significant improvement in its waste management

practices over recent years, and most state regulatory programs are similarly improving. However, public comment and other analyses have convinced the Agency that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. There is sufficient evidence that adequate controls may not be in place. For example, 62 percent of existing utility impoundments do not have groundwater monitoring; thus, their impact on ground and surface waters cannot be evaluated in light of numerous damage cases identified by the Agency that involve management of these wastes. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency is currently analyzing the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulation. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR 32214, May 22, 2000). EPA has also considered issuing guidance instead of regulations to industry and state and local governments to focus on these remaining waste management issues but concluded that there will probably continue to be some gaps in practices and controls and is concerned at the possibility that these will go undressed. The Agency also believes the timeframe for improvement of current practices is likely to be longer in the absence of federal regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN 4470. This rule may also impact federal, state, local or tribal governments that own coal-burning commercial electric power generating facilities.

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

Agency Contact: Alexander Livnat, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703–308–7251
Fax: 703–308–8686
Email: livnat.alexander@epamail.epa.gov

Steve Souders, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703–308–8431
Fax: 703–308–8686
Email: souders.steve@epamail.epa.gov

RIN: 2050–AE81

3387. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES—NON–POWER PRODUCERS AND MINEFILLING

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 USC 6907(a)(3); 42 USC 6944

CFR Citation: 40 CFR 257

Legal Deadline: None

Abstract: This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by non-utility combustors. Non-utility combustors are commercial, industrial, and institutional facilities that burn coal in boilers to generate steam. The regulations will also apply to mine facilities where any coal combustion wastes are managed, (i.e., backfilled into mined areas). This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), in which the Agency concluded that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. As described in the regulatory determination, there is sufficient evidence that adequate controls may not be in place. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency has completed information collection efforts and is currently analyzing this information. The Agency will also analyze the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulations. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, buthas rejected this approach as discussed in the regulatory determination (see 65 FR 32214, May 22, 2000). EPA has also considered issuing guidance to industry and state and local governments to focus on the waste management issues but concluded that there will probably continue to be some gaps in practices and controls and is concerned at the possibility that these will go undressed. The Agency is considering alternatives to regulation of mine placement under RCRA per this action, including consulting with the U.S. Department of the Interior on appropriate measures under the Surface Mining Control and Reclamation Act (SMCRA) or some combination of both SMCRA and RCRA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 4469. This rule may also impact Federal, State, local or tribal governments that own/operate coal-burning facilities (excluding facilities that primarily generate electric power for sale) or coal mines that accept coal combustion wastes.

Sectors Affected: 325 Chemical Manufacturing; 2121 Coal Mining; 22112 Electric Power Transmission, Control and Distribution; 311 Food Manufacturing; 337 Furniture and Related Product Manufacturing; 62 Health Care and Social Assistance; 322 Paper Manufacturing; 331 Primary Metal Manufacturing; 313 Textile Mills;

336 Transportation Equipment Manufacturing

Agency Contact: Bonnie Robinson, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703–308–8429
Fax: 703–308–8686
Email: robinson.bonnie@epamail.epa.gov

RIN: 2050–AE83

3388. REGULATION OF HAZARDOUS OIL–BEARING SECONDARY MATERIALS FROM PETROLEUM REFINING INDUSTRY AND OTHER HAZARDOUS SECONDARY MATERIALS PROCESSED IN A GASIFICATION SYSTEM TO PRODUCE SYNTHESIS GAS–FINAL RULE

Priority: Other Significant

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937; 42 USC 6938; 42 USC 6939; 42 USC 6974

CFR Citation: 40 CFR 260; 40 CFR 261

Legal Deadline: None

Abstract: The U.S. Environmental Protection Agency (EPA) is considering finalizing revisions to the RCRA hazardous regulations to exclude oil-bearing secondary materials, generated by the petroleum refining industry and others, from the definition of solid waste if the materials are destined to be processed in a gasification device manufacturing synthesis gas fuel. We are considering this exclusion in order to clarify and simplify RCRA jurisdiction, and to be consistent with other comparable existing exclusions.

Timetable:

Action	Date	FR Cite
NPRM	03/25/02	67 FR 13684
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4411. This is an extension of a previous notice that contained the following RIN 2050-AD88.

Agency Contact: Larry Gonzalez, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703–308–8605
Fax: 703 308–8433
Email: gonzalez.larry@epamail.epa.gov

William Brandes, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703–308–8871
Fax: 703 308–8433
Email: brandes.william@epamail.epa.gov

RIN: 2050–AE78

3389. RCRA BURDEN REDUCTION INITIATIVE, PHASE 2

Priority: Other Significant

Legal Authority: 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104–13

CFR Citation: 40 CFR 260.31; 40 CFR 261.4; 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 268.7, 268.9; 40 CFR 270.16, 270.17

Legal Deadline: None

Abstract: As part of its response to the Paperwork Reduction Act, EPA formed the RCRA Burden Reduction Initiative. The Agency is reviewing additional Burden Reduction opportunities, some of which were proposed but not included in the Burden Reduction Initiative final rule. Additionally, EPA will look for opportunities for burden reduction within the Biennial Report. Moving from a paper system to an electronic system focused on information gathered and generated by Treatment, Storage, and Disposal Facilities may provide for significant Burden Reduction savings.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4735.

Agency Contact: Robert Burchard, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703–308–8450
Fax: 703 308–8433
Email: burchard.robert@epamail.epa.gov

RIN: 2050–AF01

3390. E–CYCLING PILOT PROJECT FOR REGION 3 STATES (ECOS); STREAMLINING RCRA REGULATIONS TO ENCOURAGE REUSE, RECYCLING, AND RECOVERY OF ELECTRONIC EQUIPMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

CFR Citation: 40 CFR 261.4(a)(24); 40 CFR 261.40

Legal Deadline: None

Abstract: This project is the result of an Environmental Council of States (ECOS) partnership agreement that EPA Region 3 entered into with the six state environmental agencies. As part of the partnership agreement, the Region agreed to prepare a regional rule and to expedite its promulgation by using the direct final rulemaking process. By using this innovative approach to have a regional e-Cycling Pilot Project, EPA Region 3 and the Mid-Atlantic States (DE, DC, MD, PA, VA, WV) will be able to provide additional information about EPA's national proposed cathode ray tube (CRTs) exclusion from the definition of solid waste (e.g., CRTs are the video display components of televisions and computer monitors). The Regional e-Cycling Pilot Project could serve as a model for electronic recycling nationwide and the states believe that the recycling program will function effectively as a result of this regulatory flexibility.

Timetable:

Action	Date	FR Cite
NPRM	12/26/02	67 FR 78761
Direct Final Rule	12/26/02	67 FR 78718
Withdrawal of Direct Final Rule	02/24/03	68 FR 8553
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN 4701.

Agency Contact: Marie Holman, Environmental Protection Agency, Regional Office Philadelphia, 3EI00, Philadelphia, PA 19107
Phone: 215–814–5463
Fax: 215 814–2782
Email: holman.marie@epamail.epa.gov

Sandra Panetta, Environmental Protection Agency, Regional Office Philadelphia, 1807T, Washington, DC 20460
Phone: 202–566–2184
Fax: 202 566–2218
Email: panetta.sandra@epamail.epa.gov

RIN: 2003–AA00

3391. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO PETROLEUM CONTAMINATED MEDIA AND DEBRIS FROM UNDERGROUND STORAGE TANKS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6921 ''RCRA 3001''

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: In the final hazardous waste Toxicity Characteristic (TC) rule published in June 1990, EPA decided to temporarily defer application of the TC rule to petroleum-contaminated media and debris, such as soils and groundwater, that result from underground storage tank (UST) corrective actions. This rule is part of the Agency's commitment to make a final determination regarding the UST temporary deferral. The temporary deferral was, in part, based on the Agency's concern that without such a deferral,UST cleanup procedures would be adversely affected, resulting in delays in remedial action and increases in remediation costs. Since this action is deregulatory, there are no adverse effects on small businesses, or on State, local, or tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	02/12/93	58 FR 8504
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 3189.

Agency Contact: Sammy Ng, Environmental Protection Agency, Solid Waste and Emergency Response, 5401G, Washington, DC 20460
Phone: 703–603–7166
Fax: 202 603–0175
Email: ng.sammy@epamail.epa.gov

RIN: 2050–AD69

3392. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT–CONTAMINATED INDUSTRIAL WIPES

Priority: Other Significant

Legal Authority: 42 USC 6921

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: EPA proposed to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. Industrial wipes are used with solvents across industry in various ways; EPA estimates that there are approximately 471,000 users of industrial wipes in 13 economic subsectors, but many users use small numbers of wipes with small amounts of solvents on them.

If finalized, this regulation would provide regulatory relief for two types of solvent-contaminated industrial wipes: (1) disposable wipes, which are disposed of in a landfill or by combustion after use, and (2) reusable wipes, which are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposable industrial wipes from the definition of hazardous waste and to conditionally exclude reusable industrial wipes from the definition of solid waste.

The regulation, if finalized, is estimated to result in $34 million of savings throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/20/03	68 FR 65586
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4091.

Sectors Affected: 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 441 Motor Vehicle and Parts Dealers; 812 Personal and Laundry Services; 323 Printing and Related Support Activities; 811 Repair and Maintenance; 336 Transportation Equipment Manufacturing

Agency Contact: Katherine Blanton, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–605–0761
Fax: 703 308–0514
Email: blanton.katherine@epamail.epa.gov

RIN: 2050–AE51

3393. INCREASE METALS RECLAMATION FROM F006 WASTE STREAMS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: Many metal finishers and other industrial sectors generate an electroplating sludge as part of their production process that is amenable to recycling; i.e., the sludge contains economically recoverable amounts of metals such as copper, nickel, zinc, etc. Currently, these sludges (F006) are listed hazardous wastes subject to RCRA regulations. Many generators continue to send these sludges for treatment and disposal when they could be recycled. Similarly, generators currently sending their sludges for recycling receive no economic benefit for this practice. Since the mid-1990's, EPA has been working with industry and the States to create incentives for safe recycling and has promulgated rules to foster this practice. However, EPA is interested in exploring whether further regulatory changes are warranted.

EPA is currently evaluating several options that would provide regulatory

relief to generators and handlers of F006. All options would reduce regulatory costs to generators and handlers relative to the current RCRA Subtitle C regulatory program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN 4651.

Agency Contact: Jim O'Leary, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8827
Fax: 703 308–0514
Email: oleary.jim@epamail.epa.gov

James Michael, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8610
Fax: 703 308–0514
Email: michael.james@epamail.epa.gov

RIN: 2050–AE97

3394. REVISIONS TO THE DEFINITION OF SOLID WASTE

Priority: Other Significant

Legal Authority: 42 USC 6903''RCRA Section 1004''

CFR Citation: 40 CFR 261.2

Legal Deadline: None

Abstract: Under RCRA, to be a hazardous waste, a material must also be a solid waste. EPA's framework for determining whether a material is a solid waste is based on what the material is, and how it's managed (e.g., how it is used, reused, etc.). For materials being recycled, RCRA jurisdiction is complex and the history of legal decisions related to the definition of solid waste is extensive. Primarily, in response to American Mining Congress v. EPA, 824 F. 2d 1177(D.C. Cir. 1987) (''AMC I'') and one of the most recent decisions, the Association of Battery Recyclers, v. EPA 208 F.3d 1047 (2000) (''ABR''), EPA has proposed to revise the definition of solid waste. We specifically addressed materials undergoing reclamation. In the context of reclamation, we discussed options for how to distinguish materials that are discarded from materials that remain in use in a continuous process in the generating industry. The rule would also establish criteria for determining whether or not hazardous secondary materials are recycled legitimately.

Timetable:

Action	Date	FR Cite
NPRM	10/28/03	68 FR 61558
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Federalism: Undetermined

Additional Information: SAN 4670. Nominated for reform in OMB's Report to Congress on the Costs and Benefits of Regulations, Appendix A to revise the definition of solid waste rule to grant an exemption from RCRA for materials destined for recycling or reuse. OMB has given it a medium priority level.

Agency Contact: Marilyn Goode, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8800
Fax: 703 308–0514
Email: goode.marilyn@epamail.epa.gov

Ingrid Rosencrantz, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–605–0709
Fax: 703 308–0522
Email: rosencrantz.ingrid@epamail.epa.gov

RIN: 2050–AE98

3395. REVISIONS OF THE LEAD–ACID BATTERY EXPORT NOTIFICATION AND CONSENT REQUIREMENTS

Priority: Other Significant

Legal Authority: 42 USC 6901 et seq

CFR Citation: 40 CFR subpart G 266.80 (a)

Legal Deadline: None

Abstract: Currently, generators, transporters and facilities that reclaim but do not store spent lead-acid batteries are exempt from hazardous waste management requirements, as specified in 40 CFR Part 266 subpart G. Spent lead-acid batteries destined for export/reclamation are not, therefore, subject to RCRA manifesting or export notification and consent requirements specified in 40 CFR Part 262. Allowing the export of spent lead-acid batteries without prior notice and consent of the receiving country is not consistent with widely-accepted international practices. Similarly, the exemption contrasts with more recent Universal Waste requirements in 40 CFR Part 262, which require export notice and consent for comparable waste streams. The purpose of this regulation is to modify the spent lead-acid battery exemption to require appropriate notice and consent for those batteries intended for export.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN 4778.

Agency Contact: Marilyn Goode, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8800
Fax: 703 308–0514
Email: goode.marilyn@epamail.epa.gov

Frank Mcalister, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8196
Fax: 703 308–0514
Email: mcalister.frank@epamail.epa.gov

RIN: 2050–AF06

3396. REGULATORY AMENDMENTS TO THE F019 HAZARDOUS WASTE LISTING TO EXCLUDE THE WASTEWATER TREATMENT SLUDGES FROM THE CHEMICAL CONVERSION COATING PROCESS (ZINC PHOSPHATING) OF AUTOMOBILE BODIES OF ALUMINUM

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 1006 et seq

EPA—Resource Conservation and Recovery Act (RCRA) — Long-Term Actions

CFR Citation: 40 CFR 261.31; 40 CFR 302.4

Legal Deadline: None

Abstract: Automobile manufacturers are adding aluminum or aluminized components to automobiles to reduce the weight of vehicles to increase fuel economy. When aluminum components are added to the automobile assembly process, the current federal regulations require that the wastewater treatment sludges generated from this conversion coating process be managed as a hazardous waste under the Resource Conservation and Recovery Act. EPA intends to reduce burden on the regulated community by revising the current RCRA regulations that apply to the wastewater treatment sludges from the chemical conversion coating (zinc phosphating) of aluminum.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4834.

Agency Contact: James Michael, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8610
Fax: 703 308–0514
Email: michael.james@epamail.epa.gov

GailAnn Cooper, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703–308–8419
Fax: 703 308–0514
Email: cooper.gailann@epamail.epa.gov

RIN: 2050–AG15

3397. • STREAMLINING LABORATORY WASTE MANAGEMENT IN ACADEMIC AND RESEARCH LABORATORIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6922

CFR Citation: 40 CFR 262

Legal Deadline: None

Abstract: The Laboratory Initiative is focusing on ways to make the Resource Conservation and Recovery Act a better fit for the laboratory setting and to improve reuse, recycling, and the overall management of chemicals in the laboratory settings. EPA recognizes the unique aspects of research and academic laboratories compared with large manufacturing processes. For example, research and academic laboratories generate small amounts of many different wastes while large manufacturing processes tend to generate large amounts of a few wastes. Our goal is to improve the program to better protect human health and the environment, through standards that are harmonious with the way laboratories operate. Our aim is to improve compliance, not by relaxing the standards, but by improving the fit through regulatory changes to part 262.34.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN 4920. No legal deadline.

Agency Contact: Patricia Mercer, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington DC, DC 20460
Phone: 703 308–8408
Fax: 703 308–0514
Email: mercer.patricia@epamail.epa.gov

RIN: 2050–AG18

Environmental Protection Agency (EPA) — Completed Actions

Resource Conservation and Recovery Act (RCRA)

3398. RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS FOR MUNICIPAL SOLID WASTE LANDFILL

Priority: Substantive, Nonsignificant. Major under 5 USC 801.

CFR Citation: 40 CFR 258.4

Completed:

Reason	Date	FR Cite
Final Action	03/22/04	69 FR 13242

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Dwight Hlustick
Phone: 703–308–8647
Fax: 703 308–8686
Email: hlustick.dwight@epamail.epa.gov

Deborah Hanlon
Phone: 703–308–5824
Fax: 703 308–8686
Email: hanlon.deborah@epamail.epa.gov

RIN: 2050–AE92

3399. PROJECT XL SITE–SPECIFIC RULEMAKING FOR ANNE ARUNDEL COUNTY MILLERSVILLE LANDFILL, SEVERN, MARYLAND

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 258

Completed:

Reason	Date	FR Cite
Withdrawn	06/10/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Steven Donohue
Phone: 215–814–3215
Fax: 215 814–2782
Email: donohue.steven@epamail.epa.gov

Sherri Walker
Phone: 202–566–2186
Fax: 202 566–2218
Email: walker.sherri@epamail.epa.gov

RIN: 2090–AA25

Environmental Protection Agency (EPA) — Proposed Rule Stage

Oil Pollution Act (OPA)

3400. • REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURES (SPCC) RULE

Priority: Other Significant

Legal Authority: 33 USC 1321 ''CWA sec 311(j)(l)(C)''

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: The Environmental Protection Agency issued a ''Notice Concerning Certain Issues Pertaining to the July 2002 Spill Prevention, Control, and Countermeasure (SPCC) Rule'' to publish clarifications developed by the Agency during the course of settlement proceedings regarding the SPCC regulation. These clarifications to the SPCC regulation were the result of legal challenges to certain aspects of the July 17, 2002 final regulation.

EPA is issuing a proposed rule to extend by one year the compliance deadline for regulated facilities to amend (or in some cases, prepare) and implement their SPCC Plans. This extension will provide sufficient time for the regulated community to undertake the actions necessary to update (or prepare) their plans in accordance with recent clarifications EPA has made to certain provision of the SPCC regulations. The extension also avoids a potentially overwhelming number of individual extension requests. EPA will also issue a proposed rule extending by an additional two years the compliance deadline for certain groups of the regulated community. EPA is considering additional measures to ease the compliance burden of smaller facilities, and for oil-filled and motive power equipment.

EPA is considering a proposal to amend 40 CFR Part 112, which includes the SPCC rule promulgated under the authority of the Clean Water Act. The proposal may also include advanced notices of proposed rulemaking on secondary containment for small electrical equipment and on secondary containment requirements for loading racks. Part 112 includes requirements for SPCC Plans, and for Facility Response Plans (FRPs). The proposed rule includes changes stemming from the litigation over the SPCC rule, as well as other changes, that have not been fully defined. These may include potential differentiation of requirements for non-petroleum oils, and policy statements associated with the July 2002 SPCC final rule. Among these are the following possible areas: 1) Applicability ofthe rule to motive power; 2) Secondary containment and consideration of costs; 3) Wastewater and the applicability of the rule to oil-water separators; 4) Loading/unloading areas vs. rack; 5) Wastewater exemption at production facilities; 6) Applicability of the rule to mobile/portable containers; 7) Applicability of the rule to various forms of piping; 8) Scope and definition of operational equipment vs. process vessels; 9) Distinction between the various secondary containment requirements; and 10) Integrity testing for small bulk containers. Specific decisions on the scope of the rulemaking will follow analysis of flexibility available under the July 2002 rule to support pending policy clarifications.

Timetable:

Action	Date	FR Cite
Notice of Settlement Terms	05/25/04	69 FR 29728
1 yr Compliance Extension NPRM	06/00/04	
2 year Compliance Extension Proposal	07/00/04	
1 yr Compliance Extension Final	08/00/04	
2 Year Compliance Extension Final	04/00/05	
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 2634.2. Split from RIN 2050-AC62.

Agency Contact: Hugo Fleischman, Environmental Protection Agency, Solid Waste and Emergency Response, 5203G, Washington, DC 20460
Phone: 703–603–8769
Fax: 703 603–9116
Email: fleischman.hugo@epamail.epa.gov

RIN: 2050–AG16

3401. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9605 ''CERCLA 105''

CFR Citation: 40 CFR 300.425

Legal Deadline: None

Abstract: This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
Final 20	03/06/98	63 FR 11332
NPRM 24	03/06/98	63 FR 11340
Final 21	07/28/98	63 FR 40182
NPRM 25	07/28/98	63 FR 40247
Final Tex–Tin	09/18/98	63 FR 49855
Final 22	09/29/98	63 FR 51848
NPRM 26	09/29/98	63 FR 51882
Final 23	01/19/99	64 FR 2942
NPRM 27	01/19/99	64 FR 2950
NPRM Midnight Mine	02/16/99	64 FR 7564
NPRM 28	04/23/99	64 FR 19968
Final 24	05/10/99	64 FR 24949
NPRM Almeda	05/10/99	64 FR 24990
Final 25	07/22/99	64 FR 39878
NPRM 29	07/22/99	64 FR 39886
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
Final 26	02/04/00	65 FR 5435
NPRM 31	02/04/00	65 FR 5468
Final 28	05/11/00	65 FR 30482
NPRM 32	05/11/00	65 FR 30489
Final 29	07/27/00	65 FR 46096
NPRM 33	07/27/00	65 FR 46131
NPRM Alabama/Malone	08/24/00	65 FR 51567
Final 30	12/01/00	65 FR 75179
NPRM 34	12/01/00	65 FR 75215
NPRM 35	01/11/01	66 FR 2380
Final 31	06/14/01	66 FR 32235
NPRM 36	06/14/01	66 FR 32287
Final 32	09/13/01	66 FR 47583
NPRM 37	09/13/01	66 FR 47612
NPRM Libby/Omaha	02/26/02	67 FR 8836
Final adds 19 sites	09/05/02	67 FR 56757
NPRM 38	09/05/02	67 FR 56794
Final Action–	10/24/02	67 FR 65315
Final Action—	04/30/03	68 FR 23077
NPRM–	04/30/03	68 FR 23094
Final 35 (adds 12 sites)	09/29/03	68 FR 55875
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN 3439.

Agency Contact: Yolanda Singer, Environmental Protection Agency,

Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 703–603–8835
Fax: 703 603–9100
Email: singer.yolanda@epamail.epa.gov

Terry Jeng, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 202–564–0629
Fax: 703 603–9104
Email: jeng.terry@epamail.epa.gov

RIN: 2050–AD75

3402. STANDARDS AND PRACTICES FOR CONDUCTING ALL APPROPRIATE INQUIRIES

Priority: Other Significant

Legal Authority: 42 USC 9601 et seq

CFR Citation: 40 CFR 312

Legal Deadline: Final, Statutory, January 11, 2004, Small Business Liability Protection Act section 223, CERCLA 101(35)(B)(2)(ii).

Abstract: The Small Business Liability Relief and Brownfields Revitalization Act (the ''Brownfields Amendments'') amended a number of provisions in CERCLA including section 101(35)(B) and includes, among other things, new provisions regarding CERCLA liability protections for certain landowners. As part of these provisions, the Brownfields Amendments require bona fide prospective purchasers, contiguous property owners, and innocent landowners to conduct ''all appropriate inquiries'' into prior ownership and use of the property at the time the party acquires the property. In the Brownfields Amendments, Congress directed EPA to promulgate regulations establishing standards and practices for conducting ''all appropriate inquiries.'' Section 101 (35)(B)(iii) of CERCLA, as amended, includes criteria that EPA is required to address in setting these standards and practices. This regulation, when finalized, will establish the federal standards for conducting ''all appropriate inquiries,'' pursuant to the statute. Recipients of Brownfields Assessment Grants awarded under section 104(k)(2)(B) of CERCLA also will be regulated by the final action. Purchasers of contaminated properties seeking any of the protections from CERCLA liability will be required to follow the promulgated procedures and standards. EPA developed the proposed federal standard for all appropriate inquiries under a negotiated rulemaking process. EPA established a FACA Committee charged with negotiating a federal standard in accordance with the statutory criteria.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4739. State, local and Tribal governments affected if they are grant recipients.

Agency Contact: Patricia Overmeyer, Environmental Protection Agency, Solid Waste and Emergency Response, 5105T, Washington, DC 20460
Phone: 202–566–2774
Fax: 202–566–2757
Email: overmeyer.patricia@epamail.epa.gov

Helen Keplinger, Environmental Protection Agency, Solid Waste and Emergency Response, 2272A, Washington, DC 20460
Phone: 202–564–4221
Fax: 202 229–3954
Email: keplinger.helen@epamail.epa.gov

RIN: 2050–AF04

3403. REVISE 40 CFR PART 35 SUBPART O: COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS

Priority: Other Significant

Legal Authority: 42 USC 9601 to 9675

CFR Citation: 40 CFR 35 subpart O

Legal Deadline: None

Abstract: 40 CFR part 35 subpart O is the Superfund Administrative Regulation that governs awarding of Superfund cooperative agreements (CAs) to States, Indian tribes, and territories of the United States. Subpart O covers State-lead, site-specific cooperative agreements for non-time-critical removal, preremedial, remedial, and enforcement actions, and site-specific management assistance for Federal-lead projects. Also covered by subpart O are non-site-specific Core Program and Voluntary Cleanup Program State infrastructure development, as well as Brownfields pilots, and Brownfields assessments. The requirements for Superfund State contracts, financial administration, property, procurement, reporting, recordkeeping, and closeout are provided in subpart O.

Subpart O was promulgated 6/5/1990, and became effective on 7/5/1990. Many changes in the Superfund program have occurred over the past almost ten years and these need to be reflected in subpart O. The six categories of CAs presently used in subpart O need greater flexibility to accommodate the new types of CAs that have developed. For example, the number of Block Funding Reform pilots, begun in 1997, to consolidate several of the cooperative agreements offered in subpart O, has grown to about 16 for fiscal year 2000, and have generated at least 60 approved deviation requests from subpart O and 40 CFR part 31. These pilot projects offer considerable administrative relief to States, tribes, and EPA by reducing reporting requirements,broadening scope changes without amendment, increasing the ability to move monies within and among CAs, and relaxing application requirements regarding site-specific identification of cooperative agreement funds to certain activities, while maintaining site-specific drawdown requirements needed for cost recovery and Superfund accounting. Subpart O also needs to be conformed with part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements).

EPA expects to institutionalizethe combining of CA types, create more flexible reporting requirements, permit greater scope changes without amendment, provide more flexible money movement within and among CAs, and promote other policy advances in State/tribal/EPA interaction.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4177.

EPA—Oil Pollution Act (OPA) — Proposed Rule Stage

Agency Contact: Kirby Biggs, Environmental Protection Agency, Solid Waste and Emergency Response, 5204W, Washington, DC 20460
Phone: 703–308–8506
Fax: 703 308–8433
Email: biggs.kirby@epamail.epa.gov

RIN: 2050–AE62

Environmental Protection Agency (EPA) — Final Rule Stage
Comprehensive Environmental Response, Compensation and Liability Act

3404. REPORTABLE QUANTITY ADJUSTMENTS FOR CARBAMATES AND CARBAMATE–RELATED HAZARDOUS WASTE STREAMS; REPORTABLE QUANTITY ADJUSTMENT FOR INORGANIC CHEMICAL MANUFACTURING PROCESS WASTE (K178)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9602(a); 42 USC 11004

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: EPA listed carbamate waste streams and certain inorganic chemical manufacturing process waste as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). RCRA listed wastes, by statute, automatically become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and are assigned a one pound statutory reportable quantity (RQ) until EPA adjusts them. These substances also become subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) with a one pound threshold. EPA proposed RQ adjustments for these carbamates and wastes. Most RQ adjustments are greater than one pound. Raising the RQs for these substances will decrease the burden on 1) the regulated community for complying with the reporting requirements under CERCLA and EPCRA; 2) Federal, State, and local authorities for program implementation; and 3) Federal, State, or local authorities, if they release hazardous substances at the RQ level or greater.

In addition, we've proposed an RQ adjustment for the inorganic chemical manufacturing process waste (K178)(66 FR 58258, 11/20/01). The Agency received one comment for the carbamates RQ adjustment and one for the inorganics RQ adjustment. Neither comment wil delay promulgation of the final rule.

Timetable:

Action	Date	FR Cite
NPRM	12/04/03	68 FR 67916
Final Action	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 3423.

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 703–603–9086
Fax: 703 603–9104
Email: beasley.lynn@epamail.epa.gov

RIN: 2050–AE12

Environmental Protection Agency (EPA) — Long-Term Actions
Comprehensive Environmental Response, Compensation and Liability Act

3405. CRITERIA FOR THE DESIGNATION OF HAZARDOUS SUBSTANCES UNDER CERCLA SECTION 102(A)

Priority: Other Significant

Legal Authority: 42 USC 9602

CFR Citation: 40 CFR 302.4

Legal Deadline: None

Abstract: This action will address the development of evaluation criteria for the designation of substances as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). It is necessary to develop evaluation criteria because the Agency has the authority under CERCLA 102(a) to designate substances as hazardous; however, the Agency does not have criteria to do so. To date the only substances designated as CERCLA hazardous substances are as a result of their appearance on other Acts' lists defined under CERCLA 101(14). Using CERCLA designation criteria the Agency may establish CERCLA hazardous substances independently from other Acts, in the interest of public health and the environment.

The purpose of this action is to have well thought-out criteria for designating hazardous substances that may be applied to individual substances for evaluation and decision as to whether or not the substance should be appropriately designated a CERCLA 102(a) hazardous substance. The Agency already has the authority to designate substances as hazardous; in this action, criteria will be developed to implement that authority.

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4201.

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 703–603–9086
Fax: 703 603–9104
Email: beasley.lynn@epamail.epa.gov

RIN: 2050–AE63

3406. ADMINISTRATIVE REPORTING EXEMPTION FOR CERTAIN AIR RELEASES OF NOX

Priority: Other Significant

Legal Authority: 42 USC 9603

CFR Citation: 40 CFR 302.6(c)

Legal Deadline: None

EPA—Comprehensive Environmental Response, Compensation and Liability Act — Long-Term Actions

Abstract: The Agency is considering proposing to administratively exempt from reporting requirements the releases of certain NOx emissions to air. This would eliminate reports from facilities emitting NOx where the Agency has determined that the releases pose little or no risk or to which a Federal response is infeasible or inappropriate. Requiring reports of such releases would serve little or no useful purpose and could, instead, impose a significant burden on the Federal response system and on the persons responsible for notifying the Federal government of the release.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN 4736.

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 703–603–9086
Fax: 703 603–9104
Email: beasley.lynn@epamail.epa.gov

RIN: 2050–AF02

3407. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES

Priority: Other Significant

Legal Authority: 42 USC 9602–9603

CFR Citation: 40 CFR 302 (Revision)

Legal Deadline: None

Abstract: The Agency is considering proposing corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F-and K- waste streams and entries in Appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in Table 302.4, Appendix A to Section 302.4, and the table in Section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in Table 302.4.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Additional Information: SAN 4737. The Agency is considering additional corrections not covered in a prior Error Correction Rulemaking (67 FR 45314, 7/9/02) and expected to generate comment from the public.

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 703–603–9086
Fax: 703 603–9104
Email: beasley.lynn@epamail.epa.gov

RIN: 2050–AF03

Environmental Protection Agency (EPA) — Prerule Stage
Clean Water Act (CWA)

3408. WATER QUALITY STANDARDS FOR INDIAN COUNTRY WATERS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1251 et seq

CFR Citation: 40 CFR 131; 40 CFR 121.17 (New); 40 CFR 122.4 (Amended); 40 CFR 123.1 (Amended); 40 CFR 131.4 (Amended); 40 CFR 131.40 (New); 40 CFR 230.10 (Amended); 40 CFR 233.1 (Amended); 40 CFR 233.51 (Amended)

Legal Deadline: None

Abstract: EPA is considering preparing an advance notice of proposed rulemaking (ANPRM) for Federal water quality standards for waters in Indian country. EPA is currently reviewing detailed comments from fourteen tribes, two tribal organizations, four States, and two Federal agencies to the November 2003 staff draft ANPRM. A majority of tribal commenters indicated a need for more formal consultation with tribes on the potential rulemaking. EPA is considering how best to undertake government-to-government consultation with affected tribes before any rulemaking on Federal water quality standards for waters of Indian country.

Without applicable standards, the Clean Water Act's mechanisms for protecting water quality in Indian country are limited. A Federal promulgation would not prevent tribes from developing and adopting their own federally approved water quality standards where possible.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Federalism: Undetermined

Additional Information: SAN 4344.

Agency Contact: Fred Leutner, Environmental Protection Agency, Water, 4305, Washington, DC 20460
Phone: 202–566–0378
Fax: 202 566–0409
Email: leutner.fred@epamail.epa.gov

Edward Hanlon, Environmental Protection Agency, Water, 4305, Washington, DC 20460
Phone: 202–566–0765
Fax: 202 566–0409
Email: hanlon.edward@epamail.epa.gov

RIN: 2040–AD46

Environmental Protection Agency (EPA) — Proposed Rule Stage

Clean Water Act (CWA)

3409. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN; SUBPART J PRODUCT SCHEDULE LISTING REQUIREMENTS

Priority: Other Significant

Legal Authority: 33 USC 1321(d)(2); ''CWA 311(d)(2)''

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: This action will propose revisions to subpart J of the National Contingency Plan (NCP). The Clean Water Act requires EPA to prepare a schedule of dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Under subpart J, respondents wishing to add a product to the Product Schedule must submit technical product data to EPA. This rulemaking will propose revisions to subpart J to clarify and change protocols for effectivenessand toxicity testing. It will clarify EPA authority to remove products from the Product Schedule. These changes will help ensure protection of the environment when these products are used to clean up and mitigate oil spills (1) into or upon navigable waters, adjoining shorelines, the waters of the contiguous zone, or (2) which may affect natural resources belonging to or under the exclusive management authority of the United States.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN 4526.

Sectors Affected: 54 Professional, Scientific and Technical Services; 3259 Other Chemical Product Manufacturing; 325 Chemical Manufacturing; 3251 Basic Chemical Manufacturing

Agency Contact: William Nichols, Environmental Protection Agency, Solid Waste and Emergency Response, 5203G, Washington, DC 20460
Phone: 703 603–9918
Fax: 703 603–9116
Email: nichols.nick@epa.gov

David Evans, Environmental Protection Agency, Solid Waste and Emergency Response, 5203G, Washington, DC 20460
Phone: 703–603–8885
Fax: 703–603–9116
Email: evans.david@epamail.epa.gov

RIN: 2050–AE87

3410. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES—PHASE II

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1322; 33 USC 1361

CFR Citation: 40 CFR 1700

Legal Deadline: Final, Statutory, May 10, 2001.

Abstract: This action is Phase II of implementing regulations for Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces (UNDS). Section 312(n) directs EPA and DOD to jointly develop a nationally uniform set of discharge standards for Armed Forces vessels, preempting existing and future State and local standards for these discharges. The purpose of the statute is to allow DOD to plan, design, and build environmentally sound vessels, to encourage the development and use of innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control because they have the potential to adversely impact the aquatic environment. Phase II will establish the performance standards for these 25 discharges. Due to the complicated task of developing standards for so many complex waste streams simultaneously, DOD and EPA modified the rulemaking approach to ensure that the benefits of the UNDS program accrue in a more timely manner. The modification consists of promulgating the Phase II discharges in groups or ''batches.'' The first batch, consisting of seven discharges, would be proposed in January of 2005. Once DOD implements the rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

Additional Information: SAN 4357.

Agency Contact: Steven Giordano, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202–566–1272
Fax: 202–566–1546
Email: giordano.steven@epamail.epa.gov

Brian Rappoli, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202–260–9590
Fax: 202–564–1546
Email: rappoli.brian@epamail.epa.gov

RIN: 2040–AD39

3411. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1311 ''CWA 301''; 33 USC 1316 ''CWA 306''; 33 USC 1326 ''CWA 316''; 33 USC 1361 ''CWA 501''

CFR Citation: 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

Legal Deadline: NPRM, Judicial, November 1, 2004.
Final, Judicial, June 1, 2006.

Abstract: This rulemaking will affect existing facilities that use cooling water intake structures, and whose intake flow levels exceed a minimum threshold to be determined by EPA during this rulemaking. The rule will apply to existing facilities in the

following industries at a minimum: 1) electricity generating facilities not covered by Phase 2 regulations; 2) pulp and paper manufacturing facilities; 3) chemicals and allied products manufacturing facilities; 4) petroleum and coal products manufacturing facilities; and 5) primary metals manufacturing facilities. EPA will also consider developing regulations for certain new offshore facilities not included in the Phase I rule, such as offshore and coastal oil and gas extraction facilities. Section 316(b) of the Clean Water Act provides that any standard established pursuant to sections 301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intakestructures reflect the best technology available for minimizing adverse environmental impact. A primary purpose of this action is to minimize the impingement and entrainment of fish and other aquatic organisms by cooling water intake structures. Impingement occurs when fish and other aquatic life are traped against cooling water intake structures. Entrainment occurs when aquatic organisms, eggs and larvae are drawn into a cooling system and then pumped back out, resulting in significant injury or mortality to the entrained organisms.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4543. Split from RIN 2040-AC34.

Sectors Affected: 312 Beverage and Tobacco Product Manufacturing; 325 Chemical Manufacturing; 61131 Colleges, Universities and Professional Schools; 334 Computer and Electronic Product Manufacturing; 211111 Crude Petroleum and Natural Gas Extraction; 22111 Electric Power Generation; 335 Electrical Equipment, Appliance and Component Manufacturing; 332 Fabricated Metal Product Manufacturing; 311 Food Manufacturing; 333 Machinery Manufacturing; 21 Mining; 211112 Natural Gas Liquid Extraction; 327 Nonmetallic Mineral Product Manufacturing; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 22133 Steam and Air-Conditioning Supply; 313 Textile Mills; 336 Transportation Equipment Manufacturing; 321 Wood Product Manufacturing

Agency Contact: Paul Shriner, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1076
Fax: 202 566–1053
Email: shriner.paul@epamail.epa.gov

Martha Segall, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1041
Fax: 202 566–1053
Email: segall.martha@epamail.epa.gov

RIN: 2040–AD70

3412. NPDES PERMIT REQUIREMENTS FOR MUNICIPAL SANITARY AND COMBINED SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, SANITARY SEWER OVERFLOWS, AND PEAK EXCESS FLOW TREATMENT FACILITIES

Priority: Other Significant

Legal Authority: 33 USC 1311''CWA 301''; 33 USC 1314''CWA 304''; 33 USC 1318''CWA 308''; 33 USC 1342''CWA 402''; 33 USC 1361''CWA 501(a)''

CFR Citation: 40 CFR 122.38; 40 CFR 122.41; 40 CFR 122.42

Legal Deadline: None

Abstract: EPA is considering whether to develop a notice of rulemaking outlining a broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The Agency is considering proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements would address reporting, public notification, and recordkeeping requirements for sanitary sewer overflows (SSOs), capacityassurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems, and a prohibition on SSOs. The Agency is also considering proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN 3999. Note: This rule was formerly known as ''Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges.''

Sectors Affected: 22132 Sewage Treatment Facilities

URL For More Information: www.epa.gov/npdes

Agency Contact: Kevin Weiss, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202–564–0742
Fax: 202 564–6392
Email: weiss.kevin@epamail.epa.gov

Kevin DeBell, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202–564–0040
Fax: 202 564–6392
Email: debell.kevin@epamail.epa.gov

RIN: 2040–AD02

3413. POLICY REGARDING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR MUNICIPAL WASTEWATER TREATMENT DURING WET WEATHER CONDITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1251 et seq

CFR Citation: 40 CFR 122.41(m)

Legal Deadline: None

EPA—Clean Water Act (CWA) — Proposed Rule Stage

Abstract: During periods of wet weather, wastewater flows received by municipal sewage treatment plants can significantly increase, which can create operational challenges for sewage treatment facilities. Where peak flows approach or exceed the design capacity of a treatment plant they can seriously reduce treatment efficiency or damage treatment units. In addition to hydraulic concerns, wastewater associated with peak flows may have low organic strength, which can also decrease treatment efficiencies. One engineering practice that some facilities use to protect biological treatment units from damage and to prevent overflows and backups elsewhere in the system is referred to as wet weather blending. Wet weather blending occurs during peak wet weather flow events when flows that exceed the capacity of the biological units are routed around the biological units and blended with effluent from the biological units prior to discharge. Regulatory agencies, sewage treatment plant operators, and representatives of environmental advocacy groups have expressed uncertainty about National Pollutant Discharge Elimination System (NPDES) requirements addressing such situations. EPA requested public comment on a proposed policy published on November 7, 2003. EPA's intention is to develop a policy that will provide criteria for authorizing or approving blended discharges that meet permit limitations in NPDES permits. When implemented, EPA intends that the policy will ensure that NPDES requirements be applied in a nationally-consistent manner that improves the capacity, management, operation and maintenance of sewage treatment plants and collection systems and protects human health and the environment.

Timetable:

Action	Date	FR Cite
Draft Policy	11/07/03	68 FR 63042
Final Policy	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Additional Information: SAN 4690.

Sectors Affected: 22132 Sewage Treatment Facilities

URL For More Information: www.epa.gov/npdes

Agency Contact: Kevin Debell, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202–564–0040
Fax: 202 564–6392
Email: debell.kevin@epa.gov

Patrick Bradley, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202–564–0729
Fax: 202 564–6392
Email: bradley.patrick@pa.gov

RIN: 2040–AD87

3414. • WATER QUALITY STANDARDS FOR PATHOGENS AND PATHOGEN INDICATORS FOR COASTAL RECREATION WATERS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1313

CFR Citation: 40 CFR 131D

Legal Deadline: None

Abstract: The October 2000 Beaches Environmental and Coastal Health Act (BEACH Act) amended the Clean Water Act to require coastal and Great Lake States to adopt criteria: ''as protective of human health as'' EPA's criteria for pathogen and pathogen indicators for their coastal recreation waters by April 2004. The BEACH Act defines ''coastal recreation waters'' as marine coastal waters that are designated under section 303 (c) of the Clean Water Act by a State for swimming, bathing, surfing or similar water contact activities and the Great Lakes. The Act further requires EPA to promptly propose new or revised water quality criteria for coastal or Great Lake States that do not adopt criteria for pathogens or pathogen indicators ''as protective of human health as'' EPA's criteria.

This action announces the Agency's intent to set revised or new water quality standards for pathogens and pathogen indicators for states (with coastal recreation waters) that fail to adopt water quality criteria and standards for pathogens for which EPA has developed criteria. This action announces the Agency's intent to set revised or new water quality standards for pathogens and pathogen indicators for states (with coastal recreation waters) that fail to adopt water quality criteria and standards for pathogen indicators as protective of human health as EPA's 1986 bacteria criteria.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, State

Additional Information: SAN 4852.

Agency Contact: Richard Healy, Environmental Protection Agency, Water, 4305T, Washington, DC 20460
Phone: 202–566–0405
Fax: 202 566–0409
Email: healy.richard@epa.gov

RIN: 2040–AE63

Environmental Protection Agency (EPA) — Final Rule Stage

Clean Water Act (CWA)

3415. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311 ''CWA 301''; 33 USC 1314 ''CWA 304''; 33 USC 1316 ''CWA 306''; 33 USC 1318 ''CWA 308''; 33 USC 1342 ''CWA 402''; 33 USC 1361 ''CWA 501''

CFR Citation: 40 CFR 450; 40 CFR 122

Legal Deadline: NPRM, Judicial, May 15, 2002, –.
Final, Judicial, March 31, 2004, –.

Abstract: In June, 2002, EPA proposed three options that relate to the discharge of pollutants from construction sites. The proposal included two options that work in conjunction with existing storm water regulations to continue support for state and local flexibility and land use

decision-making. The proposal also included an option to rely solely on existing regulations and not establish additional regulatory requirements through effluent guidelines. The comment period closed in December, 2002. Final action is subject to a court-ordered deadline of 3/31/2004.

Timetable:

Action	Date	FR Cite
NPRM	06/24/02	67 FR 42644
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4280. For more information on the construction and development rule visit web site.

Sectors Affected: 233 Building, Developing and General Contracting; 234 Heavy Construction

Agency Contact: Jesse Pritts, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1038
Fax: 202 566–1053
Email: pritts.jesse@epamail.epa.gov

RIN: 2040–AD42

3416. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONCENTRATED AQUATIC ANIMAL PRODUCTION INDUSTRY

Priority: Other Significant

Legal Authority: ''CWA Section 301''; ''CWA Section 304''; ''CWA Section 306''; ''CWA Section 307''; ''CWA Section 308''; ''CWA Section 318''; ''CWA Section 402''; ''CWA Section 501''

CFR Citation: 40 CFR 451

Legal Deadline: NPRM, Judicial, August 14, 2002.
Final, Judicial, June 30, 2004.

Abstract: Currently, there are no federal technology-based standards for aquatic animal production facilities, which are part of the aquaculture industry. This action is a new effort to develop pollutant controls in the form of nationally applicable discharge standards for commercial and public aquaculture operations. In assessments of surface water quality, States most frequently cite siltation, nutrients, and pathogens as the major cause of water quality impairment. With the growth of the aquaculture industry, and inconsistent state of regulatory oversight, EPA will examine available technologies for the control of solids which in turn control other pollutants, primarily nutrients. This action was formerly titled Aquaculture.

Timetable:

Action	Date	FR Cite
NPRM	09/12/02	67 FR 57871
Notice of Data Availability	12/29/03	68 FR 75068
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN 4406.

Sectors Affected: 112511 Finfish Farming and Fish Hatcheries; 112519 Other Animal Aquaculture; 112512 Shellfish Farming; 71213 Zoos and Botanical Gardens

Agency Contact: Marta Jordan, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1049
Fax: 202 566–1053
Email: jordan.marta@epamail.epa.gov

Marvin Rubin, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1050
Fax: 202 566–1053
Email: rubin.marvin@epamail.epa.gov

RIN: 2040–AD55

3417. EFFLUENT GUIDELINES AND STANDARDS FOR THE MEAT AND POULTRY PRODUCTS POINT SOURCE CATEGORY (REVISIONS)

Priority: Other Significant

Legal Authority: 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361

CFR Citation: 40 CFR 432 (Revision)

Legal Deadline: NPRM, Judicial, January 30, 2002, –.
Final, Judicial, February 26, 2004, –.

Abstract: The Agency proposed revisions to the effluent limitations guidelines and standards for the Meat and Poultry Products Point Source Category in February 2002. The current regulations, at 40 CFR 432, are more than 20 years old and establish limitations and standards for only conventional pollutants. The current regulations do not establish national regulations for ammonia nitrogen discharges associated with slaughterhouses/packinghouses (Subparts A-D). Nutrients like ammonia may pose a water quality problem for impaired streams. Revisions to the current regulations may also include effluent limitations for poultry processing, which is not currently covered by any effluent guideline.

Timetable:

Action	Date	FR Cite
NPRM	02/25/02	67 FR 8582
NODA	08/13/03	68 FR 48471
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4407.

Sectors Affected: 311611 Animal (except Poultry) Slaughtering; 311612 Meat Processed from Carcasses; 311613 Rendering and Meat By-product Processing; 311615 Poultry Processing

Agency Contact: Samantha Lewis, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1058
Fax: 202 566–1053
Email: lewis.samantha@epamail.epa.gov

Marvin Rubin, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1050
Fax: 202 566–1053
Email: rubin.marvin@epamail.epa.gov

RIN: 2040–AD56

3418. EFFLUENT GUIDELINES PROGRAM PLAN FOR 2004/2005

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311; 33USC 1314; 33 USC 1316

CFR Citation: None

Legal Deadline: Final, Statutory, February 4, 2004, Final Plan.

Abstract: EPA publishes an Effluent Guidelines Program Plan every other year as required by Section 304(m) of the Clean Water Act (CWA). The Plan sets forth EPA's rationale for the selection of particular industries as

candidates for new or revised effluent guidelines. EPA's Effluent Guidelines Program Plan for 2004/2005 will describe the effluent guidelines program and the effluent guidelines underway, as well as identify existing guidelines that may be revised or new guidelines that may be developed. OW will use the 2004/2005 Plan as a strategic opportunity to help design the future of the technology-based pollution control program for industrial sources of water pollution.

Timetable:

Action	Date	FR Cite
Draft Plan	12/31/03	68 FR 75515
Final Action	04/26/04	69 FR 22472

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4766.

URL For More Information: http://www.epa.gov/guide/plan.html

URL For Public Comments: http://www.epa.gov/edocket/ow-2002-0020

Agency Contact: Carey Johnston, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1014
Fax: 202 566–1053
Email: johnston.carey@epamail.epa.gov

Tom Wall, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1060
Fax: 202 566–1054
Email: wall.tom@epamail.epa.gov

RIN: 2040–AD92

3419. TEST PROCEDURES: REVISIONS TO METHOD DETECTION AND QUANTITATION FOR THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314; 33 USC 1361(a)

CFR Citation: 40 CFR 136

Legal Deadline: NPRM, Judicial, February 28, 2003, Settlement Agreement.
Final, Judicial, November 1, 2004, Settlement Agreement.

Abstract: EPA is to take final action on a reassessment of the Agency's procedures for determining the sensitivity of analytic test methods for aqueous samples. EPA may also amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 related to the detection and quantification procedures currently used by EPA for analytes regulated in the wastewater program as authorized under the Clean Water Act (CWA). The current method detection limit (MDL) procedure is set forth at 40 CFR part 136, appendix B. EPA has not promulgated a generic procedure for quantification but it uses the minimum level of quantitation (ML) in its wastewater program. The ML is defined in analytical methods and is generally set at 3.18 times the MDL. The Office of Water has been working to revise and refine these concepts to facilitate regulation of pollutants at low levels (often levels that are lower than measurement capabilities will allow) and to address other potential approaches to detection and quantification, including concepts being introduced by outside organizations such as voluntary consensus standards bodies (VCSBs). The rulemaking would also re-evaluate the current MDL and quantification approaches and assess alternative approaches.

Timetable:

Action	Date	FR Cite
NPRM	03/12/03	68 FR 11791
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4378.

Agency Contact: Richard Reding, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–564–4656
Fax: 202 566–1053
Email: reding.richard@epa.gov

Maria Gomez–Taylor, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1005
Fax: 202 566–1053
Email: gomez-taylor.maria@epamail.epa.gov

RIN: 2040–AD53

3420. TEST PROCEDURES: NEW AND UPDATED TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314; 33 USC 1361(a); 42 USC 300f; 42 USC 300g–1; 42 USC 300j–4; 42 USC 300j–9(a)

CFR Citation: 40 CFR 136; 40 CFR 141

Legal Deadline: None

Abstract: This regulatory action would amend the ''Guidelines Establishing Test Procedures for the Analysis of Pollutants'' under 40 CFR Part 136 and the National Primary Drinking Water Regulations under 40 CFR part 141 to approve new and updated EPA methods for wastewater, ambient water quality, and drinking water, including new and updated versions of methods from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater,ambient water quality and/or drinking water programs, as authorized under the Clean Water Act (CWA) and Safe Drinking Water Act. This regulation would propose new methods for metals such as Method 200.8 (which utilizes ICP/MS), new methods for chemical pollutants (e.g., Method 245.7), updated methods for chemical pollutants (e.g., Methods 300.1 and 200.7), including methods from voluntary consensus standards bodies (VCSBs), and from other external organizations submitted under EPA's alternate test procedure program. The new and updated methods include methods from organizations such as the American Society for Testing and Materials (ASTM), Standard Methods, and the Association of Official Analytical Methods-International.

Timetable:

Action	Date	FR Cite
NPRM	04/06/04	69 CFR 18166
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4540. This action incorporates the following analytical methods that had previously been tracked independently: 1. RIN

2040-AC95, SAN 3155 - Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase One 2. RIN 2040-AD12, SAN 4089 - Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase Two, and 3. RIN 2040-AD52, SAN 4377 - Test Procedures for the Analysis of Mercury Under the Clean Water Act (Method 245.7).

Agency Contact: William Telliard, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1061
Fax: 202 566–1053
Email: telliard.william@epamail.epa.gov

Marion Kelly, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1045
Fax: 202 566–1053
Email: kelly.marion@epamail.epa.gov

RIN: 2040–AD71

3421. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 2

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 33 USC 1311 ''CWA 301''; 33 USC 1316 ''CWA 306''; 33 USC 1326 ''CWA 316''; 33 USC 1361 ''CWA 501''

CFR Citation: 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

Legal Deadline: NPRM, Judicial, February 28, 2002, –.
Final, Judicial, February 16, 2004, –.

Abstract: This rulemaking affects large existing electricity generating facilities that employ cooling water intake structures. Section 316(b) of the Clean Water Act provides that any standard established pursuant to sections 301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. A primary purpose of the rulemaking is to minimize any adverse environmental impact that may be associated with the impingement and entrainment of fish and other aquatic organisms by cooling water intake structures. Impingement refers to trapping fish and other aquatic life on intake screens or similar devices where they may be injured or killed. Entrainment occurs when smaller aquatic organisms, eggs, and larvae are drawn into a cooling system, and then pumped back out, often with significant injury or mortality due to heat, physical stress or exposure to chemicals.

Timetable:

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17122
NODA	03/19/03	68 FR 13522
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4474. Split from RIN 2040-AC34.

Sectors Affected: 2211 Electric Power Generation, Transmission and Distribution

Agency Contact: Debbi Hart, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–6379
Fax: 202 566–1053
Email: hart.debbi@epamail.epa.gov

Martha Segall, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1041
Fax: 202 566–1053
Email: segall.martha@epamail.epa.gov

RIN: 2040–AD62

3422. STREAMLINING THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

Priority: Other Significant

Legal Authority: 33 USC 1314 ''CWA 304''; 33 USC 1317 ''CWA 307''; 33 USC 1342 ''CWA 402''; 33 USC 1361 ''CWA 501''

CFR Citation: 40 CFR 403

Legal Deadline: None

Abstract: The final rule will be promulgated as a program streamlining activity. The rule will revise certain provisions in the General Pretreatment Regulations (40 CFR Part 403) that address restrictions on and oversight of industrial discharges into Publicly Owned Treatment Works (POTWs). The final rule would include exclusions or variable requirements for smaller facilities that contribute insignificant amounts of pollutants, clarify requirements for implementing Pretreatment Standards, and provide more flexible reporting, inspection and sampling requirements. The revisions should provide greater flexibility, reduce burden, and achieve improved environmental results at less cost for regulatory authorities and the regulated community.

Timetable:

Action	Date	FR Cite
NPRM	07/22/99	64 FR 39564
Final Action	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 3663.

Agency Contact: Greg Schaner, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202–564–0721
Fax: 202 564–6431
Email: schaner.greg@epamail.epa.gov

Jan Pickrel, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202–564–7904
Fax: 202 564–6431
Email: pickrel.jan@epamail.epa.gov

RIN: 2040–AC58

3423. COMPARISON OF DREDGED MATERIAL TO REFERENCE SEDIMENT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1344 ''CWA 404''

CFR Citation: 40 CFR 230

Legal Deadline: None

Abstract: This action would revise the testing provisions of the Clean Water Act section 404(b)(1) Guidelines to provide for comparisons between dredged material proposed for discharge and reference sediment.

Reference sediment would be defined as sediment that reflects conditions at the disposal site had no dredged material disposal ever occurred there. Because the disposal site itself is currently used as the point of comparison, this action would make a technical improvement in assessing cumulative impacts and help make dredged material testing under section 404 more consistent with that conducted for ocean disposal, which currently employs a reference sediment approach. This action is not expected to have a significant impact on state, local, or tribal governments or small business, as the action will be limited to Corps projects and permit applications for which dredged material testing is necessary, and because the effect of the action will be limited to changing the location of an otherwise collected sample.

Timetable:

Action	Date	FR Cite
NPRM	01/04/95	60 FR 419
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 3288.

Agency Contact: John Goodin, Environmental Protection Agency, Water, 4502T, Washington, DC 20460
Phone: 202–566–1373
Fax: 202 566–1375
Email: goodin.john@epamail.epa.gov

RIN: 2040–AC14

3424. EFFLUENT GUIDELINES AND STANDARDS: RECODIFICATION OF VARIOUS EFFLUENT GUIDELINES

Priority: Info./Admin./Other

Legal Authority: Clean Water Act 301; Clean Water Act 304; Clean Water Act 306; Clean Water Act 307; Clean Water Act 308; Clean Water Act 402; Clean Water Act 501

CFR Citation: 40 CFR 401 to 419

Legal Deadline: None

Abstract: Several years ago, OW conducted a comprehensive review of effluent guidelines and removed from the Code of Federal Regulations (CFR) provisions contained in a number of regulations that were obsolete or redundant (FR 60 33926, June 29, 1995). In addition to removing these provisions, EPA's Office of Water identified additional opportunities for further streamlining some of the effluent guidelines.

This action would recodify the effluent limitations and standards for 12 point source categories without making any legally substantive changes in the requirements. The revised and shorter format will enable Federal, State and local regulators and the regulated community to more easily read, understand and implement the regulations. By reducing the number of pages in title 40, the new format will also afford significant long-term savings in the annual cost of printing these regulations.

The point source categories which would be recodified by this action include: Dairy Products Processing (part 405), Grain Mills Manufacturing (part 406), Fruits and Vegetable Processing (part 407), Canned and Preserved Seafood (part 408), Sugar Processing (part 409), Textile Mills (part 410), Cement Manufacturing (part 411), Electroplating (part 413), Inorganic Chemicals (part 415), Soaps and Detergent Manufacturing (part 417), Fertilizer Manufacturing (part 418), and Petroleum Refining (part 419). The revisions would also expand the list of general definitions in section 401.11.

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Federalism: Undetermined

Additional Information: SAN 4822.

Agency Contact: Hugh Wise, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1031
Fax: 202 566–1053
Email: wise.hugh@epamail.epa.gov

RIN: 2040–AE61

3425. • UNIFORM NATIONAL DISCHARGE STANDARDS FOR ARMED FORCES VESSELS—PHASE II

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1322(n) ''CWA sec 312(n) ''

CFR Citation: 40 CFR 1700 ''(New)''

Legal Deadline: None

Abstract: This action is Phase II of implementing regulations for Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996, the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces (UNDS). Section 312(n) directs EPA and DOD to jointly develop a nationally uniform set of discharge standards for Armed Forces vessels, preempting existing and future State and local standards for these discharges. The purpose of the statute is to allow DOD to plan, design, and build environmentally sound vessels, to encourage the development and use of innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control because they have the potential to adversely impact the aquatic environment. Phase II will establish the performance standards for these 25 discharges. Due to the complicated task of developing standards for so many complex waste streams simultaneously, DOD and EPA modified the rulemaking approach to ensure that the benefits of the UNDS program accrue in a more timely manner. The modification consists of promulgating the Phase II discharges in groups or ''batches.'' The first batch, consisting of seven discharges, would be proposed in January of 2005. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

Timetable:

Action	Date	FR Cite
NPRM (Phase II Batch one)	01/00/05	
Final Action (Phase II Batch one)	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

EPA—Clean Water Act (CWA) — Final Rule Stage

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN 3925.1. Split from RIN 2040-AC96.

URL For More Information: http://www.epa.gov/waterscience/rules/unds

Agency Contact: Steven Giordano, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202–566–1272
Fax: 202–566–1546
Email: giordano.steven@epamail.epa.gov

Brian Rappoli, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202–260–9590
Fax: 202–564–1546
Email: rappoli.brian@epamail.epa.gov

RIN: 2040–AE64

Environmental Protection Agency (EPA) — Long-Term Actions

Clean Water Act (CWA)

3426. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY, DISSOLVING KRAFT AND DISSOLVING SULFITE SUBCATEGORIES (PHASE III)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361

CFR Citation: 40 CFR 430.10 to 430.18; 40 CFR 430.40 to 430.48

Legal Deadline: None

Abstract: On December 17, 1993, EPA proposed revised effluent limitations, guidelines and standards, and best management practices regulations for the Dissolving Kraft and Dissolving Sulfite Subcategories of the Pulp, Paper, and Paperboard Point Source Category (40 CFR part 430). EPA refers to this rulemaking as Pulp and Paper Phase III. EPA is considering the public comments on the proposed rule and the new data acquired since proposal. EPA will consider as part of its 2004 effluent guidelines planning process under CWA section 304 (m) whether to proceed with the rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/17/93	58 FR 66078
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4370.

Sectors Affected: 3221 Pulp, Paper, and Paperboard Mills

Agency Contact: Donald Anderson, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1021
Fax: 202 566–1053
Email: anderson.donaldf@epa.gov

Ahmar Siddiqui, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1044
Fax: 202 566–1053
Email: siddiqui.ahmar@epamail.epa.gov

RIN: 2040–AD49

3427. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1314 ''CWA 304''; 33 USC 1361(a) ''CWA 501 (a)''

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new EPA methods for the determination of trace metals at EPA's water quality criteria levels. These methods are necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do notensure that a particular water body would meet the State's designated water quality standard. Because the methods currently approved under 40 CFR part 136 were designed to support primarily technology-based permitting needs, and because these technology-based levels are as much as 280 times higher than water quality-based criteria for metals. EPA is pursuing approval of new test procedures.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN 3702.

Agency Contact: William Telliard, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1061
Fax: 202 566–1053
Email: telliard.william@epamail.epa.gov

Maria Gomez–Taylor, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1005
Fax: 202 566–1053
Email: gomez-taylor.maria@epamail.epa.gov

RIN: 2040–AC75

3428. TEST PROCEDURES: INCREASED METHOD FLEXIBILITY FOR TEST PROCEDURES APPROVED FOR CLEAN WATER ACT COMPLIANCE MONITORING

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314 ''CWA 304''; 33 USC 1361(a) ''CWA 501 (a)''

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This regulatory action would highlight the flexibility already contained in the 600 and 1600 series of EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of

Pollutants. These methods typically contain a statement that, in recognition of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits. Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA's position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) increase consistency between methods, (2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 3714.

Agency Contact: William Telliard, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1061
Fax: 202 566–1053
Email: telliard.william@epamail.epa.gov

Marion Kelly, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1045
Fax: 202 566–1053
Email: kelly.marion@epamail.epa.gov

RIN: 2040–AC92

3429. TEST PROCEDURES: PERFORMANCE–BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314 ''CWA 304''; 33 USC 1361(a) ''CWA 501(a)''

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This regulatory action would establish the use of performance-based measurement procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would include guidance concerning the format, content, quality assurance/quality control, and data validation requirements for use of test methods. This regulatory action would also describe increased program guidance in the form ofa clearinghouse, technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

Timetable:

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 3713.

Agency Contact: William Telliard, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1061
Fax: 202 566–1053
Email: telliard.william@epamail.epa.gov

Marion Kelly, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1045
Fax: 202 566–1053
Email: kelly.marion@epamail.epa.gov

RIN: 2040–AC93

3430. TEST PROCEDURES FOR THE ANALYSIS OF CO–PLANAR AND MONO–ORTHO–SUBSTITUTED POLYCHLORINATED BIPHENYLS (PCBS) UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314; 33 USC 1361(a)

CFR Citation: 40 CFR 136; 40 CFR 503

Legal Deadline: None

Abstract: This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR parts 136 and 503 to approve EPA Method 1668 for the congener-specific determination of co-planar and mono-ortho-substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's designated water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4049.

Agency Contact: William Telliard, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1061
Fax: 202 566–1053
Email: telliard.william@epamail.epa.gov

Maria Gomez–Taylor, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–566–1005
Fax: 202 566–1053
Email: gomez-taylor.maria@epamail.epa.gov

RIN: 2040–AD09

3431. NPDES STREAMLINING RULE — ROUND III

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311 ''CWA 301''; 33 USC 1312 ''CWA 302''; 33 USC 1314 ''CWA 304''; 33 USC 1316 ''CWA 306''; 33 USC 1318 ''CWA 308''; 33 USC 1342 ''CWA 402''; 33 USC 1361 ''CWA 501''

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124

Legal Deadline: None

Abstract: EPA plans to issue a rulemaking package to revise NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include adding additional permit modifications that can be considered minor modifications at 122.63, and changes to requirements concerning EPA's review of State permits. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
Final Action	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 3786.

Agency Contact: HowardE Rubin, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202–564–2051
Fax: 202 564–9544
Email: rubin.howarde@epamail.epa.gov

Robert Wood, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202–564–9536
Fax: 202 564–9544
Email: wood.robert@epamail.epa.gov

RIN: 2040–AC84

3432. WATERSHED RULE: TOTAL MAXIMUM DAILY LOAD (TMDL) PROGRAM REVISIONS

Priority: Other Significant

Legal Authority: 33 USC 1313; 33 USC 1329; 33 USC 1342; 33 USC 1256

CFR Citation: 40 CFR 9; 40 CFR 122; 40 CFR 124; 40 CFR 130

Legal Deadline: None

Abstract: This action amends regulations governing the TMDL program to ensure that it is effective allowing for active participation by all stakeholders including local governments and communities. The amendments will address: the scope and content of the list of impaired waters required by section 303(d) of the Clean Water Act, the scope and content of TMDLs, EPA's role in helping States establish 303(d) lists and TMDLs so that impaired waters are restored, and the framework for implementing TMDLs provided by State CPPs and watershed plans. EPA is also proposing revision to the NPDES permitting regulations.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN 4623.

Agency Contact: Christine Ruf, Environmental Protection Agency, Water, 4503T, Washington, DC 20460
Phone: 202–566–1220
Fax: 202–260–2300
Email: ruf.christine@epamail.epa.gov

Francoise Brasier, Environmental Protection Agency, Water, 4503T, Washington, DC 20460
Phone: 202–566–1214
Fax: 202 566–1333
Email: brasier.francoise@epamail.epa.gov

RIN: 2040–AD82

3433. CLEAN WATER STATE REVOLVING FUND REGULATION REVISIONS RE: USE AS MATCHING FUNDS

Priority: Substantive, Nonsignificant

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 33 USC 1383(h)

CFR Citation: 40 CFR 35.3125(b)(1)

Legal Deadline: None

Abstract: This regulation would revise the Clean Water State Revolving Fund (CWSRF) Regulations to allow the use of loans from the non-Federal and non-State match share of CWSRF funds as a match for infrastructure grants. In 1990, EPA issued regulations implementing the CWSRF program, established as Title VI of the Clean Water Act (CWA) in 1987. Section 603(h) of the CWA prohibits use of the CWSRF loan as matching funds with respect to the non-Federal share of the cost of a treatment works project for which a municipality or agency is receiving assistance from the Administrator under any other authority. From FY 1995 onward, Congress has authorized and appropriated funds for infrastructure construction grants in various Appropriations Acts. There are currently projects totaling over $4 billion dollars. EPA has been asked to allow CWSRF funds to be used as a match for these grants; but 40 CFR 35.3125(b)(1) prohibits such action. The prohibition on the use of CWSRF as a match for a Title II construction grant would continue.

EPA—Clean Water Act (CWA) — Long-Term Actions

Timetable:

Action	Date	FR Cite
Direct Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 4493.

Agency Contact: Gary Hudiburgh, Environmental Protection Agency, Water, EN–336, 4204M, Washington, DC 20460
Phone: 202–564–0626
Email: hudiburgh.gary@epamail.epa.gov

RIN: 2040–AD68

3434. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS

Priority: Substantive, Nonsignificant

Legal Authority: PL 106–554, sec 1404–1407

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Title XIV: Certain Alaska Cruise Ship Operations (HR 4577) authorizes EPA to establish effluent standards for black and gray water from cruise ships into the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve. EPA will develop those standards based on the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. The implementation of these regulations will reduce the environmental impacts of cruise ships operating in the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	
Final Action	06/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN 4746. This rule was formerly known as ''Regulations for Cruise Ships Operating in Alaskan Waters''

Sectors Affected: 483114 Coastal and Great Lakes Passenger Transportation; 483112 Deep Sea Passenger Transportation

Agency Contact: Elizabeth Kim, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202–566–1270
Fax: 202 566–1546
Email: kim.elizabeth@epamail.epa.gov

David Redford, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202–566–1264
Fax: 202 566–1546
Email: redford.david@epamail.epa.gov

RIN: 2040–AD89

Environmental Protection Agency (EPA) — Completed Actions

Clean Water Act (CWA)

3435. EFFLUENT GUIDELINES AND STANDARDS FOR THE CENTRALIZED WASTE TREATMENT POINT SOURCE CATEGORY (REVISION)

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 437

Completed:

Reason	Date	FR Cite
Final Action	12/22/03	68 FR 71014

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Agency Contact: Elwood Forsht
Phone: 202–566–1025
Fax: 202 566–1053
Email: forsht.elwood@epamail.epa.gov

RIN: 2040–AD95

3436. WATER QUALITY STANDARDS FOR ALABAMA—PHASE II

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 131

Completed:

Reason	Date	FR Cite
Withdrawn	05/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Agency Contact: Fritz Wagner
Phone: 404 562–9267
Email: wagner.fritz@epa.gov

Jim Keating
Phone: 202–566–0383
Fax: 202 566–0409
Email: keating.jim@epamail.epa.gov

RIN: 2040–AD35

3437. ROUND 2 STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE

Priority: Other Significant

CFR Citation: 40 CFR 503 (Revisions)

Completed:

Reason	Date	FR Cite
Final Action	10/24/03	68 FR 61083

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Agency Contact: Alan Rubin
Phone: 202–566–1125
Fax: 202–566–1139
Email: rubin.alan@epamail.epa.gov

Robert Cantilli
Phone: 202–566–1091
Fax: 202 566–1140
Email: cantilli.robert@epamail.epa.gov

RIN: 2040–AC25

3438. MODIFICATION TO COMPETITIVE PROCESS USED BY EPA FOR WETLAND PROGRAM DEVELOPMENT GRANTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 35.613; 40 CFR 35.382

Completed:

Reason	Date	FR Cite
Final Action	02/10/04	69 FR 6284

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Agency Contact: Connie Cahanap
Phone: 202 566–1382
Fax: 202 566–1349
Email: cahanap.concepcion@epa.gov

Donna An
Phone: 202–566–1384
Fax: 202 566–1349
Email: an.donna@epamail.epa.gov

RIN: 2040–AD83

3439. SEWAGE SLUDGE ROUND I (COMPLETION OF A SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: Section 405(d)''and (e) of the Clean Water Act''; 33 USC 1345(d)''and (e) as amended''; 5 USC 610

CFR Citation: 40 CFR 503

Legal Deadline: None

Abstract: On February 19, 1993 (58 FR 9248), EPA promulgated Standards for the Use or Disposal of Sewage Sludge for the three major sewage sludge management practices of land application, surface disposal, and incineration. The Part 503 Standards impose sewage sludge quality requirements on sewage sludge preparers and management practices on land appliers of sewage sludge. The Standards also have monitoring, recordkeeping, and reporting requirements. Small entities are subject to these standards. Small entities are defined as wastewater treatment plants that treat domestic sewage with wastewater flow capacities of less than one million gallons per day (MGD), septage pumpers and haulers, and sewage sludge preparers and treaters that process and subsequently use/dispose of less than 290 dry metric tons of sewage sludge per year. On August 4, 1999 (64 FR 42551) the Part 503 standards were amended. One of the amendments allowed the permitting authority, at their discretion, to reduce the frequency of monitoring requirements for all wastewater treatment plants including small entities. EPA performed a Regulatory Flexibility Analysis when the Standards were promulgated in 1993 which indicated that the Rule could have a significant impact on a substantial number of small entities. EPA then used this analysis to develop the rule in a way that mitigated small entity impact to the extent possible while still fulfilling the Clean Water Act's Section 405(d) mandate to protect public health and the environment with an adequate margin of safety. EPA initiated a review of the rule under Section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. EPA would have considered, and solicited comments, on the following factors: (1) The continued need for the rule; (2) The nature of complaints or comments received concerning the rule; (3) The complexity of the rule; (4) The extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) The degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments should be submitted to the Agency Contact listed below. Comments must be received 90 days after this Federal Register notice. This action is not a rulemaking—it is a review of an existing rulemaking. Any new rulemaking activity resultingfrom this review will be noticed in future Regulatory Agendas.

In submitting comments, please reference Docket ID number OW-2003-0016, and follow the instructions provided in Unit G. of the preamble to the Spring Regulatory Agenda.

Timetable:

Action	Date	FR Cite
Final Action 1	02/19/93	58 FR 9248
Begin Review	05/01/03	
End Review	05/20/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4792.

Agency Contact: Alan Rubin, Environmental Protection Agency, Water, 4304T, Washington, DC 20460
Phone: 202–566–1125
Fax: 202–566–1139
Email: rubin.alan@epamail.epa.gov

Robert Cantilli, Environmental Protection Agency, Water, EN–336, 4304T, Washington, DC 20460
Phone: 202–566–1091
Fax: 202 566–1140
Email: cantilli.robert@epamail.epa.gov

RIN: 2040–AD96

3440. SLUDGE: AGENCY RESPONSE TO THE NATIONAL RESEARCH COUNCIL REPORT ON BIOSOLIDS APPLIED TO LAND AND THE RESULTS OF EPA'S REVIEW OF EXISTING SEWAGE SLUDGE REGULATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 503

Completed:

Reason	Date	FR Cite
Final Strategy	12/31/03	68 FR 75531

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Cantilli
Phone: 202–566–1091
Fax: 202 566–1140
Email: cantilli.robert@epamail.epa.gov

Alan Rubin
Phone: 202–566–1125
Fax: 202–566–1139
Email: rubin.alan@epamail.epa.gov

RIN: 2040–AE59

Environmental Protection Agency (EPA) — Proposed Rule Stage

Safe Drinking Water Act (SDWA)

3441. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN 3238.

Sectors Affected: 22131 Water Supply and Irrigation Systems

Agency Contact: Dan Olson, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–5239
Fax: 202 564–3760
Email: olson.daniel@epa.gov

RIN: 2040–AC13

3442. UNREGULATED CONTAMINANT MONITORING REGULATION FOR PUBLIC WATER SYSTEMS REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141.40

Legal Deadline: Other, Statutory, August 6, 2004, This statute (SDWA) requires EPA to publish a list. SDWA does not require a regulation.

Abstract: The 1996 amendments to the Safe Drinking Water Act require the Agency to publish, every 5 years, a revised listing of the contaminants to be monitored under the UCMR. The purpose of this proposed action is to meet that requirement by revising the National Primary Drinking Water Regulations for the UCMR by making minor modifications to the current UCMR program to improve its implementation, to revise the lists of analytes to permit a second round of monitoring;,and to approve the analytical methods needed to perform this monitoring.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN 4770.

Agency Contact: Dave Munch, Environmental Protection Agency, Water, MS 140, Washington, DC 20460
Phone: 513–569–7843
Fax: 513 569–7191
Email: munch.dave@epamail.epa.gov

Dan Hautman, Environmental Protection Agency, Water, MS 140, Washington, DC 20460
Phone: 513–569–7274
Fax: 513 569–7191
Email: hautman.dan@epamail.epa.gov

RIN: 2040–AD93

3443. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ANALYTICAL METHOD FOR URANIUM

Priority: Substantive, Nonsignificant

Legal Authority: Safe Drinking Water Act, sec. 1412; 42 U.S.C 300f; 42 U.S.C. 300g–1; 42 U.S.C. 300j–4; 42 U.S.C. 300j–9

CFR Citation: 40 CFR 141.25

Legal Deadline: None

Abstract: EPA plans to promulgate a method for compliance monitoring of uranium that uses an inductively coupled plasma mass spectrometry (ICP-MS) technology. This technology has gained wide acceptance over the past decade, and should reduce costs for analyzing for uranium and provide a greater level of accuracy. States, laboratories and water systems have asked the Agency to approve this analytical method.

Timetable:

Action	Date	FR Cite
NPRM	06/02/04	69 FR 31068
NPRM Comment Period End	07/02/04	
Direct Final Action	06/02/04	69 FR 31008
Direct Final Rule Effective	08/31/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4826.

Agency Contact: Lisa Christ, Environmental Protection Agency, Water, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202–564–8354
Email: christ.lisa@epamail.epa.gov

RIN: 2040–AE62

Environmental Protection Agency (EPA) — Final Rule Stage
Safe Drinking Water Act (SDWA)

3444. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUNDWATER RULE

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 42 USC 300 g–1''SDWA 1412 (b)(8)'';; 42 USC 300j–4 ''SDWA 1445''

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Other, Statutory, Not later than promulgation of the Stage 2 Disinfection Byproducts Rule (currently scheduled for October 2004).

Abstract: EPA has proposed a targeted risk-based regulatory strategy for all public water systems served by groundwater. The proposed requirements provide a meaningful opportunity to reduce public health risk for a significant number of people served by groundwater sources from the exposure to waterborne pathogens from fecal contamination. The proposed strategy addresses risks through a multiple-barrier approach that relies on five major components: periodic sanitary surveys of groundwater systems requiring the evaluation of eight elements and the identification of significant deficiencies; hydrogeologic assessments to identify wells sensitive to fecal contamination source water monitoring for systems drawing from sensitive wells without treatment or with other indications of risk; a requirement for correction of significant deficiencies and fecal contamination through the following actions: eliminate the source of contamination, correct the significant deficiency, provide an alternative sourcewater, or provide a treatment which achieves at least 99.99 percent (4-log) inactivation or removal of viruses, and compliance monitoring to insure disinfection treatment is reliably operated where it is used.

Timetable:

Action	Date	FR Cite
NPRM	05/10/00	65 FR 30194
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN 2340. Statutory deadline for final rule: After August 6, 1999, but not later than the Administrator promulgates a Stage II rulemaking for disinfection byproducts (currently scheduled for October 2004).

Sectors Affected: 22131 Water Supply and Irrigation Systems

Agency Contact: Crystal Rodgers, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–5275
Fax: 202 564–3767
Email: rodgers.crystal@epamail.epa.gov

Tracy Bone, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–5257
Fax: 202 564–3767
Email: bone.tracy@epamail.epa.gov

RIN: 2040–AA97

3445. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MINOR CORRECTIONS AND CLARIFICATION TO DRINKING WATER REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: SDWA 1412

CFR Citation: 40 CFR 140 and 141

Legal Deadline: None

Abstract: This rule is intended to make minor changes to clarify and correct Drinking Water regulations. Typographical errors and inadvertent omissions will be corrected in the final Long Term 1 Enhanced Surface Water Treatment Final Rule. Additional technical corrections for other drinking water regulations have been added during the rule development process.

Timetable:

Action	Date	FR Cite
NPRM	03/02/04	69 FR 9781
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN 4795.

Agency Contact: Tracy Bone, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–5257
Fax: 202 564–3767
Email: bone.tracy@epamail.epa.gov

RIN: 2040–AE58

Environmental Protection Agency (EPA) — Long-Term Actions
Safe Drinking Water Act (SDWA)

3446. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: 42 USC 300f et seq''SDWA1412''

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Other, Statutory, February 6, 1999, Publish radon health risk reduction and cost analysis. NPRM, Statutory, August 6, 1999. Final, Statutory, November 2, 2000.

Abstract: The Radon rule complies with the Safe Drinking Water Act (SDWA) requirement to reduce exposure to radon in homes. In 1999, EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL. EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under

the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL. Systems would also be able to develop a State approved MMM program in the absence of a State program.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM	07/18/91	56 FR 33050
Notice	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN 2281.

Sectors Affected: 22131 Water Supply and Irrigation Systems

Agency Contact: Rebeccak Allen, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–4689
Fax: 202 564–3760
Email: allen.rebeccak@epamail.epa.gov

Richard Reding, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202–564–4656
Fax: 202 566–1053
Email: reding.richard@epa.gov

RIN: 2040–AA94

3447. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 USC 300f; 42 USC 300g–1; 42 USC 300g–2; 42 USC 300g–3; 42 USC 300g–4; 42 USC 300g–5; 42 USC 300g–6; 42 USC 300j–4; 42 USC 300j–9; 42 USC 300j–11

CFR Citation: 40 CFR 141 to 142; 40 CFR 9

Legal Deadline: None

Abstract: The Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) will control risk from microbial pathogens, specifically cryptosporidium, in drinking water. It is being developed simultaneously with the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR) which will address risk caused by the use of disinfectants in drinking water. This rule could affect all public water systems that use surface water as a source. Promulgating the LT2ESWTR and the Stage 2 DBPR as a paired rulemaking is necessary to ensure that adequate protection from microbial risk is maintained while EPA manages risk from disinfection byproducts. In developing the LT2ESWTR, EPA has analyzed a significant body of new survey data on microbial pathogens in source and finished waters, as well as data on parameters which could serve as indicators of microbial risk. This survey data, which was collected under the Information Collection Rule (ICR), Supplemental Surveys to the ICR, and additional research projects, has provided a substantially more comprehensive and complete picture of the occurrence of waterborne pathogens than was available previously. EPA has also used significant new data on the efficiency of treatment processes for the removal and inactivation of microorganisms, as well as new information on the pathogenicity of certain microbes, to determine effective regulatory requirements for controlling microbial risk. On March 30, 1999 EPA established a committee of stakeholders under the Federal Advisory Committee Act (FACA) to assist in the development of these rules; an agreement in principle was signed in September 2000 outlining the proposed rule options.

Timetable:

Action	Date	FR Cite
NPRM	08/11/03	68 FR 47639
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN 4341.

Sectors Affected: 22131 Water Supply and Irrigation Systems

Agency Contact: Dan Schmelling, Environmental Protection Agency, Water, 4607, Washington, DC 20460
Phone: 202–564–5281
Fax: 202 564–3767
Email: schmelling.dan@epamail.epa.gov

Thomas Grubbs, Environmental Protection Agency, Water, 4607M, 4607, Washington, DC 20460
Phone: 202–564–5262
Fax: 202 564–3767
Email: grubbs.thomas@epamail.epa.gov

RIN: 2040–AD37

3448. NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 2 DISINFECTION BYPRODUCTS RULE

Priority: Economically Significant

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 USC 300f; 42 USC 300g–2; 42 USC 300g–3; 42 USC 300g–4; 42 USC 300g–5; 42 USC 300g–6; 42 USC 300j–4; 42 USC 300j–9; 42 USC 300j–11

CFR Citation: 40 CFR 141 to 142; 40 CFR 9

Legal Deadline: Final, Statutory, July 14, 2003.

Abstract: This Regulation, along with a Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) that will be promulgated simultaneously, is intended to expand existing public health protections and address concerns about risk trade-offs between pathogens and disinfection byproducts. This rule could affect all public water systems that add a disinfectant to the drinking water during any part of the treatment process although the impacts may be limited to community water systems (CWSs) and non-transient non-community water systems (NTNCWSs). Promulgating the LT2ESWTR and the Stage 2 DBPR as a paired rulemaking is necessary to ensure that adequate protection from microbial risk is maintained while EPA manages risk from disinfection byproducts. In developing the Stage 2 DBPR, EPA analyzed a significant body of new survey data on source water quality parameters, treatment data and disinfection byproduct occurrence. This survey data, which was collected under the Information Collection Rule (ICR),

Supplemental Surveys to the ICR, and additional research projects, provide a substantially more comprehensive and complete picture of the occurrence of DBPs and microbiological pathogens than was available previously. EPA also used new information on the health effects of exposure to DBPs to determine effective regulatory requirements for controlling risk. On March 30, 1999, EPA reconvened a committee of stakeholders under the Federal Advisory Committee Act (FACA) to assist in the developmentof these rules; an Agreement in Principle was signed in September 2000 outlining the proposed rule options.

Timetable:

Action	Date	FR Cite
NPRM	08/18/03	68 FR 49548
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN 4342.

Sectors Affected: 22131 Water Supply and Irrigation Systems

Agency Contact: Tom Grubbs, Environmental Protection Agency, Water, 4607, Washington, DC 20460
Phone: 202 564–5262
Fax: 202 564–3767
Email: grubbs.thomas@epa.gov

Stig Regli, Environmental Protection Agency, Water, 4607M, 4607, Washington, DC 20460
Phone: 202–564–5270
Fax: 202 564–3767
Email: regli.stig@epamail.epa.gov

RIN: 2040–AD38

3449. NATIONAL SECONDARY DRINKING WATER REGULATIONS (NSDWR): METHYL TERTIARY BUTYL ETHER (MTBE) AND TECHNICAL CORRECTIONS TO THE NSDWR

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 143 (Revision)

Legal Deadline: None

Abstract: Methyl Tertiary Butyl Ether (MTBE) is an automobile fuel additive, introduced in the late 1970s during lead phase-out as an octane enhancer. It has been used in increasing quantity in the 1990s to meet the requirement of the Federal Reformulated Gasoline (RFG) and Oxyfuels programs required by the Clean Air Act Amendments of 1990. However, MTBE has been detected in groundwater and drinking water in a number of States due to leaking underground storage tanks and leaking pipelines. Although most of these detections are at levels well below health concern, MTBE's distinctive turpentine-like taste and odor can be detected at low levels.

EPA is required to make a regulatory determination for at least five unregulated contaminants by August 2006. Presently, the Water program is collecting and analyzing research information on occurrence, health effects, method sensitivity, and treatment effectiveness. A proposed regulatory determination, which will consider MTBE as well as a number ofother contaminants, is anticipated for August 2005. To meet this schedule, management briefings and preliminary decisions on these unregulated contaminants will be scheduled for fall of 2004.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4404.

Sectors Affected: 22131 Water Supply and Irrigation Systems

Agency Contact: Irene Dooley, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–4699
Fax: 202 564–3760
Email: dooley.irene@epamail.epa.gov

RIN: 2040–AD54

3450. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND ADDITIONAL DISTRIBUTION SYSTEM REQUIREMENTS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA is revising the Total Coliform Rule (TCR), which was published in the July 18, 2003 Federal Register (68 FR 42907)(Notice of Intent to revise the TCR). EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR while improving system efficiency. A Federal Advisory Committee recommended that EPA, as part of the TCR 6-year review process, ''initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks.''The original TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. Since then, EPA has gained a better understanding of distribution system impacts on human health and, therefore, intends tostrengthen the TCR by adding distribution system requirements. The process to do so involves a performance evaluation, development of issue papers on both distribution systems and total coliform, stakeholder meetings, and proposed and final rules.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	
Final Action	06/00/08	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN 4775.

Agency Contact: Kenneth Rotert, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–5280
Fax: 202 564–3767
Email: rotert.kenneth@epamail.epa.gov

Jennifer Mclain, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–5248
Fax: 202 564–3767
Email: mclain.jennifer@epamail.epa.gov

RIN: 2040–AD94

3451. DRINKING WATER CONTAMINANT CANDIDATE LIST 3

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300g–1(b)

CFR Citation: 00 CFR None

Legal Deadline: Other, Statutory, February 6, 2008, The 1996 SDWA Amendments require EPA to publish the third list of candidate contaminants by February 2008. Not a rulemaking.

Abstract: The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list every five years of contaminants that are known or anticipated to occur in public water systems, and which may require regulation under the SDWA. The purpose of this action is to prepare and publish the third Contaminant Candidate List (CCL). In preparing the third list, EPA will evaluate the classification approach recommended by the National Academy of Sciences' National Research Council (NRC) and, as applicable, use the NRC approach to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for future CCLs. If we identify additional contaminants early in the evaluation process, we will supplement the CCL List 2 and, if appropriate, we will consider those contaminants in the regulatory determinations for 2006.

Timetable:

Action	Date	FR Cite
NPRM–Preliminary Notice	02/00/07	
Final Notice	02/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4745.

Agency Contact: Thomas Carpenter, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–4885
Fax: 202 564–3760
Email: carpenter.thomas@epamail.epa.gov

Yvette Selby, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–5245
Fax: 202 564–3760
Email: selby.yvette@epamail.epa.gov

RIN: 2040–AD99

3452. UNDERGROUND INJECTION CONTROL: UPDATE OF STATE PROGRAMS

Priority: Info./Admin./Other

Legal Authority: 42 USC 300h–1''SDWA 1422''; 42 USC 300h–4''SDWA 1425''

CFR Citation: 40 CFR 147 (Revision)

Legal Deadline: None

Abstract: EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason, more importantly, is to allow EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many States. This update is necessary to ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are federally enforceable if necessary. EPA Regional Offices will be submitting State revision packages as they are completed. Part 147 will then be updated in several stages. This is the first stage. This effort should have no impact on the regulated community because we will merely be incorporating by reference elements of already effective State programs.

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN 4236.

Agency Contact: Mario Salazar, Environmental Protection Agency, Water, 4606M, Washington, DC 20460
Phone: 202–564–3894
Fax: 202 564–3756
Email: salazar.mario@epamail.epa.gov

Bruce Kobelski, Environmental Protection Agency, Water, 4606M, Washington, DC 20460
Phone: 202–564–3888
Fax: 202 564–3756
Email: kobelski.bruce@epamail.epa.gov

RIN: 2040–AD40

3453. DRINKING WATER: REGULATORY DETERMINATIONS REGARDING CONTAMINANTS ON THE SECOND DRINKING WATER CONTAMINANT CANDIDATE LIST

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 U.S.C. 300g–1(b)

CFR Citation: None

Legal Deadline: Other, Statutory, August 6, 2006, The 1996 SDWA Amendments require EPA to publish the second regulatory determinations by August 2006.

Abstract: The 1996 amendments to the Safe Drinking Water Act (SDWA) require EPA to publish a list of non-regulated contaminants every five years, which may warrant regulation due to their health effects and their potential for occurrence in public water systems (PWSs). The first Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10247). The second CCL will be published in 2004. In addition to publishing the drinking water CCL, the SDWA also requires the Agencyto select five or more contaminants from the second CCL and determine, by August 2006, whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). In order to make a determination of

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whether or not to develop an NPDWR for a contaminant, the SDWA requires three statutory tests be met: 1) the contaminant may have an adverse effect on the health of persons; 2) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and 3) in the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems. Using these three statutory tests to make regulatory decisions, there are three possible outcomes: 1) regulate the contaminant with an NPDWR; 2) develop guidance (e.g., Health or Consumer Advisory); or 3) determine no action is necessary.

Timetable:

Action	Date	FR Cite
Preliminary Notice	08/00/05	
Final Notice	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4821.

Agency Contact: Wynne Miller, Environmental Protection Agency, Water, 4607M, 4607M, Washington, DC 20460
Phone: 202–564–4887
Fax: 202 564–3760
Email: miller.wynne@epamail.epa.gov

Thomas Carpenter, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202–564–4885
Fax: 202 564–3760
Email: carpenter.thomas@epamail.epa.gov

RIN: 2040–AE60

3454. DRINKING WATER CONTAMINANT CANDIDATE LIST 2

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300f et seq''SDWA1412(b)(1)(B)''

CFR Citation: None

Legal Deadline: Other, Statutory, February 6, 2003, Not a rule.

Abstract: The Safe Drinking Water Act (SDWA), as amended in 1996, requires the EPA to publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulations (NPDWRs), that are known or anticipated to occur in public water systems, and which may require regulations under SDWA (section 1412(b)(1)). SDWA, as amended, specifies that EPA must publish the first list of drinking water contaminants no later than 18 months after the date of enactment, i.e., by February, 1998 (henceforth referred to as the 1998 Contaminant Candidate List or the 1998 CCL), and every five years thereafter. The CCL2 Federal Register notice announces EPA's decision to carryover the 1998 CCL as the draft CCL2 (minus the nine contaminants addressed under the 2003 regulatory determination), provides information on EPA's efforts to expand and strengthen the underlying CCL listing process to be used for future listings, and requests comment onCCL-related activities to improve the drinking water contaminant listing process.

Timetable:

Action	Date	FR Cite
Preliminary Notice	04/02/04	69 FR 17406
Final Notice	10/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 4703.

Agency Contact: Daniel Olson, Environmental Protection Agency, 4607M, Washington, DC 20460
Phone: 202 564–5239
Fax: 202 564–3760
Email: olson.daniel@epamail.epa.gov

Jitendra Saxena, Environmental Protection Agency, 4607M, Washington, DC 20460
Phone: 202 564–5243
Fax: 202 564–3760
Email: saxena.jitendra@epamail.epa.gov

RIN: 2060–AD86

Environmental Protection Agency (EPA) — Completed Actions
Safe Drinking Water Act (SDWA)

3455. NATIONAL PRIMARY AND SECONDARY DRINKING WATER REGULATIONS: APPROVAL OF ADDITIONAL METHOD FOR THE DETECTION OF COLIFORMS AND E. COLI. IN DRINKING WATER

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 141.21

Completed:

Reason	Date	FR Cite
Final Action	02/13/04	69 FR 7155

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal

Agency Contact: Herb Brass
Phone: 513–569–7936
Fax: 513 569–7191
Email: brass.herb@epamail.epa.gov

James Sinclair
Phone: 513–569–7970
Fax: 513 569–7191
Email: sinclair.james@epamail.epa.gov

RIN: 2040–AD90

Environmental Protection Agency (EPA) — Long-Term Actions

Shore Protection Act (SPA)

3456. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2601 ''Shore Protection Act of 1988''; PL 100–688 ''4103(b)''

CFR Citation: 40 CFR 237

Legal Deadline: None

Abstract: This rule will implement the Shore Protection Act (SPA) and is designed to prevent the deposit of municipal and commercial waste into U.S. Coastal Waters. This rule establishes minimum waste handling practices for vessels and waste handling facilities involved in the transport of municipal or commercial wastes in the coastal waters of the United States. The rule may require certain vessels and waste handling facilities to develop an operation and maintenance manual that identifies procedures toprevent, report, and clean up deposits of waste into coastal waters. Local governments and businesses involved with the vessel transportation and shore side handling of these wastes would be affected by this rule. Currently no tribes are known to be involved in waste handling of this type; therefore none would be affected by this rule. With regard to small businesses, EPA has provided guidance on development of operation and maintenance manuals and encourages the use and documentation of existing industry practices that meet or exceed the EPA proposed minimum waste handling standards. All indications are that this regulation as proposed would have a minimal economic impact. This regulation will result in reduction of municipal and commercial wastes deposited in coastal waters.

Timetable:

Action	Date	FR Cite
NPRM	08/30/94	59 FR 44798
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local

Additional Information: SAN 2820.

Agency Contact: Steven Giordano, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202–566–1272
Fax: 202–566–1546
Email: giordano.steven@epamail.epa.gov

James Woodley, Environmental Protection Agency, Water, 4504T, 4504T, Washington, DC 20460
Phone: 202–566–1288
Fax: 202 566–1546
Email: woodley.james@epamail.epa.gov

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