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ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY (EPA)

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Spring 2006 Regulatory Agenda

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
- Rules and major policymakings 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 a single copy 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 decisionmaking 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 Regulatory Goals and What Key Principles, Statutes, and Executive Orders Inform Our Rule and Policymaking Process?

Our primary objective is to protect human health and the environment. One way we achieve this objective is through the development of regulations. In the United States, Congress passes laws and authorizes certain Government agencies, including EPA, to create and enforce regulations. EPA regulations cover a range of environmental and public health protection issues, from setting standards for clean water to establishing requirements for proper handling of toxic wastes to controlling air pollution from industry and other sources.

To ensure that our regulatory decisions are scientifically sound, cost-effective, fair, and effective in achieving environmental goals, 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 decisionmakers 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. We seek collaborative solutions to shared challenges. Research, testing, and adoption of new environmental protection methods are also a central tenet in environmental problemsolving. The integration of all of 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. For a more expansive discussion of our regulatory philosophy and priorities please see the Statement of Priorities in the FY 2006 Regulatory Plan (www.epa.gov/regagenda).

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 Policy Making 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**(FR). 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

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individual citizens, but with that power comes responsibility. We urge you to become involved in EPA's rule and policymaking process.

C. What Actions Are Included in the Agenda and What Is the Relationship Between the Agenda and Regulatory Plan?

EPA includes regulations and certain major policy documents in the Agenda. However, there is no legal significance to the omission of an item from the Agenda and 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; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes.
- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Registration-related decisions, actions affecting the status of currently registered pesticides and data call-ins.
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations.
- 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.

The Regulatory Plan, which is required by Executive Order (E.O.) 12866, is published along with the fall edition of the Regulatory Agenda. The Plan includes a limited number of EPA actions, typically 20-45, which will be published during the current fiscal year and which are the centerpieces of our regulatory priorities. Plan entries include all of the information included in Agenda entries described in section E, below, as well as additional information about alternatives, the need for a Federal solution, costs, benefits, and risks. You can see EPA's current Regulatory Plan at our epa.gov/regagenda website.

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 crosscutting 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 Act, 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 March 2007.
5. Completed Action — This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 2005 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.

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 (RFA) (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 E.O. 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

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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 not Significant, Routine and Frequent, or 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.''

Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside 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 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 E.O. 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: An identification number that EPA uses to track rulemakings and other actions under development.

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. (Note: To submit comments on proposals, you can go to our electronic docket which is at: www.regulations.gov. Once there, follow the on-line instructions to access the docket and submit comments. A Docket identification (ID) number will assist in the search for materials. We include this number in the additional information section of many of the Agenda entries that have already been proposed.)

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 ANPRM or an NPRM in the **Federal Register**, the Agency may establish a docket to accumulate materials throughout the development process for that rulemaking. The 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.

2. EPA Websites

Some of the actions listed in the Agenda include a URL that provides additional information.

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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://ciir.cs.umass.edu/ua/.

4. Agenda Indexes

There are five indexes that provide:

a. A list of the existing rules that we are reviewing under section 610 of the RFA
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 E.O. 13132.

There is a sixth appendix included in the Unified Regulatory Agenda, a subject matter index. This index is not included in EPA's Agenda reprints for reasons of costs and because of the availability of the search engines described in no. 3, immediately above.

5. Listservers

If you want to get automatic e-mails about areas of particular interest, we maintain 12 listservers 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.

For more information and to subscribe via our FR Web site, visit:

http://www.epa.gov/fedrgstr/subscribe.htm.

If you have e-mail without full Internet access, please send an e-mail to envsubset@epa.gov to request instructions for subscribing to the EPA **Federal Register** listservers.

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 Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act), 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 Index 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 Index 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.

Section 610 of the RFA 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). We are announcing the completion of one section 610 review in this Agenda, 2050-AG26; Docket No. OAR-2005-0166; Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r) (7). We have no section 610 reviews planned until 2008.

H. Thank You for Collaborating with Us

Finally, we would like to thank those of you who choose to join with us in solving the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a proven tool for solving the environmental problems we face and the Regulatory Agenda is an important part of that process.

Dated: March 2, 2006.

Louise P. Wise,

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

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2890	SAN No. 4292 Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Regulations	2020–AA42
2891	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest	2030–AA67
2892	SAN No. 4904 Security Requirements for Toxic Substances Control Act Confidential Business Information Access for Contractors	2030–AA88
2893	SAN No. 4903 Award Term Contracting	2030–AA89
2894	SAN No. 4931 Revise EPAAR 1552.211-79 To Include Accessibility Standards for Contract Deliverables (508) and Other IT Requirements	2030–AA90
2895	SAN No. 5063 Simplified Acquisition Financing	2030–AA92

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GENERAL—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
2896	SAN No. 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
2897	SAN No. 3580 Incorporation of Class Deviations Into EPAAR	2030–AA37
2898	SAN No. 5062 Implementation of Authority To Appoint Research Scientists	2030–AA91
2899	SAN No. 4964 Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada	2060–AN15
2900	SAN No. 4536 Project XL Site Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I - II)	2090–AA27

GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2901	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements	2020–AA39
2902	SAN No. 3240 Public Information and Confidentiality Regulations	2025–AA02

GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2903	SAN No. 4270 Cross-Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR)	2025–AA07
2904	SAN No. 4693 Privacy Act Regulations (Revised)	2025–AA13
2905	SAN No. 4813 Miscellaneous Revisions to EPAAR Clauses	2030–AA84
2906	SAN No. 5004 TSCA Compliance Monitoring Grant Regulation Amendment	2070–AJ24
2907	SAN No. 3671 Guidelines for Carcinogen Risk Assessment	2080–AA06

CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2908	SAN No. 5022 Requirements for Reformulated Gasoline (RFG) Under the 8-Hour Ozone Standard for Bump-Up Areas Designated Attainment for the 1-Hour Ozone Standard Prior to Revocation	2060–AN63

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2909	SAN No. 4768 Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon From DOE Facilities	2060–AK81
2910	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter	2060–AI44
2911	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives	2060–AJ61
2912	SAN No. 4070 General Conformity Regulations; Revisions	2060–AH93
2913	SAN No. 3975 Review of New Sources and Modifications in Indian Country	2060–AH37

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

Sequence Number	Title	Regulation Identifier Number
2914	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements (40 CFR Part 60, Appendix F, Procedure 3)	2060–AH23
2915	SAN No. 4668 NESHAP: Halogenated Solvent Cleaning—Residual Risk Standards	2060–AK22
2916	SAN No. 4782 Petition To Delist Hazardous Air Pollutant : 4,4'-Methylene Diphenyl Diisocyanate	2060–AK84
2917	SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards	2060–AK14
2918	SAN No. 4309 National VOC Emission Standards for Consumer Products; Amendments	2060–AI62
2919	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	2060–AK26
2920	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO2) Area	2008–AA00
2921	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems	2060–AJ86
2922	SAN No. 4633 Performance-Based Measurement System for Fuels: Criteria for Self-Qualifying Alternative Test Methods; Description of Optional Statistical Quality Control Measures	2060–AK03
2923	SAN No. 4793 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation and Debottlenecking	2060–AL75
2924	SAN No. 4796 Section 126 Rule: Withdrawal of Findings for Sources in Michigan	2060–AL83
2925	SAN No. 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 & In-Use, Not-To-Exceed Emission Stnd. Testing	2060–AL92
2926	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	2060–AL94
2927	SAN No. 4830 Alternative Work Practice for Leak Detection and Repair	2060–AL98
2928	SAN No. 4861 NESHAP: Area Source Standards—Paint Stripping	2060–AM07
2929	SAN No. 4846 NESHAP: Municipal Solid Waste Landfills—Amendments	2060–AM08
2930	SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations	2060–AM09
2931	SAN No. 4859 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization	2060–AM14
2932	SAN No. 4848 NESHAP: Total Facility Low Risk Determination (TFLRD) for Residual Risk	2060–AM22
2933	SAN No. 4853 Requirements for Transmix Processing and Blending Under the Reformulated Gasoline and Gasoline Sulfur Rules	2060–AM27
2934	SAN No. 4866 NESHAP: Site Remediation: Amendments	2060–AM30
2935	SAN No. 4881 Prevention of Significant Deterioration for Nitrogen Oxides	2060–AM33
2936	SAN No. 4882 Control of Emissions From Spark-Ignition Engines and Fuel Systems From Marine Vessels and Small Equipment	2060–AM34
2937	SAN No. 4879 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries	2060–AM36
2938	SAN No. 4885 Flexible Air Permit Rule	2060–AM45
2939	SAN No. 4905 National Volatile Organic Compound Emission Standards for Architectural Coatings—Amendments	2060–AM47
2940	SAN No. 4899 Control of Ultra Low Sulfur Diesel Fuel Lubricity: Notice of Proposed Rulemaking	2060–AM48
2941	SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants	2060–AM49
2942	SAN No. 4906 NESHAP: Area Source Standards—Clay Ceramics Industry	2060–AM53
2943	SAN No. 4918 Protection of the Stratospheric Ozone: Alternatives for the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program	2060–AM54
2944	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	2060–AM55
2945	SAN No. 4889 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing	2060–AM71
2946	SAN No. 4907 NESHAP: Gasoline Distribution Stage I—Area Source Standards	2060–AM74
2947	SAN No. 4908 NESHAP: General Provisions—Amendments	2060–AM75
2948	SAN No. 4915 Standards of Performance for Stationary Spark Ignited Internal Combustion Engines	2060–AM81
2949	SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment	2060–AM84
2950	SAN No. 4927 NESHAP: Iron and Steel Foundries; Amendments	2060–AM85
2951	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments	2060–AM87
2952	SAN No. 4940 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions	2060–AM91
2953	SAN No. 4699.2 Implementing Periodic Monitoring in Federal and State Operating Permit Programs	2060–AN00
2954	SAN No. 4958 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Amendments	2060–AN10
2955	SAN No. 4960 Response To Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport	2060–AN12

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

Sequence Number	Title	Regulation Identifier Number
2956	SAN No. 4962 Fuel Economy Labeling of Motor Vehicles: Revisions To Improve Calculation of Fuel Economy Estimates	2060–AN14
2957	SAN No. 4969 Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program and the NOx Budget Trading Program	2060–AN16
2958	SAN No. 4978 NESHAP: Autobody Refinishing—Area Source Rule	2060–AN21
2959	SAN No. 5008 Review of the National Ambient Air Quality Standards for Ozone	2060–AN24
2960	SAN No. 4794.2 Prevention of Significant Deterioration, Nonattainment New Source Review, and New Source Performance Standards: Emissions Test for Electric Generating Units	2060–AN28
2961	SAN No. 4991 Protection of Stratospheric Ozone: Revision to Listing of Carbon Dioxide Total Flooding Fire Extinguishing Systems Restricting Use to Only Unoccupied Areas	2060–AN30
2962	SAN No. 4988 National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production, Amendments	2060–AN33
2963	SAN No. 4866.1 NESHAP: Site Remediation Amendments—Response to Litigation	2060–AN36
2964	SAN No. 4910.1 NESHAP: Organic Liquid Distribution (Non-Gasoline); Amendments	2060–AN37
2965	SAN No. 5011 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed on or Before December 9, 2004	2060–AN43
2966	SAN No. 5017 Protection of Stratospheric Ozone: Amending Requirements To Import Used Ozone-Depleting Substances for Destruction in the U.S.	2060–AN48
2967	SAN No. 5020 Action on Petition To List Diesel Exhaust as a Hazardous Air Pollutant	2060–AN49
2968	SAN No. 5051 Protection of Stratospheric Ozone: 2007 Critical Use Exemptions	2060–AN54
2969	SAN No. 5052 Protection of Stratospheric Ozone: Ban on the Import of Pre-Charged Products	2060–AN58
2970	SAN No. 4752.1 Transition to New or Revised Particulate Matter (PM) NAAQS)	2060–AN59
2971	SAN No. 5042 PM2.5 De Minimis Emission Levels for General Conformity Applicability	2060–AN60
2972	SAN No. 4890.1 NESHAP for Miscellaneous Coating Manufacturing; Proposed Amendments	2060–AN61
2973	SAN No. 5014 NESHAP: Area Source Standards—Reciprocating Internal Combustion Engines	2060–AN62
2974	SAN No. 5025 Revisions to the Definition of Potential To Emit (PTE)	2060–AN65
2975	SAN No. 5029 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule	2060–AN68
2976	SAN No. 5030 National Volatile Organic Compound Emission Standards for Aerosol Coatings	2060–AN69
2977	SAN No. 5035 New Source Performance Standards (NSPS): Equipment Leaks—Subparts VV & GGG	2060–AN71
2978	SAN No. 5043 Defect Reporting for On-Highway Motor Vehicles and Engines	2060–AN73
2979	SAN No. 5044 Interpretive Rulemaking To Clarify the Scope of Certain Monitoring Requirements for Federal and State Operating Permits Programs	2060–AN74
2980	SAN No. 5045 Revision to Definition of Volatile Organic Compounds—Exclusion of Compounds	2060–AN75
2981	SAN No. 5048 Renewable Fuels Standard Rule	2060–AN76
2982	SAN No. 5055 National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing: Amendments	2060–AN80
2983	SAN No. 5056 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2007	2060–AN81
2984	SAN No. 5057 Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU)	2060–AN82
2985	SAN No. 5061 Revisions to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, & NESHAP for Source Category	2060–AN84

CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2986	SAN No. 2915 Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51	2060–AF83
2987	SAN No. 3900 Addition of Method 207 to Appendix M of 40 CFR Part 51 Method for Measuring Isocyanates in Stationary Source Emissions	2060–AG88
2988	SAN No. 4752 Clean Air Fine Particle Implementation Rule	2060–AK74
2989	SAN No. 3380 NSPS: SOCMI—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60	2060–AE94
2990	SAN No. 4161 Update of Continuous Instrumental Test Methods	2060–AK61
2991	SAN No. 4310 NESHAP: Printing and Publishing Industry; Amendments	2060–AI66
2992	SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment To Implement Court Remand	2060–AJ78

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

Sequence Number	Title	Regulation Identifier Number
2993	SAN No. 4654 NESHAP: Ethylene Oxide for Sterilization Facilities—Residual Risk Standards	2060–AK09
2994	SAN No. 4655 NESHAP: Gasoline Distribution (Stage I) Residual Risk and MACT Standards Review	2060–AK10
2995	SAN No. 4660 NESHAP: Industrial Process Cooling Towers Residual Risk Standards	2060–AK16
2996	SAN No. 4662 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards	2060–AK18
2997	SAN No. 4669 NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard	2060–AK23
2998	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	2060–AK54
2999	SAN No. 4689 Section 126 Rule Withdrawal Provision	2060–AK41
3000	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline	2060–AJ82
3001	SAN No. 4748 Control of Hazardous Air Pollutants From Mobile Sources	2060–AK70
3002	SAN No. 5018 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7) **(Section 610 Review)**	2050–AG26
3003	SAN No. 4421 Ambient Air Quality Monitoring Regulations: Revisions	2060–AJ25
3004	SAN No. 4570 Control of Air Pollution From Motor Vehicles and Engines: Alternative Low-Sulfur Highway Diesel Fuel Transition Program for Alaska	2060–AJ72
3005	SAN No. 4632 Modification of Anti-Dumping Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska and the U.S. Territories	2060–AK02
3006	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition	2060–AK69
3007	SAN No. 4804 Protection of Stratospheric Ozone: Various Minor Amendments to the Regulations Implementing the Allowance System for Controlling HCFC Production, Import and Export	2060–AL90
3008	SAN No. 4829 Five-Year Review of MACT Standards for Large MWC	2060–AL97
3009	SAN No. 4875 NESHAP: Oil and Natural Gas Production Facilities—Area Source Rule	2060–AM16
3010	SAN No. 4854 Amendments to Vehicle Inspection and Maintenance Program Requirements To Address New 8-Hour Ozone Standard	2060–AM21
3011	SAN No. 4857 Fire Suppression and Explosion Protection Listing Under SNAP	2060–AM24
3012	SAN No. 4867 NESHAP: Hydrochloric Acid Production Amendments	2060–AM25
3013	SAN No. 4880 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Amendments to Evaporative Emissions Regulations and Technical Amendments	2060–AM32
3014	SAN No. 4891 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing; Amendments	2060–AM43
3015	SAN No. 4900 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels	2060–AM46
3016	SAN No. 3259.2 Nonattainment Major New Source Review (NSR): Final Rules	2060–AM59
3017	SAN No. 4909 NESHAP: Integrated Iron and Steel; Amendments	2060–AM76
3018	SAN No. 4910 NESHAP: Organic Liquid Distribution—Amendments	2060–AM77
3019	SAN No. 4914 Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	2060–AM82
3020	SAN No. 4930 Regulation of Fuels and Fuel Additives: Refiner and Importer Quality Assurance Requirements for Downstream Oxygenate Blending	2060–AM88
3021	SAN No. 4934 Part 63 General Provisions—Response To Petition To Reconsider	2060–AM89
3022	SAN No. 4937 NESHAP for Refractory Products Manufacturing—Amendments	2060–AM90
3023	SAN No. 4794.1 Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule	2060–AM95
3024	SAN No. 4956 Rule on Section 126 Petition From NC To Reduce Interstate Transport of Fine PM and O3; FIPs to Reduce Interstate Transport of Fine PM & O3; Revisions to CAIR Rule; Revisions to Acid Rain Program	2060–AM99
3025	SAN No. 4757.1 Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks & Heavy Duty Vehicles	2060–AN01
3026	SAN No. 4970 Small Municipal Waste Combustor New Source Performance Standards and Emission Guidelines Amendments	2060–AN17
3027	SAN No. 4951 Revisions to Air Emissions Reporting Requirements	2060–AN20
3028	Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations	2060–AN22
3029	SAN No. 4625.4 Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification	2060–AN26
3030	SAN No. 4986 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2006	2060–AN29
3031	SAN No. 4987 Industrial, Commercial, and Institutional Boiler and Process Heater NESHAP, Amendment	2060–AN32
3032	SAN No. 5010 Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of HFE-7300	2060–AN34
3033	SAN No. 4993 Optional Chassis Certification for Diesel Vehicles	2060–AN39
3034	SAN No. 4998 Treatment of Data Influenced by Exceptional Events	2060–AN40
3035	SAN No. 4571.2 CAMR 111 Reconsideration	2060–AN50

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

Sequence Number	Title	Regulation Identifier Number
3036	SAN No. 4571.3 Revision of 112(n) Finding Reconsideration	2060–AN53
3037	SAN No. 4681.1 NSPS Combustion Turbines—Subpart GG: Amendments	2060–AN55
3038	SAN No. 4794.3 Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule): Reconsideration	2060–AN57
3039	SAN No. 5027 Amendment to Tier 2 Vehicle Emission Standards and Gasoline Sulfur Requirements: Exemption for US Territories	2060–AN66
3040	SAN No. 5034 Deterioration Factor Provisions for Heavy-Duty Diesel Engine Certification and Part 86 Technical Amendments	2060–AN70
3041	SAN No. 5049 Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Corn Milling Facilities Under the ''Major Emitting Facility'' Definition	2060–AN77
3042	SAN No. 5053 Technical Amendments to the Highway and Nonroad Diesel Regulations	2060–AN78

CLEAN AIR ACT (CAA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3043	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	2009–AA00
3044	SAN No. 3569 Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant	2009–AA01
3045	SAN No. 4695 NESHAP: Off-Site Waste and Recovery Operations Residual Risk Standard	2060–AK68
3046	SAN No. 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
3047	SAN No. 4266 Review National Ambient Air Quality Standards for Carbon Monoxide	2060–AI43
3048	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings)	2060–AF72
3049	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand)	2060–AA61
3050	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins-Amendments	2060–AH47
3051	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas	2060–AH01
3052	SAN No. 4653 NESHAP: Aerospace Manufacturing and Rework Facilities Residual Risk Standards	2060–AK08
3053	SAN No. 4657 NESHAP: Group II Polymers and Resins—Residual Risk Standards	2060–AK13
3054	SAN No. 4661 NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations—Residual Risk Standard	2060–AK17
3055	SAN No. 4665 NESHAP: Secondary Lead Smelting Residual Risk Standards	2060–AK19
3056	SAN No. 4666 NESHAP: Shipbuilding and Ship Repair Surface Coating—Residual Risk Standards	2060–AK20
3057	SAN No. 4667 NESHAP: Wood Furniture Manufacturing Operations—Residual Risk Standards	2060–AK21
3058	SAN No. 4664 NESHAP: Printing and Publishing Industry—Residual Risk Standards	2060–AK24
3059	SAN No. 4663 NESHAP: Petroleum Refineries—Residual Risk Standards	2060–AK25
3060	SAN No. 4750 National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks—Residual Risk Standards	2060–AK72
3061	SAN No. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines- Petition To Delist	2060–AK73
3062	SAN No. 4656 NESHAP: Group I Polymers and Resins—Residual Risk Standards	2060–AK12
3063	SAN No. 4658 NESHAP: Group IV Polymers and Resins—Residual Risk Standards	2060–AK15
3064	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations	2060–AI03
3065	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions	2060–AH31
3066	SAN No. 4348 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule	2060–AI97
3067	SAN No. 4722 California Gasoline Technical Correction	2060–AK56
3068	SAN No. 4797 Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport (''NOx SIP Call'')	2060–AL84
3069	SAN No. 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
3070	SAN No. 4810 NESHAP: Ferroalloys Production: Ferromanganese and Silicomanganese Residual Risk Standards	2060–AL93
3071	SAN No. 4825 Mineral Wool Production Residual Risk Standard	2060–AL96
3072	SAN No. 4831 NESHAP for Flexible Polyurethane Foam Production: Residual Risk Standards	2060–AL99
3073	SAN No. 4832 NESHAP: Pharmaceuticals Production: Residual Risk Standards	2060–AM00

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

Sequence Number	Title	Regulation Identifier Number
3074	SAN No. 4871 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder	2060–AM06
3075	SAN No. 4873 NESHAP: Area Source Standards—Glass Manufacturing Industry	2060–AM12
3076	SAN No. 4860 NESHAP: Area Source Standards—Acrylic/Modacrylic Fiber (AMF) Production	2060–AM13
3077	SAN No. 4851 Protection of Stratospheric Ozone: Restriction on the Sales of Pre-Charged Split Systems	2060–AM15
3078	SAN No. 4847 NESHAP: Oil and Natural Gas Production Residual Risk Standards	2060–AM18
3079	SAN No. 4874 NESHAP: Area Source Standards—Industrial Inorganic Chemicals Manufacturing	2060–AM19
3080	SAN No. 4849 Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)	2060–AM20
3081	SAN No. 4865 Strategy for Addressing Air Emissions from Animal Feeding Operations	2060–AM26
3082	SAN No. 4886 NESHAP: Area Source Standards—Plating and Polishing	2060–AM37
3083	SAN No. 4884 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers	2060–AM44
3084	SAN No. 4676.3 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR); Maintenance and Repair Amendments	2060–AM62
3085	SAN No. 4699.1 Request for Comments on Potentially Inadequate Monitoring in Clean Air Applicable Requirements and on Methods To Improve Such Monitoring	2060–AM63
3086	SAN No. 4887 Area Source NESHAP for Primary Nonferrous Metals—Zn, Cd, Be	2060–AM69
3087	SAN No. 4888 Area Source NESHAP for Secondary Nonferrous Metals	2060–AM70
3088	SAN No. 4955 NESHAP: Plastic Parts and Products (Surface Coating)—Area Source Rule	2060–AN08
3089	SAN No. 4959 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances in Foam Blowing	2060–AN11
3090	SAN No. 5009 Advance Notice for Information on Determining the Emissions Reductions Achieved From Limiting the VOC Content of Architectural Coatings	2060–AN42
3091	SAN No. 5012 NESHAP: Area Source Standards—Lead Acid Battery Manufacturing	2060–AN44
3092	SAN No. 5013 NESHAP: Area Source Standards—Primary and Secondary Copper	2060–AN45
3093	SAN No. 5015 NESHAP: Area Source Standards—Chemical Preparations Industry	2060–AN46
3094	SAN No. 5016 NESHAP: Area Source Standards—Paint and Allied Products	2060–AN47
3095	SAN No. 5036 Petroleum Refineries—New Source Performance Standards (NSPS)—Subpart J	2060–AN72
3096	SAN No. 5059 Review of the National Ambient Air Quality Standards for Lead	2060–AN83

CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3097	SAN No. 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
3098	SAN No. 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
3099	SAN No. 3751 NSPS and Emission Guidelines for Other Solid Waste Incinerators	2060–AG31
3100	SAN No. 4119 Performance Specification 16—Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources	2060–AH84
3101	SAN No. 4478 Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills: Amendment	2060–AJ41
3102	SAN No. 4313 Petitions To Delist Hazardous Air Pollutants: MEK	2060–AI72
3103	SAN No. 4713 NESHAP for Primary Aluminum Reduction Plants; Amendments	2060–AK50
3104	SAN No. 4383 Interstate Ozone Transport: Rulemaking on Section 126 Petitions From the District of Columbia, Delaware, Maryland, and New Jersey	2060–AI99
3105	SAN No. 3910 Streamlined Evaporative Test Procedures	2060–AH34
3106	SAN No. 4757 Emissions Durability Procedures for New Light-Duty Vehicles & Light-Duty Trucks	2060–AK76
3107	SAN No. 4700 Selection of Sequence of Mandatory Sanctions To Be Applied Pursuant to Section 502 of the Clean Air Act	2060–AK46
3108	SAN No. 4697 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries	2060–AK45
3109	SAN No. 3263 Performance Warranty and Inspection/Maintenance Test Procedures	2060–AE20
3110	SAN No. 3262 Inspection/Maintenance Recall Requirements	2060–AE22
3111	SAN No. 4631 Adoption of the Amended International NOx Standard for Aircraft Engines	2060–AK01

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

Sequence Number	Title	Regulation Identifier Number
3112	SAN No. 4634 Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline	2060–AK04
3113	SAN No. 4557.1 Amendments to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program	2060–AK62
3114	SAN No. 4759 Revision to Policy on Control of Volatile Organic Compounds (VOC)	2060–AK75
3115	SAN No. 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
3116	SAN No. 4783 Voluntary Superior Monitoring	2060–AK85
3117	SAN No. 4798 Deferral of Effective Date of Nonattainment Designations for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas	2060–AL85
3118	SAN No. 4864 NESHAP: Surface Coating of Metal Cans—Technical Amendments	2060–AM28
3119	SAN No. 4868 Exemption of Certain Area Sources From Title V Operating Permit Programs	2060–AM31
3120	SAN No. 4895 Regulation of Fuel and Fuel Additives: Gasoline and Diesel Test Methods	2060–AM42
3121	SAN No. 4894 Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone Depleting Substances	2060–AM56
3122	SAN No. 4890 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing; Amendment	2060–AM72
3123	SAN No. 4911 NESHAP: Plywood and Composite Wood Products; Amendments	2060–AM78
3124	SAN No. 4912 New Source Performance Standards (NSPS) for Stationary Combustion Turbines	2060–AM79
3125	SAN No. 4913 New Source Performance Standards (NSPS) for Electric Utility Steam Generating Units and Industrial and Commercial Boilers	2060–AM80
3126	SAN No. 4941 Amendments to Compliance Certification Requirements for State and Federal Operating Permits Programs; Correction	2060–AM92
3127	SAN No. 4325.1 NESHAP: Brick and Structural Clay Products Manufacturing; Reconsideration	2060–AM94
3128	SAN No. 3837.1 NESHAP: Industrial, Commercial, and Institutional Boilers and Process Heaters; Reconsideration Notice	2060–AM97
3129	SAN No. 4943 Revision to the Definition of Volatile Organic Compounds—Removal of VOC Exemptions for California's Aerosol Coatings Reactivity-based Regulation	2060–AM98
3130	SAN No. 4811.1 PM 2.5 & PM10 Hot-Spot Analyses in Transportation Conformity Rule Amendments	2060–AN02
3131	SAN No. 4911.1 NESHAP: Plywood and Composite Wood Products; List of Hazardous Air Pollutants, Lesser Quantity Designations, Source Category List; Reconsideration; Final Rule	2060–AN05
3132	SAN No. 4961 Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide for the 2005 Supplemental Request	2060–AN13
3133	SAN No. 4972 Protection of Stratospheric Ozone: The 2006 Critical Use Exemption Rule From the Phaseout of Methyl Bromide	2060–AN18
3134	SAN No. 4625.1 Implementation Rule for 8-Hour Ozone NAAQS—Phase 2	2060–AN23
3135	SAN No. 4994 Commercial and Industrial Solid Waste Incinerators NSPS and EG: Definitions	2060–AN31
3136	SAN No. 4989 NESHAP: Secondary Aluminum Production—Amendments	2060–AN38
3137	SAN No. 5001 Revisions to Motor Vehicle Diesel Fuel Sulfur Transition Provisions	2060–AN41
3138	SAN No. 5024 Renewable Fuel Standards Requirements for 2006	2060–AN51
3139	Revision of 112 Finding Reconsideration	2060–AN52
3140	SAN No. 4433.1 Findings of Failure To Submit Required State Implementation Plans for Phase II of the NOx SIP Call	2060–AN56
3141	SAN No. 5024 Renewable Fuel Standards Requirements for 2006	2060–AN64
3142	SAN No. 5028 Amendments to the Tier 2 Motor Vehicle Emission Regulations	2060–AN67
3143	SAN No. 5026 Approval and Promulgation of Implementation Plans; Maine; NOx Exemption Request for Northern Maine	2060–AN79

ATOMIC ENERGY ACT (AEA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3144	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste	2060–AH63
3145	SAN No. 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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FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3146	SAN No. 4985 Pesticides; Determination of Status of Prions as Pests	2070–AJ26

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

Sequence Number	Title	Regulation Identifier Number
3147	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials	2070–AD30
3148	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes	2070–AD49
3149	SAN No. 5005 Pesticides: Data Requirements for Plant-Incorporated Protectants (PIPs)	2070–AJ27
3150	SAN No. 5031 Pesticides; Expansion of Crop Grouping Program	2070–AJ28
3151	SAN No. 5050 Pesticide Agricultural Container Recycling Program	2070–AJ29

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

Sequence Number	Title	Regulation Identifier Number
3152	SAN No. 2687 Pesticides; Data Requirements for Conventional Chemicals	2070–AC12
3153	SAN No. 4175 Pesticide Tolerance Reassessment Program	2070–AD24
3154	SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment	2070–AB95
3155	SAN No. 3222 Groundwater and Pesticide Management Plan Rule	2070–AC46
3156	SAN No. 4170 Pesticides; Procedures for the Registration Review Program	2070–AD29

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

Sequence Number	Title	Regulation Identifier Number
3157	SAN No. 4596 Pesticides; Data Requirements for Biochemical and Microbial Products	2070–AD51
3158	SAN No. 4728 Endocrine Disruptor Screening Program (EDSP); Implementing the Screening and Testing Phase	2070–AD61
3159	SAN No. 4027 Pesticides; Tolerance Processing Fees	2070–AJ23
3160	SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants	2070–AD55
3161	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	2070–AD56
3162	SAN No. 4618 Revision Of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	2020–AA44
3163	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products	2070–AD14
3164	SAN No. 5007 Pesticides; Competency Standards for Occupational Users	2070–AJ20
3165	SAN No. 5006 Pesticides; Agricultural Worker Protection Standard Revisions	2070–AJ22

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3166	SAN No. 4610 Protections for Test Subjects in Human Research	2070–AD57
3167	SAN No. 4216 Pesticides; Emergency Exemption Process Revisions	2070–AD36

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TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3168	SAN No. 3493 Future Testing for Existing Chemicals (Overview Entry)	2070–AB94
3169	SAN No. 5058 Nanoscale Materials Stewardship Program	2070–AJ30

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3170	SAN No. 3557 Lead-Based Paint Activities; Amendments for Renovation, Repair and Painting	2070–AC83
3171	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce	2070–AB20
3172	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	2070–AB79
3173	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals	2070–AD16
3174	SAN No. 4983 Significant New Use Rule (SNUR); Mercury Switches in Motor Vehicles	2070–AJ19
3175	SAN No. 4512 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture	2070–AD48
3176	SAN No. 4878 TSCA Inventory Nomenclature for Enzymes and Proteins	2070–AJ04
3177	SAN No. 2150.1 Polychlorinated Biphenyls (PCBs); Exemption Request From U.S. Maritime Administration (MARAD)	2070–AJ05
3178	SAN No. 4975 Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA	2070–AJ15
3179	SAN No. 4984 Clarification on Guidance for Activated Phosphors	2070–AJ21

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3180	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers	2070–AD58
3181	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders	2070–AB27
3182	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules	2070–AB08
3183	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules	2070–AB11
3184	SAN No. 4176 Voluntary High Production Volume (HPV) Chemical Challenge Program	2070–AD25
3185	SAN No. 4870 Significant New Use Rule (SNUR); Certain Polybrominated Diphenyl Ethers (PBDEs)	2070–AJ02
3186	SAN No. 3493.1 Testing Agreement for Perfluorooctanoic Acid (PFOA)	2070–AJ06
3187	SAN No. 3493.4 Testing Agreement for Diethanolamine	2070–AJ09
3188	SAN No. 3493.5 Testing Agreement for Hydrogen Fluoride	2070–AJ10
3189	SAN No. 3493.7 Testing Agreement for Phthalic Anhydride	2070–AJ11
3190	SAN No. 3493.6 Testing Agreement for Maleic Anhydride	2070–AJ13
3191	SAN No. 3301.2 TSCA Inventory Update Reporting Rule; Electronic Reporting	2070–AJ25

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

Sequence Number	Title	Regulation Identifier Number
3192	SAN No. 3148 Asbestos Model Accreditation Plan Revisions	2070–AC51
3193	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban	2070–AC21
3194	SAN No. 4376 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule	2070–AC64
3195	SAN No. 4597 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues	2070–AD52
3196	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances	2070–AA59
3197	SAN No. 4876 Voluntary Children's Chemical Evaluation Program (VCCEP)	2070–AC27
3198	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs)	2070–AC76
3199	SAN No. 3882 Test Rule; Certain Metals	2070–AD10
3200	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives	2070–AD28

EPA

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

Sequence Number	Title	Regulation Identifier Number
3201	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity	2070–AD44
3202	SAN No. 1923 Follow-Up Rules on Existing Chemicals	2070–AA58
3203	SAN No. 3528 Significant New Use Rule (SNUR); Refractory Ceramic Fibers (RCFs)	2070–AC37
3204	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	2070–AD53
3205	SAN No. 4777 Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing	2070–AD64
3206	SAN No. 4858 Notification of Chemical Exports Under TSCA Section 12(b)	2070–AJ01
3207	SAN No. 3493.2 Testing Agreement for Aryl Phosphates (ITC List 2)	2070–AJ07
3208	SAN No. 3493.3 Test Rule; Brominated Flame Retardants (BFRs)	2070–AJ08
3209	SAN No. 4974 Significant New Use Rule, Perfluoroalkyl Sulfonates (PFAS)	2070–AJ18

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3210	SAN No. 3301.1 TSCA Inventory Update Rule Revisions	2070–AD63
3211	SAN No. 4942 Significant New Use Rule for Glycol Ethers	2070–AJ12
3212	SAN No. 4953 Lead-Based Paint; Pre-Renovation Lead Education Rule; Amended Pamphlet	2070–AJ14

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

Sequence Number	Title	Regulation Identifier Number
3213	SAN No. 2425.4 TRI; Response to Petition To Delete Chromium, Antimony, and Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory	2025–AA16
3214	SAN No. 5054 Reportable Quantity Adjustment for Isophorone Diisocyanate	2050–AG32

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

Sequence Number	Title	Regulation Identifier Number
3215	SAN No. 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
3216	SAN No. 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
3217	SAN No. 4896 Toxics Release Inventory Reporting Burden Reduction Rule	2025–AA14

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

Sequence Number	Title	Regulation Identifier Number
3218	SAN No. 3215 Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule	2050–AE17
3219	SAN No. 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
3220	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation	2025–AA11
3221	SAN No. 2425.1 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals	2025–AA17
3222	SAN No. 2425.3 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals	2025–AA19

EPA

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

Sequence Number	Title	Regulation Identifier Number
3223	SAN No. 4230 Revisions to Solid Waste Landfill Criteria—Leachate Recirculation on Alternative Liners	2050–AE67
3224	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	2050–AE51
3225	SAN No. 4651 Increase Metals Reclamation From F006 Waste Streams	2050–AE97
3226	SAN No. 4834 Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants)	2050–AG15
3227	SAN No. 4920 Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories	2050–AG18
3228	SAN No. 4828 RCRA Incentives for Performance Track Members	2090–AA34

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

Sequence Number	Title	Regulation Identifier Number
3229	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials	2050–AE23
3230	SAN No. 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	2050–AE78
3231	SAN No. 4092 Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations	2050–AE52
3232	SAN No. 4670 Revisions to the Definition of Solid Waste	2050–AE98
3233	SAN No. 5019 Criteria for Safe and Environmentally Protective Use of Granular Mine Tailings	2050–AG27
3234	SAN No. 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
3235	SAN No. 3856 Management of Cement Kiln Dust (CKD)	2050–AE34
3236	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers	2050–AE81
3237	SAN No. 4469 Standards for the Management of Coal Combustion Wastes—Non-Power Producers and Minefilling	2050–AE83
3238	SAN No. 4735 RCRA Smarter Waste Reporting	2050–AF01
3239	SAN No. 4701 E-Cycling Pilot Project For Region 3 States (ECOS); Streamlining RCRA Regulations To Encourage Reuse, Recycling, and Recovery of Electronic Equipment	2003–AA00
3240	SAN No. 4606 Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development	2050–AE93
3241	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision)	2050–AC71
3242	SAN No. 4778 Revisions of the Lead-Acid Battery Export Notification and Consent Requirements	2050–AF06
3243	SAN No. 4743 Land Disposal Restrictions: Macroencapsulation of Radioactive Lead Solids; Definition of Macroencapsulation	2050–AF12
3244	SAN No. 3147.1 Hazardous Waste Manifest Revisions - Standards and Procedures for Electronic Manifests	2050–AG20
3245	SAN No. 4977 Expanding the Comparable Fuels Exclusion Under RCRA	2050–AG24
3246	SAN No. 5047 NESHAP for Hazardous Air Pollutants for Hazardous Waste Combustors	2050–AG29

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3247	SAN No. 4084 RCRA Burden Reduction Initiative	2050–AE50
3248	SAN No. 3189 Final Determination of the Applicability of the Toxicity Characteristic Rule to Petroleum Contaminated Media and Debris From Underground Storage Tanks	2050–AD69

EPA

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3249	SAN No. 4824 Hazardous Waste Generator Program Evaluation	2050–AG25
3250	SAN No. 3333.1 NESHAP for Hazardous Waste Combustors (Amendments)	2050–AG30

OIL POLLUTION ACT (OPA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3251	SAN No. 2634.2 Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule, 40 CFR Part 112	2050–AG16

OIL POLLUTION ACT (OPA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3252	SAN No. 2634.3 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Requirements—Amendments	2050–AG23

OIL POLLUTION ACT (OPA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3253	SAN No. 2634.4 SPCC - Extension of Compliance Dates	2050–AG28

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

Sequence Number	Title	Regulation Identifier Number
3254	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules	2050–AD75
3255	SAN No. 4971 National Contingency Plan Revisions To Align With the National Response Plan	2050–AG22

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

Sequence Number	Title	Regulation Identifier Number
3256	SAN No. 3423 Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste (K178)	2050–AE12
3257	SAN No. 4736 Administrative Reporting Exemption for Certain Air Releases of NOx	2050–AF02

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

Sequence Number	Title	Regulation Identifier Number
3258	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities	2050–AF03
3259	SAN No. 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—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3260	SAN No. 4201 Criteria for the Designation of Hazardous Substances Under CERCLA Section 102(a)	2050–AE63
3261	SAN No. 4739 Standards and Practices for Conducting All Appropriate Inquiries	2050–AF04

CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3262	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II	2040–AD39
3263	SAN No. 4996 Concentrated Animal Feeding Operation Rule	2040–AE80
3264	SAN No. 5040 Water Transfers Rule	2040–AE86

CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3265	SAN No. 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
3266	SAN No. 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
3267	SAN No. 4690 National Pollutant Discharge Elimination System Permit Requirements for Peak Wet Weather Discharges From Municipal Wastewater Treatment Plants Serving Sanitary Sewer Collection Systems Policy	2040–AD87
3268	SAN No. 4950 Test Procedures for the Analysis of E. coli, Enterococci, Fecal Coliforms, and Salmonella Under the Clean Water Act	2040–AE68
3269	SAN No. 4965 2006 Effluent Guidelines Program Plan	2040–AE76
3270	SAN No. 4995 Rulemaking on Direct Application of Pesticides to Waters of the United States in Compliance With FIFRA	2040–AE79
3271	SAN No. 4979 Amendments to NPDES Regulations for Storm Water Discharges From Oil/Gas Exploration, Production, Processing, or Treatment Operations, or Transmission Facilities	2040–AE81

CLEAN WATER ACT (CWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3272	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	2050–AE87
3273	SAN No. 4370 Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Point Source Category, Dissolving Kraft and Dissolving Sulfite Subcategories (Phase III)	2040–AD49
3274	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act	2040–AC75
3275	SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring	2040–AC92
3276	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures	2040–AC93
3277	SAN No. 4049 Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act	2040–AD09
3278	SAN No. 3786 NPDES Applications Revisions	2040–AC84
3279	SAN No. 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
3280	SAN No. 4746 Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters	2040–AD89
3281	SAN No. 4822 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines	2040–AE61
3282	SAN No. 4948 Effluent Limitations Guidelines and Standards for Airport Deicing Operations	2040–AE69
3283	SAN No. 4949 Effluent Limitations Guidelines and Standards for Drinking Water Supply and Treatment	2040–AE74
3284	SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters	2040–AE77

EPA

CLEAN WATER ACT (CWA)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3285	SAN No. 4980 Effluent Limitations Guidelines and Standards for the Vinyl Chloride and Chlor-Alkali Point Source Categories	2040–AE82

CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3286	SAN No. 4947 Effluent Guidelines for the Iron and Steel Manufacturing Point Source Category (Revision)	2040–AE78
3287	SAN No. 4996.1 Concentrated Animal Feeding Operations—Compliance Dates	2040–AE85

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3288	SAN No. 4821 Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List	2040–AE60
3289	SAN No. 4981 National Primary Drinking Water Regulations for Lead and Copper: Short-Term Regulatory Revisions and Clarifications	2040–AE83

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3290	SAN No. 2340 National Primary Drinking Water Regulations: Ground Water Rule	2040–AA97
3291	SAN No. 4770 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions	2040–AD93

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

Sequence Number	Title	Regulation Identifier Number
3292	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040–AA94
3293	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb	2040–AC13
3294	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	2040–AD54
3295	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements	2040–AD94
3296	SAN No. 4745 Drinking Water Contaminant Candidate List 3	2040–AD99
3297	SAN No. 4236 Underground Injection Control: Update of State Programs	2040–AD40
3298	SAN No. 4966 Drinking Water Regulations for Aircraft Public Water System	2040–AE84

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3299	SAN No. 4341 National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule	2040–AD37
3300	SAN No. 4342 National Primary Drinking Water Regulations: Stage 2 Disinfection Byproducts Rule	2040–AD38

EPA

SHORE PROTECTION ACT (SPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3301	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations	2040–AB85

Environmental Protection Agency (EPA) — Proposed Rule Stage

General

2890. PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT AND ASSESSING THE ENVIRONMENTAL EFFECTS ABROAD OF EPA REGULATIONS

Priority: Other Significant

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 of Executive orders and other cross-cutting requirements into the NEPA process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Action	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4292;

Agency Contact: Robert Hargrove, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, DEPP–SPMMP, Washington, DC 20460
Phone: 202 564–0000
Fax: 202 564–0070
Email: hargrove.robert@epamail.epa.gov

Jaime Loichinger, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Environmental Protection Agency, Office of Enforcement and Compliance, 2252A, Washington, DC 20460
Phone: 202 564–0276

RIN: 2020–AA42

2891. 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	06/00/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

2892. 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	06/00/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 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

2893. 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	11/00/06	
Final Action	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

2894. REVISE EPAAR 1552.211–79 TO INCLUDE ACCESSIBILITY STANDARDS FOR CONTRACT DELIVERABLES (508) AND OTHER IT REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301, sec 205(c); 41 USC 418(b)

CFR Citation: 48 CFR 1511; 48 CFR 1552

Legal Deadline: None

Abstract: This action will amend the Environmental Protection Agency Acquisition Regulation (EPAAR) to require contractors to identify applicable accessibility (508) standards in contract deliverables.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4931;

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–AA90

2895. ● SIMPLIFIED ACQUISITION FINANCING

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This is implementing Agency guidance of a Federal Acquisition Regulation change allowing financing options for simplified acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5063;

Agency Contact: Susan Kantrowitz, Environmental Protection Agency, Administration and Resources Management, 3102A, Washington, DC 20460
Phone: 202 564–4317
Fax: 202 564–1887
Email: kantrowitz.susan@epa.gov

Tiffany Schermerhorn, Environmental Protection Agency, Administration and Resources Management, 3102A, Washington, DC 20460
Phone: 202 564–9902
Fax: 202 564–1887
Email: schermerhorn.tiffany@epamail.epa.gov

RIN: 2030–AA92

2896. 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 2701–2761; 42 USC 300(f) to 300(j)–26; 42 USC 6901–6992(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 submit 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	11/00/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4836;

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

Gerald Filbin, Environmental Protection Agency, Office of the Administrator, 1807T, Washington, DC 20460
Phone: 202 566–2182
Fax: 202 566–2211
Email: filbin.gerald@epamail.epa.gov

RIN: 2090–AA35

Environmental Protection Agency (EPA) General — Final Rule Stage

2897. 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
Direct Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

2898. ● IMPLEMENTATION OF AUTHORITY TO APPOINT RESEARCH SCIENTISTS.

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This is an administrative provision in title II which authorizes the Administrator, after consultation with OPM, to make up to five appointments in any fiscal year from 2006 to 2011 for the Office of Research and Development only under the authority provided in 42 U.S.C. 209.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5062;

Agency Contact: Susan Kantrowitz, Environmental Protection Agency, Administration and Resources Management, 3102A, Washington, DC 20460
Phone: 202 564–4317
Fax: 202 564–1887
Email: kantrowitz.susan@epa.gov

John T. Obrien, Environmental Protection Agency, Administration and Resources Management, 1200 Pennsylvania Ave, NW, Washington, DC 20460
Phone: 202 564–7876
Email: obrien.johnt@epamail.epa.gov

RIN: 2030–AA91

2899. AMENDMENT OF THE STANDARDS FOR RADIOACTIVE WASTE DISPOSAL IN YUCCA MOUNTAIN, NEVADA

Priority: Other Significant

Legal Authority: PL 102–486

CFR Citation: 40 CFR 197

Legal Deadline: None

Abstract: This action will amend the standards for Yucca Mountain, Nevada (40 CFR Part 197). These standards were issued in 2001 and were partially remanded by a Federal court in 2004. These amendments will address the remanded portion of the standards, viz., the compliance period. Yucca Mountain is the site of a potential geologic repository for spent nuclear fuel and high-level radioactive waste. It is about 100 miles northwest of Las Vegas, Nevada, and straddles the boundaries of the Nevada Test Site, Bureau of Land Management land, and an Air Force bombing range. The site is being developed by the Department of Energy (DOE). The DOE will submit a license application to the Nuclear Regulatory Commission (NRC). We (EPA) were given the authority to set Yucca Mountain-specific standards in the Energy Policy Act of 1992 (EnPA). The EnPA also requires NRC to adopt our standards in its licensing regulations and use them as a basis to judge compliance of the repository's performance. The Agency issued final Yucca Mountain standards in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame. The Court found that the 10,000-year compliance period violates our

authorizing statute for Yucca Mountain regulation because it is not ''based upon and consistent with'' scientific recommendations required from the National Academy of Sciences under the legislation. To address the Court's opinion, we must reassess the time frame in light of the National Academy's recommendation that compliance must be addressed at the time of peak dose, which may be as long as several hundred thousand years into the future.

Timetable:

Action	Date	FR Cite
NPRM	08/22/05	70 FR 49014
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4964;

Agency Contact: Ray Clark, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9198
Fax: 202 343–9198
Email: clark.ray@epa.gov

Raymond Lee, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9463
Fax: 202 343–2503
Email: lee.raymond@epa.gov

RIN: 2060–AN15

2900. PROJECT XL SITE SPECIFIC RULEMAKING FOR NASA WHITE SANDS TEST FACILITY ELECTRONIC REPORTING IN LAS CRUCES, NEW MEXICO (PHASES I – 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 requirements under 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	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4536; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WASTE/2001/October/Day-31/f27380.htm;

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: 202 566–2211
Email: filbin.gerald@epamail.epa.gov

RIN: 2090–AA27

Environmental Protection Agency (EPA) — Long-Term Actions

General

2901. 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; 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 take reasonable 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.

EPA—General — Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	07/24/03	68 FR 43824
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 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@epamail.epa.gov

Jeanette Brown, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 1230A, Washington, DC 20460
Phone: 202 564–4100
Fax: 202 501–0756
Email: brown.jeanettel@epamail.epa.gov

RIN: 2020–AA39

2902. 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.

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 No. 3240;

Agency Contact: Sara Hisel–McCoy, Environmental Protection Agency, Office of Environmental Information, 2822–T, Washington, DC 20460
Phone: 202 566–1649
Fax: 202 566–1639
Email: hisel-mccoy.sara@epamail.epa.gov

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

RIN: 2025–AA02

Environmental Protection Agency (EPA) General — Completed Actions

2903. CROSS–MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE (CROMERRR)

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
NPRM	08/31/01	66 FR 46162
Final Action	10/13/05	70 FR 59848

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Evi Huffer
Phone: 202 566–1697
Fax: 202 260–9322
Email: huffer.evi@epamail.epa.gov

David Schwarz
Phone: 202 566–1704
Fax: 202 566–1684
Email: schwarz.david@epamail.epa.gov

RIN: 2025–AA07

2904. PRIVACY ACT REGULATIONS (REVISED)

Priority: Info./Admin./Other

CFR Citation: 40 CFR 16 (revised)

Completed:

Reason	Date	FR Cite
NPRM	09/14/04	69 FR 55377
Final Action	01/04/06	71 FR 232

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Judy Hutt
Phone: 202 566–1668
Fax: 202 566–1639
Email: hutt.judy@epamail.epa.gov

Deborah Williams
Phone: 202 566–1659
Fax: 202 566–1648
Email: williams.deborah@epamail.epa.gov

RIN: 2025–AA13

2905. MISCELLANEOUS REVISIONS TO EPAAR CLAUSES

Priority: Substantive, Nonsignificant

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

EPA—General — Completed Actions

Completed:

Reason	Date	FR Cite
Direct Final Action	10/25/05	70 FR 61567

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dan Humphries
Phone: 202 564–4377
Email: humphries.daniel@epamail.epa.gov

RIN: 2030–AA84

2906. ● TSCA COMPLIANCE MONITORING GRANT REGULATION AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: TSCA Section 28

CFR Citation: 40 CFR 35.312

Legal Deadline: None

Abstract: This action is to revise the Toxic Substances Control Act (TSCA) Compliance Monitoring Grant Regulation, 40 CFR 35.312 by deleting the reference to a competitive process. This action will be filed as a direct final rule. The language in the regulation currently reads '' EPA will award TSCA compliance monitoring grant funds to States through a competitive process in accordance with the national program guidance.'' This regulation will be revised by deleting the phrase ''through a competitive process'' from the regulation. The action is necessary to reflect how TSCA compliance monitoring grants funding States with PCB and asbestos compliance monitoring programs are managed.

Timetable:

Action	Date	FR Cite
Final Action	02/13/06	71 FR 7414

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5004; EPA publication information: Final Action - http://www.epa.gov/fedrgstr/EPA-TOX/2006/February/Day-13/t1309.htm;

Agency Contact: Phyllis Flaherty, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 202 564–4131
Fax: 202 564–0050
Email: flaherty.phyllis@epamail.epa.gov
Iliana Tamacas, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 281 983–2113
Fax: 281 983–2124
Email: tamacas.iliana@epamail.epa.gov

RIN: 2070–AJ24

2907. GUIDELINES FOR CARCINOGEN RISK ASSESSMENT

Priority: Info./Admin./Other

CFR Citation: None

Completed:

Reason	Date	FR Cite
Guidance published by EPA	04/07/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Wood
Phone: 202 564–3358
Email: wood.bill@epamail.epa.gov

RIN: 2080–AA06

Environmental Protection Agency (EPA) — Prerule Stage

Clean Air Act (CAA)

2908. ● REQUIREMENTS FOR REFORMULATED GASOLINE (RFG) UNDER THE 8–HOUR OZONE STANDARD FOR BUMP–UP AREAS DESIGNATED ATTAINMENT FOR THE 1–HOUR OZONE STANDARD PRIOR TO REVOCATION

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: Reformulated Gasoline (RFG) is gasoline blended to reduce emissions that cause ozone smog. The Clean Air Act (CAA) requires certain areas to use RFG, depending on how serious the ozone problem is—i.e., how far it is from attaining the National Ambient Air Quality Standards (NAAQS) for ozone. In some cases, areas that previously had a less-serious ozone problem subsequently experience worse air quality, and in such cases the Clean Air Act requires them to be ''bumped up'' to a higher category, thereby requiring RFG use. One complication is that the Agency is now implementing the transition from the previous ozone standard, based on the amount of pollution measured over a 1-hour period, to the new ozone standard, based on an 8-hour period. This rule would set regulations for such cases. EPA is inviting comment on two options for such cases. Under the first option, an area would be required to use RFG at least until it is redesignated to attainment for the 8-hr NAAQS. This option would rely on an anti-backsliding approach that emphasizes that the area is still an ozone nonattainment area notwithstanding its redesignation to attainment of the 1-hour NAAQS. EPA would interpret the Act as requiring continued use of RFG in the proposal areas due to their continued status as ozone nonattainment areas under the 8-hour NAAQS. An area would remain an RFG area at least until it is redesignated to attainment for the 8-hour NAAQS. Under the second option, EPA would interpret CAA section 211(k)(10)(D) such that an area would no longer be considered an RFG area after redesignation to attainment for the 1-hour NAAQS, if the State requests removal of RFG and demonstrates that removal would not result in loss of emission reductions relied upon in the State attainment plan. This option would allow for removal of the RFG program for proposal areas during transition to the 8-hour NAAQS, unlike the approach adopted for other bump-up areas. This option would implement an antibacksliding approach with a trigger date (date of revocation of the 1-hour NAAQS) that is different from that otherwise used. EPA recently redesignated Atlanta to attainment of the 1-hour NAAQS , prior to revocation of the 1-hour NAAQS. Thus, Atlanta

EPA—Clean Air Act (CAA) — Prerule Stage

is the only bump-up area that would fall within the scope of this proposal.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5022;

Agency Contact: Kurt Gustafson, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202 343–9219
Fax: 202 343–2800
Email: gustafson.kurt@epa.gov

Leila Cook, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 734 214–4820
Email: cook.leila@epamail.epa.gov

RIN: 2060–AN63

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

2909. 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
NPRM	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4768;

Agency Contact: Behram Shroff, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9707
Fax: 202 343–9707
Email: shroff.behram@epamail.epa.gov

RIN: 2060–AK81

2910. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7408; 42 USC 7409

CFR Citation: 40 CFR 50

Legal Deadline: NPRM, Judicial, December 20, 2005.
Final, Judicial, September 27, 2006.

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 a 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. On January 17, 2006, EPA proposed rules regarding the primary and secondary PM NAAQS (71 FR 2620) as well as proposed revisions to the ambient air monitoring regulations (71 FR 2710).

Timetable:

Action	Date	FR Cite
NPRM	01/17/06	71 FR 2620

Action	Date	FR Cite
NPRM Comment Period End	04/17/06	
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 4255; ; EPA Docket information: OAR-2001-0017

URL For More Information: www.epa.gov/ttn/naaqs/standards/pm/s__pm__index.html

Agency Contact: Beth Hassett–Sipple, Environmental Protection Agency, Air and Radiation, C539–01, Washington DC, DC 20460
Phone: 919 541–4605
Fax: 919 541–0237
Email: hassett-sipple.beth@epa.gov

Karen Martin, Environmental Protection Agency, Air and Radiation, C504–06, Research Triangle Park, NC 27711
Phone: 919 541–5274
Fax: 919 541–0237
Email: martin.karen@epa.gov

RIN: 2060–AI44

2911. 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. This proposed action will not impact small businesses, or State, local, or tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4531;

Agency Contact: Jeff Herzog, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 48105
Phone: 734 214–4227
Email: herzog.jeff@epamail.epa.gov

RIN: 2060–AJ61

2912. 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	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 4070;

Agency Contact: Tom Coda, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, NC 27711
Phone: 919 541–3037
Fax: 919 541–0824
Email: coda.tom@epa.gov

RIN: 2060–AH93

2913. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 49

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 minor stationary sources and major stationary sources of air pollution in nonattainment areas 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	07/00/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Tribal

Additional Information: SAN No. 3975;

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

Jessica Montanez, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–3407
Fax: 919 541–5509
Email: sutton.lisa@epamail.epa.gov

RIN: 2060–AH37

2914. 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	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

2915. 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, –.
Final, Judicial, December 31, 2006, consent decree.

Abstract: The Halogenated Solvent Cleaning NESHAP limits emissions of HAP from solvent cleaning machines that use any of the following halogenated solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1, -trichloroethane, carbon tetrachloride, chloroform, or any combination of these solvents in a total concentration greater than 5 percent by weight. Each individual solvent cleaning machine is an affected source. The Halogenated Solvent Cleaning NESHAP was projected to reduce nationwide emissions of hazardous air pollutants (HAP) from halogenated solvent cleaning machines by 85,300 tons per year, or 63 percent of the 1991 baseline emissions of 140,525 tons/year. On December 3, 1999, the rule was amended by adding compliance options for continuous web cleaning machines. Continuous web cleaning machines are considered a subset of in-line cleaning machines and are defined as: ''a solvent cleaning machine in which parts such as film, coils, wire, and metal strips are cleaned at speeds typically in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent application area of the solvent cleaning machine, and then recoiled or cut.'' 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	06/00/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Federalism: Undetermined

Additional Information: SAN No. 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, C–539–03, Research Triangle Park, NC 27711
Phone: 919 541–2363
Fax: 919 541–1039
Email: dail.lynn@epamail.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@epamail.epa.gov

RIN: 2060–AK22

2916. 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 for doing 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 provided in the CAA.

Timetable:

Action	Date	FR Cite
Notice of Complete Petition	05/26/05	70 FR 30407
NPRM	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4782;

Agency Contact: Scott Jenkins, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–1167
Email: jenkins.scott@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–5368
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AK84

2917. 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, –.
Final, Judicial, December 15, 2006, Court ordered deadline for final rule.

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	06/00/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4659;

Sectors Affected: 325 Chemical Manufacturing

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5402
Fax: 919 541–3470
Email: mcdonald.randy@epamail.epa.gov

KC Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK14

2918. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; 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. There are no new categories being regulated nor are any limits being lowered. Several definitions are being updated to provide more clarity. The variance process is being streamlined. A correction is being made to the address for Region 3.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
Final Action	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 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@epa.gov

Penny Lassiter, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Research Triangle Park, NC 27709
Phone: 919 541–5396
Email: lassiter.penny@epamail.epa.gov

RIN: 2060–AI62

2919. 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 the specific 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 33283
NPRM Correction	10/02/03	68 FR 56809
Supplemental NPRM	07/00/06	
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4599; Split from RIN 2060-AJ58. The previous ANPRM was under SAN No. 3525.; EPA Docket information: EPA-HQ-OAR-2002-0064

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

URL For More Information: www.epa.gov\ozone\title6

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

Karen Thundiyil, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9464
Fax: 202 343–2342
Email: thundiyil.karen@epamail.epa.gov

RIN: 2060–AK26

2920. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO2) AREA

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 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 and limitedly approved and partially and limitedly 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	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4542;

Sectors Affected: 32411 Petroleum Refineries

Agency Contact: Laurie Ostrand, Environmental Protection Agency, Regional Office Denver, 8P–AR, Denver, CO 80202
Phone: 303 312–6437
Fax: 303 312–6064
Email: ostrand.laurie@epamail.epa.gov

Cynthia Cody, Environmental Protection Agency, Regional Office Denver, 8P–AR, Denver, CO 80202
Phone: 303 312–6228
Fax: 303 312–6064
Email: cody.cynthia@epamail.epa.gov

RIN: 2008–AA00

2921. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412(b)(5) et seq

CFR Citation: 40 CFR 63 subpart SS; 40 CFR 63.8; 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	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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, C330–02, Research Triangle Park, NC 27711
Phone: 919 541–5365
Fax: 919 541–1039
Email: parker.barrett@epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AJ86

2922. 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 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 rule-makings, but to do so in a way that will not degrade the performance of the overall measurement system. 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	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4633;

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

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

2923. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): 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 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 changing 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 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.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 4793;

Agency Contact: Dave Svendsgaard, Environmental Protection Agency, Air

and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–2380
Fax: 919 541–1039
Email: svendsgaard.dave@epamail.epa.gov

Lisa Sutton, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–3450
Fax: 919 541–1039
Email: sutton.lisa@epamail.epa.gov

RIN: 2060–AL75

2924. 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: EPA coordinated the section 126 Rule with another rule known as the NOx State Implementation Plan (SIP) Call, because both rules address 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, an 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. In this current action, EPA is proposing that the Michigan Phase I SIP meets the proposed revised section 126 Rule withdrawal criteria, and therefore, if EPA finalizes the withdrawal criteria as proposed, EPA would withdraw the section 126 Rule for sources in Michigan.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local

Additional Information: SAN No. 4796;

Agency Contact: Carla Oldham, Environmental Protection Agency, Air and Radiation, C539–02, RTP, NC 27711
Phone: 919 541–3347
Fax: 919 541–1039
Email: oldham.carla@epamail.epa.gov

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

RIN: 2060–AL83

2925. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MOTOR VEHICLES: ON–BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY–DUTY ENGINES AND VEHICLES ABOVE 14,000 POUNDS & IN–USE, NOT–TO–EXCEED EMISSION STND. TESTING

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	05/00/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4809;

Agency Contact: Todd Sherwood, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 48105
Phone: 734 214–4405
Email: sherwood.todd@epamail.epa.gov

Holly Pugliese, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 48105
Phone: 734 214–4288
Email: pugliese.holly@epamail.epa.gov

RIN: 2060–AL92

2926. 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 Part 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
NPRM	10/00/06	
Final Action	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4819;

URL For More Information: www.epa.gov\ozone\mbr

Agency Contact: Hodayah Finman, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9246
Fax: 202 565–2079
Email: finman.hodayah@epamail.epa.gov

Marta Montoro, Environmental Protection Agency, Air and Radiation, 6205 J, Washington, DC 20460
Phone: 202 343–9321
Fax: 202 343–2338
Email: montoro.marta@epamail.epa.gov

RIN: 2060–AL94

2927. ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR Part 60; 40 CFR Part 61; 40 CFR Part 63; 40 CFR Part 65

Legal Deadline: Other, Judicial, March 31, 2006, Thompson Report date.

Abstract: This rule would amend existing regulations controlling emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAP) under the Clean Air Act. These regulations are codified at 40 CFR Part 60, 61, 63, and 65. These regulations require periodic leak detection and repair (LDAR) of pumps, valves, and connectors. The current work practice requires each pump, valve, and connector to be individually monitored for leaks. Facilities have had LDAR programs in place for over 20 years and view them as burdensome because they are labor intensive. Newer image 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	04/00/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4830;

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–0837
Fax: 919 541–0246
Email: markwordt.david@epamail.epa.gov

KC Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AL98

2928. NESHAP: AREA SOURCE STANDARDS—PAINT STRIPPING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Statutory, December 15, 2005.
Final, Statutory, December 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 smaller pollution sources grouped within urban areas. 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	01/00/07	
Final Rule	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4861;

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

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AM07

2929. 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	09/00/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, Tribal

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

Additional Information: SAN No. 4846;

Agency Contact: Martha Smith, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711

Phone: 919 541–2421
Email: smith.martha@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM08

2930. 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
NPRM	10/00/06	
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4856;

URL For More Information: www.epa.gov\ozone\title6\608

Agency Contact: Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9870
Fax: 202 343–2338
Email: banks.julius@epamail.epa.gov

Nancy Smagin, Environmental Protection Agency, Air and Radiation, 6205–J, Washington, DC 20460
Phone: 202 343–9126
Fax: 202 343–2337
Email: smagin.nancy@epamail.epa.gov

RIN: 2060–AM09

2931. 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.
NPRM, Judicial, October 31, 2006, Consent decree.
Final, Judicial, December 20, 2007, Consent decree.

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 area source categories considered for listing.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Tribal

Additional Information: SAN No. 4859;

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–0837
Fax: 919 541–0246
Email: markwordt.david@epamail.epa.gov

KC Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM14

2932. NESHAP: TOTAL FACILITY LOW RISK DETERMINATION (TFLRD) FOR RESIDUAL RISK

Priority: Other Significant

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 standards, as necessary, to provide an ample margin of safety and protect against adverse environmental effects. Many facilities have numerous MACT standards that they are subject to. This action would propose an alternative emissions standard whereby a facility able to make a facility-wide low-risk determination could meet this alternative standard instead of other applicable residual risk standards.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4848;

Agency Contact: Scott Jenkins, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–1167
Email: jenkins.scott@epamail.epa.gov

David Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–5368
Email: guinnup.david@epa.gov

RIN: 2060–AM22

2933. REQUIREMENTS FOR TRANSMIX PROCESSING AND BLENDING UNDER THE REFORMULATED GASOLINE AND GASOLINE SULFUR RULES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7545 (c) & (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	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

2934. NESHAP: SITE REMEDIATION: AMENDMENTS

Priority: Other Significant

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 will revise language in the final rule to correct errors or language that doesn't reflect our intent. Specifically, we will revise language specifying where the concentration for remediation material management units (RMMU) is measured (i.e., from point of extraction to point of treatment — as proposed in the original rule). We will also clarify that facilities with active remediations can use the 1 Mg HAP exemption if they qualify rather than limit it to new remediations. We will also clarify that facilities meeting equipment leak standards for part 61 or other part 63 standards are exempt from those similar provisions in 63 subpart GGGGG. Grammatical errors and incorrect section references will be corrected as well.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4866;

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27709
Phone: 919 541–3078
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM30

2935. PREVENTION OF SIGNIFICANT DETERIORATION FOR NITROGEN OXIDES

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: NPRM, Judicial, February 14, 2005, Proposal signed 02/14/2005: Published: 70 FR 8880, 02/23/2005. 60–day comment period, ending 04/25/2005.
Final, Judicial, September 30, 2005, Signature.

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 2 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 EPA on an enforceable schedule to issue new regulations under the original court remand. Consequently, EPA agreed to a 2-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. The supplemental notice of proposed rulemaking provides further explanation and additional technical support for an option proposed under the NO2 Increment Rulemaking (issued at 70 FR 59582 on October 12, 2005). This option would explain EPA's position and propose that any State subject to CAIR and opting into the EPA-administered regional cap and trade program under CAIR will satisfy the requirements under section 166 of the Act for prevention of significant deterioration (PSD) of air quality for NOx; thereby, enabling that State to request EPA approval to exempt sources from the NO2 increment analysis under the PSD regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/23/05	70 FR 8880
Final Action	10/12/05	70 FR 59582
Supplemental NPRM	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4881; EPA publication information: Final Action - http://www.epa.gov/fedrgstr/EPA-AIR/2005/October/Day-12/a20110.htm; ; EPA Docket information: http://www.epa.gov/edocket OAR-2004-0013

Agency Contact: Dan Deroeck, Environmental Protection Agency, Air and Radiation, C339–03, RTP, DC 27711
Phone: 919 541–5593
Email: deroeck.dan@epamail.epa.gov

Jessica Montanez, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–3407
Fax: 919 541–5509
Email: sutton.lisa@epamail.epa.gov

RIN: 2060–AM33

2936. CONTROL OF EMISSIONS FROM SPARK–IGNITION ENGINES AND FUEL SYSTEMS FROM MARINE VESSELS AND SMALL EQUIPMENT

Priority: Economically Significant. Major under 5 USC 801.

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	09/00/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 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

2937. 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 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 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. Both iron foundries and steel foundries were listed as high priority source categories via a toxicity-weighting analysis. Extensive data gathering and analyses were performed during the development of MACT standards for major iron and steel foundries. The database that was compiled is now being analyzed to determine if additional information gathering would be required. We intend to consider both MACT and GACT as control options for regulated emission sources. Several HAPs have been identified that may be present in air emissions in significant enough quantities to be of concern. The metal HAPs emitted from melting furnaces include cadmium, chromium, lead, manganese, and nickel. Aromatic organic HAPs produced by mold-and core-making lines, melting furnaces, and pouring, cooling and shakeout (PCS) lines contain acetophenone, benzene, cumene, dibenzofurans, dioxins, naphthalene, phenol, pyrene, toluene, and xylene. The nonaromatic organic HAPs emitted are formaldehyde, methanol, and triethylamine. There are approximately 300 area source iron foundries in the U.S., with about 75 percent being small businesses. We estimate that 65 percent of the area source iron foundries have production under 10,000 tons per year. There are approximately 200 area source steel foundries in the U.S., with about 70 percent being small businesses. We estimate that 85 percent of the area source steel foundries have production under 10,000 tons per year. A preliminary analytical blue print was prepared in November 2004.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	
Final Action	03/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4879;

Agency Contact: Conrad Chin, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–1512
Email: chin.conrad@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AM36

2938. FLEXIBLE AIR PERMIT RULE

Priority: Other Significant

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 field experiences. 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 typically accomplished by authorizing a source to make certain types of changes (e.g., additional equipment and/or modifications to a source's method of operation, equipment, raw materials, emission factors, or monitoring parameters) without requiring further review and/or approval provided the source meets specific criteria outlined in its permit. While the chosen solution will depend on individual State permitting rules and requirements, such techniques typically include descriptions of changes or categories of changes authorized to occur under the approved permit terms, one or more emissions caps to safeguard NAAQS and/or to assure certain requirements are not applicable, procedures for testing pollution control device performance and updating emissions factors or parameter values without requiring the permit to be amended or re-opened, streamlining of redundant requirements by applying the most stringent applicable requirement, and provisions to encourage pollution prevention. Flexible permitting has the potential to benefit a wide variety of types of facilities that are regulated under the CAA'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; improved public understanding of a facility's activities over an extended period of time; increased certainty and flexibility to make changes in response to the market; and no less environmental protection (i.e., often more occurs from the use of emissions caps and the increased use of pollution prevention practices).

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4885;

Agency Contact: Michael A. Trutna, Environmental Protection Agency, Air and Radiation, C304–03, Research Triangle Park, NC 27709
Phone: 919 541–5345
Fax: 919–541–4028
Email: trutna.mike@epa.gov

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

RIN: 2060–AM45

2939. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR ARCHITECTURAL COATINGS — AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 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	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 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@epamail.epa.gov

RIN: 2060–AM47

2940. CONTROL OF ULTRA LOW SULFUR DIESEL FUEL LUBRICITY: NOTICE OF PROPOSED RULEMAKING

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	09/00/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4899;

Agency Contact: Chris Laroo, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4937
Email: laroo.chris@epamail.epa.gov

RIN: 2060–AM48

2941. 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: Not Yet Determined

Legal Deadline: None

Abstract: This rule would amend the rule on refrigerant recycling equipment intended for use with substitute refrigerants. This amendment would clarify how the requirements of Clean Air Act 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	08/00/06	
Final Action	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4916;

URL For More Information: www.epa.gov\ozone\title6\608

Agency Contact: Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9870
Fax: 202 343–2338
Email: banks.julius@epamail.epa.gov

Nancy Smagin, Environmental Protection Agency, Air and Radiation, 6205–J, Washington, DC 20460
Phone: 202 343–9126
Fax: 202 343–2337
Email: smagin.nancy@epamail.epa.gov

RIN: 2060–AM49

2942. NESHAP: AREA SOURCE STANDARDS—CLAY CERAMICS INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 63

Legal Deadline: None

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 source categories 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	12/00/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4906;

Agency Contact: John Schaefer, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–0296
Fax: 919 541–5600
Email: schaefer.john@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AM53

2943. PROTECTION OF THE STRATOSPHERIC OZONE: ALTERNATIVES FOR THE MOTOR VEHICLE AIR CONDITIONING SECTOR UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM

Priority: Other Significant

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 motor vehicle 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 motor vehicle 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
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4918;

Agency Contact: Karen Thundiyil, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9464
Fax: 202 343–2342
Email: thundiyil.karen@epamail.epa.gov

Jeff Cohen, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9005
Fax: 202 343–2363
Email: cohen.jeff@epa.gov

RIN: 2060–AM54

2944. 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; 42 USC 7601; 42 USC 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 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	07/00/06	
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4901;

Agency Contact: Nancy Smagin, Environmental Protection Agency, Air and Radiation, 6205–J, Washington, DC 20460
Phone: 202 343–9126
Fax: 202 343–2337
Email: smagin.nancy@epamail.epa.gov

Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9870
Fax: 202 343–2338
Email: banks.julius@epamail.epa.gov

RIN: 2060–AM55

2945. NESHAP FOR STAINLESS AND NONSTAINLESS STEEL ELECTRIC ARC FURNACE (EAF) MANUFACTURING

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR 63

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

Abstract: There are approximately 93 small steel mills (minimills) that melt steel scrap in 142 electric arc furnaces (EAF). Minimills account for roughly half of US steel production (50 million tons per year). The scrap charged to the furnace is the source of HAP emissions. A major source of scrap is recycled automobiles, which may contain mercury switches, lead components, oil, grease, plastics, and other materials that can contribute to HAP emissions. Pollutants of interest for the EAF NESHAP are manganese, lead, chromium, nickel, and mercury.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 4889; ; EPA Docket information: OAR-2004-0083

Agency Contact: Bob Schell, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27711
Phone: 919 541–4116
Fax: 919 541–3207
Email: schell.bob@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AM71

2946. NESHAP: GASOLINE DISTRIBUTION STAGE I — AREA SOURCE STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 63

Legal Deadline: NPRM, Judicial, October 31, 2006, court ordered deadline.
Final, Judicial, December 20, 2007, court ordered deadline.

Abstract: The Clean Air Act (CAA) includes two provisions—sections 112(c)(3) and 112(k)(3)(B)(ii)—that instruct us to identify and list source categories that contribute to the emissions of the 30 ''listed'' (or area source) Hazardous Air Pollutants (HAP), and that are, or will be, subject to standards under section 112 of the CAA. EPA listed ''Gasoline Distribution Stage I'' as a new area source category in the Integrated Urban Strategy for National Air Toxics Program (July 19, 1999, 40 FR 38706). Further, we agreed under a 2003 consent agreement to propose a rule for this area source category on or before October 31, 2006, and promulgate a final rule by December 20, 2007. No definitions are published for ''Gasoline Distribution Stage I'' area sources. However, Stage I is generally understood to include gasoline storage and transfer operations as gasoline is moved from the production refinery process units to and including the gasoline station storage tank. Stage II refers to the vehicle refueling operation part of a gasoline station and is regulated under CAA sections 182(b)(3) and 202(a)(6). These rules will cover area sources within this source category. Area sources emit or have a potential to emit less than 10 tons per year of any single HAP or less than 25 tons per year of total HAP. The higher emitting sources (major sources) in this industry are already regulated (40 CFR 63, subpart R) under CAA section 112 national emission standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4907;

Agency Contact: Stephen Shedd, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–5397
Fax: 919 685–3195
Email: shedd.steve@epa.gov

RIN: 2060–AM74

2947. NESHAP: GENERAL PROVISIONS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.1

Legal Deadline: None

Abstract: The proposed amendments would revise and codify EPA's policy on when a major source can become an area source, and thus become not subject to national emission standards for hazardous air pollutants (NESHAP) for major sources. EPA is reconsidering the policy, established in a May 16, 1995 memorandum, which allows sources to attain area source status prior to the source's first substantive compliance date of an applicable NESHAP for major sources. No source would be subject to the requirements unless they voluntarily decided to implement them.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4908;

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919 541–5262
Fax: 919 541–5600

Email: colyer.rick@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AM75

2948. STANDARDS OF PERFORMANCE FOR STATIONARY SPARK IGNITED INTERNAL COMBUSTION ENGINES

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

Legal Authority: Clean Air Act Section 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, May 23, 2006, court ordered deadline. Final, Judicial, December 20, 2007, court ordered deadline.

Abstract: This project is to develop New Source Performance Standards (NSPS) for stationary reciprocating internal combustion spark ignited engines. This includes two stroke lean burn (2SLB) engines, four stroke lean burn (4SLB) engines, and four stroke rich burn (4SRB) engines. These standards are being developed under section 111 of the CAA to require the application of the best system of emission reduction taking into account the cost of achieving emission reductions and environmental and energy impacts. The pollutants that will be addressed in this rulemaking are PM, NOx, SO2, and CO. The project is on a litigated schedule to propose by May 06 and to promulgate by December 07. Information gathering began in early April 04 and will result in the development of regulatory packages to propose and promulgate an NSPS standard.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Additional Information: SAN No. 4915;

Agency Contact: Jaime Pagan, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–5340
Email: pagan.jaime@epamail.epa.gov

Robert Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epa.gov

RIN: 2060–AM81

2949. NESHAP: DEFENSE LAND SYSTEMS AND MISCELLANEOUS EQUIPMENT

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 63

Legal Deadline: None

Abstract: This regulation will control emissions of hazardous air pollutants (HAP) from surface coating operations performed on-site at installations owned or operated by the Armed Forces of the United States (including the Coast Guard and the National Guard of any such state) or the National Aeronautics and Space Administration and the surface coating of military munitions manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such state). Aerospace and shipbuilding surface coating operations at these installations were originally covered by the already-promulgated MACT standards for aerospace manufacturing and rework and shipbuilding and ship repair. However, other recently-promulgated surface coating MACT standards were also expected to address other surface coating operations at these installations (e.g., miscellaneous metal parts and products, plastic parts and products, etc.). Following proposal of these standards EPA received comments indicating that a separate standard for defense operations is a better approach. Accordingly, this rulemaking will address all surface coating activities at these installations which do not meet the applicability criteria of either the Aerospace Manufacturing and Rework or Shipbuilding and Ship Repair MACT standards.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4926;

Agency Contact: Kim Teal, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919 541–5580
Fax: 919 541–3470
Email: teal.kim@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AM84

2950. NESHAP: IRON AND STEEL FOUNDRIES; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 63

Legal Deadline: None

Abstract: The EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for iron and steel foundries on April 22,2004. EPA was subsequently petitioned by industry concerning several issues. EPA has engaged in negotiations with industry concerning these issues and is issuing these amendments to address the concerns. The amendments clarify several sections of the rule and provide clearer and more consistent directions on complying with the standards. The amendments are being promulgated in two groups, denoted by ''1'' and ''2'' in the schedule below.

Timetable:

Action	Date	FR Cite
Final Action 1	05/20/05	70 FR 29400
NPRM 2	08/00/06	
Final Action 2	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 4927;

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27711
Phone: 919 541–5289
Email: mulrine.phil@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AM85

2951. NESHAP: TACONITE IRON ORE PROCESSING; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 63

Legal Deadline: None

Abstract: EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for Taconite Iron Ore Processing on October 30, 2003 (68 FR 61867). EPA was subsequently petitioned by National Wildlife Federation (NWF) concerning several technical issues, including the alleged failure for EPA to establish emission standards for mercury and asbestos. EPA has decided to voluntarily remand both the mercury and asbestos sections of the rule. The motions for both remands were granted by the United States Court of Appeals.

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4929;

Agency Contact: Conrad Chin, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–1512
Email: chin.conrad@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AM87

2952. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NON–ATTAINMENT NEW SOURCE REVIEW (NSR): RECONSIDERATION OF INCLUSION OF FUGITIVE EMISSIONS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Title I

CFR Citation: 40 CFR Parts 51 and 52

Legal Deadline: None

Abstract: On July 11, 2003, EPA received a petition for reconsideration on behalf of Newmont USA Limited, and Newmont Mining Corporation (''Newmont'') that stated that the December 31, 2002 (67 FR 80185) final rule included fugitive emissions for the purposes of determining whether a facility had undergone a major modification for the first time. The EPA is announcing their reconsideration of this issue arising from our final rules of December 31, 2002.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
Final Action	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4940;

Agency Contact: Jabeen Akhtar, Environmental Protection Agency, Air and Radiation, C339–03, Washington, DC 20460
Phone: 919 541–0503
Fax: 919 541–5509
Email: akhtar.jabeen@epamail.epa.gov

Pam Long, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–0641
Fax: 919 541–5509
Email: long.pam@epamail.epa.gov

RIN: 2060–AM91

2953. IMPLEMENTING PERIODIC MONITORING IN FEDERAL AND STATE OPERATING PERMIT PROGRAMS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 70.6(c)(1); 40 CFR 71.6(c)(1); 40 CFR 64

Legal Deadline: None

Abstract: This rule would revise the Compliance Assurance Monitoring rule (40 CFR part 64) to be implemented through the operating permits rule (40 CFR Parts 70 and 71) to define when periodic monitoring for monitoring stationary source compliance must be created, and to include specific criteria that periodic monitoring must meet. This rule satisfies our four-step strategy announced in the final Umbrella Monitoring Rule (published January 22, 2004) to address monitoring inadequacies. The four steps were: 1) to clarify the role of title V permits in monitoring [Umbrella Monitoring Rule]; 2) to provide guidance for improved monitoring in PM-Fine SIP's; 3) to take comment on correction of inadequate monitoring provisions in underlying rules; and 4) to provide guidance on periodic monitoring. We have completed the RIA data collection and most of the analyses, but have not yet completed the internal review. We are drafting RIA text with a goal of completion by January 2006.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4699.2; Split from RIN 2060-AK29.

Agency Contact: Peter Westlin, Environmental Protection Agency, Air and Radiation, C339–02, Research Triangle Park, NC 27711
Phone: 919 541–1058
Fax: 919 541–1039
Email: westlin.peter@epa.gov

Robin Langdon, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, NW, Washington, DC 20460
Phone: 919 541–4048

Email: langdon.robin@epamail.epa.gov

RIN: 2060–AN00

2954. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SURFACE COATING OF AUTOMOBILES AND LIGHT–DUTY TRUCKS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 63 subpart IIII

Legal Deadline: None

Abstract: This action will amend the final National Emission Standard for Hazardous Air Pollutants for the surface coating of automobiles and light-duty trucks. These amendments will clarify the interaction between this rule and the NESHAP for surface coating of plastic parts and products. These amendments also will improve the rule by clarifying specific provisions and correcting errors in the original printing of the final rule and announce the availability of a revised version of the Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations. The original final rule was published in the Federal Register on April 26, 2004. (69 FR 22602). The rule affects the surface coating of automobile and light-duty truck bodies and body parts for use in new vehicles at facilities that are major sources of hazardous air pollutants.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4958;

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 Mannnig, Environmental Protection Agency, Air and Radiation, C539–03, Washington, DC 20460
Phone: 919 541–5499
Fax: 919 541–5689
Email: manning.elaine@epa.gov

RIN: 2060–AN10

2955. RESPONSE TO PETITION OF RECONSIDERATION FOR FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR GEORGIA FOR PURPOSES OF REDUCING OZONE INTERSTATE TRANSPORT

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Title I

CFR Citation: 40 CFR 51; 40 CFR 78; 40 CFR 97

Legal Deadline: None

Abstract: In this action, EPA is responding to a petition for reconsideration of a final rule we issued under section 110 of the Clean Air Act (CAA) related to the interstate transport of nitrogen oxides (NOx). On April 21, 2004, EPA issued a final rule that required the State of Georgia to submit SIP revisions that prohibit specified amounts of NOx emissions—one of the precursors to ozone (smog) pollution—for the purposes of reducing NOx and ozone transport across state boundaries in the eastern half of the United States. Subsequently, the Georgia Coalition for Sound Environmental Policy (GCSEP) filed a petition for reconsideration requesting that EPA reconsider the inclusion of the state of Georgia in the rule and also requested a stay of the applicability of the requirements as to the state of Georgia. In response to that petition, EPA proposed to stay the effectiveness of the 2004 rule on 3/1/05 (70 FR 9897), and is undertaking the rulemaking described here to address the issues raised by the petitioners.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4960;

Agency Contact: Jan King, Environmental Protection Agency, Air and Radiation, C539–02, RTP, NC 27711
Phone: 919 541–5665
Email: king.jan@epa.gov

Winifred Okoye, Environmental Protection Agency, Air and Radiation, 2344A, Washington, DC 20460
Phone: 202 564–5446
Email: okoye.winifred@epa.gov

RIN: 2060–AN12

2956. FUEL ECONOMY LABELING OF MOTOR VEHICLES: REVISIONS TO IMPROVE CALCULATION OF FUEL ECONOMY ESTIMATES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC. 2001 to 2003; 15 USC 2005 to 2006; 15 USC 2013

CFR Citation: 40 CFR 600

Legal Deadline: None

Abstract: The Energy Policy and Conservation Act of 1974 requires EPA to establish regulations that require auto manufacturers to display fuel economy estimates on a label for each new vehicle. EPA also has authority to prescribe the test procedures used to calculate these fuel economy estimates. These estimates allow consumers to compare the fuel economy of different vehicles. Current window stickers have two fuel economy estimates, ''City'' and ''Highway.'' While actual driving conditions will cause variations from the EPA estimates, consumers should expect to achieve fuel economy that is reasonably close to those estimates. Since EPA last revised the methods for measuring fuel economy (1985), many conditions have changed—speed limits are higher, congestion has increased, and more vehicles are equipped with power-hungry accessories, like air conditioning. All of these factors will impact a vehicle's actual fuel economy. Some of these factors—aggressive and high-speed driving and air conditioner use in particular—have been addressed in EPA emission test procedures. In the past few years, there has been a growing awareness by consumers indicating that they are experiencing lower actual fuel economy than the EPA estimates. EPA has examined of many factors that are not currently accounted for in our fuel economy estimates. EPA's initial analyses indicate that the fuel economy label estimates are overestimated, perhaps significantly for some vehicles. This action will provide consumers with more accurate and credible information regarding the comparative fuel economy of vehicles. This action will amend the way in which fuel economy estimates are calculated, primarily by incorporating the fuel economy results from additional vehicle tests performed today for emissions compliance purposes. It will also propose changes

to how the fuel economy estimates and other related information are presented to consumers on the vehicle window sticker label. The changes in this action will not impact the Corporate Average Fuel Economy requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/01/06	71 FR 5425
NPRM Comment Period End	04/03/06	
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4962; ; EPA Docket information: EPA-HQ-OAR-2005-0169

Agency Contact: Roberts French, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4380
Email: french.roberts@epamail.epa.gov

Robin Moran, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 48105
Phone: 734 214–4781
Email: moran.robin@epamail.epa.gov

RIN: 2060–AN14

2957. REVISIONS TO THE CONTINUOUS EMISSIONS MONITORING RULE FOR THE ACID RAIN PROGRAM AND THE NOX BUDGET TRADING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 75 (Revision)

Legal Deadline: None

Abstract: This rule would modify the existing requirements for sources affected by the Acid Rain Program, and the NOx Budget Trading Program. The Acid Rain Continuous Emission Monitoring (CEM) rule would be revised to improve implementation by making improvements to the monitoring and reporting process that will benefit both EPA and the facilities affected by the rule. These amendments will have no environmental impacts, and are expected to reduce the ongoing costs and burden associated with reporting emissions under the current rule by instituting a revised reporting procedure that will reduce the redundancy that currently exists with the existing procedures. Specifically, as part of its reengineering efforts, EPA is replacing the existing record type dependant reporting format to an XML data reporting format that takes advantage of technological advances in data management. This fundamental change is expected to reduce the costs of programming data collection systems at the affected facilities and should provide EPA with the flexibility to better adapt its systems to unique data configurations, which are not currently easily (or properly) adaptable by the current reporting structure. EPA expects to reduce the cost and burden associated with resubmittals of data reports due to errors identified after the submittals are made. This action also attempts to clarify, simplify, and enhance certain sections in the CEM rule to make it easier for sources to understand and comply with the regulation. Examples include: providing a mechanism for a source to utilize the concept of long-term cold storage; clarifying that only one monitoring methodology should be specified at any time; and modifying the quality assurance timing requirements for ozone season only reporters. These amendments need to be finalized prior to the planned implementation date of January 1, 2007.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4969;

Agency Contact: Matthew Boze, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460
Phone: 202 343–9211
Fax: 202 343–9211
Email: boze.matthew@epamail.epa.gov

Beth Murray, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460
Phone: 202 343–9211
Fax: 202 343–9211
Email: murray.beth@epamail.epa.gov

RIN: 2060–AN16

2958. NESHAP: AUTOBODY REFINISHING—AREA SOURCE RULE

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: These standards are being developed 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 or 25 tons/year of all HAP. As part of that strategy, several area-source categories were listed for regulation. Autobody Refinishing was listed as one of those categories, and these standards will establish requirements to control pollution from facilities engaged in autobody refinishing. Autobody refinishing facilities are known to emit benzene, cadmium compounds, chromium compounds, lead compounds, manganese compounds, and nickel compounds. In 2004, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for major sources engaged in the surface coating of assembled on-road vehicles as a subcategory of the plastic parts and products NESHAP.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4978;

Agency Contact: Kim Teal, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919 541–5580
Fax: 919 541–3470
Email: teal.kim@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AN21

2959. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7408; 42 USC 7409

CFR Citation: 40 CFR 50

Legal Deadline: Final, Statutory, July 18, 2002, CAA Amendments of 1977.
NPRM, Judicial, March 28, 2007, Consent Decree.
Final, Judicial, December 19, 2007, Consent Decree.

Abstract: The Clean Air Act Amendments of 1977 require EPA to review and, if necessary, revise national ambient air quality standards (NAAQS) periodically. On July 18, 1997, the EPA published a final rule revising the NAAQS for ozone. The primary and secondary NAAQS were strengthened to provide increased protection against both health and environmental effects of ozone. The EPA's work plan/schedule for the next review of the ozone Criteria Document was published on November 2002. The first external review draft Criteria Document, a rigorous assessment of relevant scientific information, was released on January 31, 2005. The EPA's Office of Air Quality Planning and Standards will prepare a Staff Paper for the Administrator, which will evaluate the policy implications of the key studies and scientific information contained in the Criteria Document and additional technical analyses, and identify critical elements that EPA staff believe should be considered in reviewing the standards. The Criteria Document and Staff Paper will be reviewed by the Clean Air Scientific Advisory Committee and the public, and both final documents will reflect the input received through these reviews. As the ozone NAAQS review is completed, the Administrator's proposal to reaffirm or revise the ozone 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
Notice	12/29/05	70 FR 77155
NPRM	03/00/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5008;

Agency Contact: David McKee, Environmental Protection Agency, Air and Radiation, C 539–01, Research Triangle Park, NC 27711
Phone: 919 541–5288
Fax: 919 541–0237
Email: mckee.dave@epa.gov

Karen Martin, Environmental Protection Agency, Air and Radiation, C504–06, Research Triangle Park, NC 27711
Phone: 919 541–5274
Fax: 919 541–0237
Email: martin.karen@epa.gov

RIN: 2060–AN24

2960. PREVENTION OF SIGNIFICANT DETERIORATION, NONATTAINMENT NEW SOURCE REVIEW, AND NEW SOURCE PERFORMANCE STANDARDS: EMISSIONS TEST FOR ELECTRIC GENERATING UNITS

Priority: Other Significant

Legal Authority: Clean Air Act, title I parts C and D and sec 111(a)(4)

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None

Abstract: This rulemaking would create a revised emissions test for existing electric generating units (EGUs) that are subject to the regulations governing the Prevention of Significant Deterioration (PSD) and nonattainment major New Source Review (NSR) programs mandated by parts C and D of title I of the Clean Air Act (CAA). This revised emissions test would be available for EGUs that are also subject to the EPA-administered Clean Air Interstate Rule (CAIR) NOx Annual Trading Program or the CAIR SO2 Trading Program. This emissions test could be extended to other CAIR and non-CAIR EGUs. For existing major stationary sources, the NSR base program emissions test is applied when the source proposes to modify an emissions unit such that the change is a physical change or change in the method of operation, and the test compares actual emissions to either potential emissions or projected actual emissions. Under this rulemaking's revised NSR emissions test (a maximum hourly test like that used in the NSPS program), we would compare the EGU's maximum hourly emissions (considering controls) before the change for the past 5 years to the maximum hourly emissions after the change. Other options for the revised emissions test include a maximum achieved hourly emissions test and an output based emissions test, such as lb/MWh.The supplemental notice will include proposed regulatory language for the three options. The supplemental notice will also include data, information, and analyses concerning the impacts of the proposed options.

Timetable:

Action	Date	FR Cite
NPRM	10/20/05	70 FR 61081
Supplemental NPRM	06/00/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4794.2; Split from RIN 2060-AM95.

URL For More Information: www.epa.gov/nsr

Agency Contact: Janet McDonald, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 20460
Phone: 919 541–1450
Fax: 919 541–5509
Email: mcdonald.janet@epamail.epa.gov

Lynn Hutchinson, Environmental Protection Agency, Air and Radiation, C339–03, Washington, DC 20460
Phone: 919 541–5795
Fax: 919 541–5509
Email: hutchinson.lynn@epamail.epa.gov

RIN: 2060–AN28

2961. PROTECTION OF STRATOSPHERIC OZONE: REVISION TO LISTING OF CARBON DIOXIDE TOTAL FLOODING FIRE EXTINGUISHING SYSTEMS RESTRICTING USE TO ONLY UNOCCUPIED AREAS

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: 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. 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. Independent of any petitions or notifications received, EPA may also initiate updates to the substitute lists based on new data on either additional substitutes or on characteristics of substitutes previously reviewed. Based on new information on the continued and growing use of carbon dioxide total flooding fire extinguishing systems, EPA is revising its listing of carbon dioxide as an acceptable total flooding substitute for ozone-depleting halons to acceptable subject to narrowed use limits. Use would be limited to unoccupied areas where personnel could not be exposed to lethal concentration of the agent. Recent changes to national fire protection industry standards reflect need to improve personnel safety requirements for carbon dioxide systems by limiting its applications. Carbon dioxide total flooding fire extinguishing systems are used in some industrial applications such as automobile paint rooms and in marine applications such as machinery spaces. Restricted use limits on carbon dioxide total flooding systems supports the use of substitutes that are not potentially lethal to personnel that could be exposed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4991;

Agency Contact: Bella Maranion, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9749
Fax: 202 343–2363
Email: maranion.bella@epa.gov

Jeff Cohen, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9005
Fax: 202 343–2363
Email: cohen.jeff@epa.gov

RIN: 2060–AN30

2962. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4701 et seq

CFR Citation: 40 CFR 63.210–17

Legal Deadline: None

Abstract: This action would amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Polyvinyl Chloride and Copolymers. These standards were proposed on December 8, 2000 (65 FR 76958) and originally promulgated on July 10, 2002 (67 FR 45886) but were vacated by the D.C. Circuit on June 18, 2004 in Mossville Environmental Action v. EPA, 370 F.3d 1232 (D.C.Cir. 2004). This action assures continuity of the parts of the standard that were upheld by the court, and addresses the component of these standards, regarding the use of vinyl chloride as a surrogate for all other HAP, that was not upheld by the court.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4988; ; EPA Docket information: OAR-2002-0037

Agency Contact: Warren Johnson, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5124
Fax: 919 541–3470
Email: johnson.warren@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AN33

2963. NESHAP: SITE REMEDIATION AMENDMENTS—RESPONSE TO LITIGATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63 subpart GGGGG

Legal Deadline: None

Abstract: The Site Remediation regulation was promulgated on October 8, 2003. We were challenged by the Sierra Club on several provisions in the rule. We anticipate that settlement negotiations will result in certain revisions to the rule's requirements. The revisions could remove an exemption for certain sources thereby increasing the compliance costs of the final rule by up to $7.7 million.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4866.1; Split from RIN 2060-AM30.; EPA Docket information: OAR-2002-0021

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27709
Phone: 919 541–3078
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AN36

2964. NESHAP: ORGANIC LIQUID DISTRIBUTION (NON–GASOLINE); AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act section 112

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, October 31, 2006.

Abstract: Amendment in response to Petition for Reconsideration of the final rule. It will address control of air emissions from wastewater at OLD facilities. The petitioner who requested that wastewater be controlled was the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC). The facility of concern for PWSRCAC is the Valdez Marine terminal operated by the Alyeska trans Alaska pipeline company. Their specific concern is the ballast water treatment facility. Both Alyeska and PWSRCAC have been testing at the Marine terminal to determine the functionality of the existing system. This amendment will also deal with wastewater emissions from tank draw downs and maintenance which occur at Valdez and other OLD facilities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4910.1; Split from RIN 2060-AM77.

Agency Contact: Martha Smith, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–2421
Email: smith.martha@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AN37

2965. FEDERAL PLAN REQUIREMENTS FOR OTHER SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE DECEMBER 9, 2004

Priority: Substantive, Nonsignificant

Legal Authority: CAA Sections 129 and 111(d)

CFR Citation: 40 CFR Part 62 (New)

Legal Deadline: Final, Statutory, December 16, 2007, Section 129(b)(3) of CAA – 2 Years after promulgation of underlying emission guidelines is deadline for this action.
Other, Statutory, December 16, 2008, Section 129(e)(1) of CAA – 3 Years after promulgation of underlying emission guidelines is Hammer Date for Permit Applications.

Abstract: The Clean Air Act Amendments of 1990 directed the Environmental Protection Agency (EPA) to set emission guidelines under sections 111 and 129 for existing incinerators categorized as other solid waste incinerators (OSWI), a catch-all grouping for those classes of incinerators not directly named in the Act. Under court order, EPA published proposed regulations for OSWI on December 9, 2004. Final regulations for OSWI were published on December 16, 2005. In accordance with section 129, any State with affected sources must submit a State plan by 1 year after publication of the final rule describing how the State will implement the emission guidelines for existing CISWI. Section 129 also requires the Administrator to develop and implement a Federal plan for existing CISWI units located in any State which has not submitted an approvable plan within 2 years of promulgation of the emissions guidelines. In this OSWI Federal plan rulemaking, EPA becomes the implementing authority in those instances where the State or local agency has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, this rulemaking would impose a Federal plan that applies to OSWI in any State, tribe or locale that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the December 2005 rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap-filling measure until the State fulfills its statutory obligations. When the State submits an approvable State Plan, the Federal plan will no longer apply to units in that State.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5011;

Agency Contact: Penny Lassiter, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Research Triangle Park, NC 27709
Phone: 919 541–5396
Email: lassiter.penny@epamail.epa.gov

RIN: 2060–AN43

2966. PROTECTION OF STRATOSPHERIC OZONE: AMENDING REQUIREMENTS TO IMPORT USED OZONE–DEPLETING SUBSTANCES FOR DESTRUCTION IN THE U.S.

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This regulation will streamline the process for importing used ozone-depleting substances for destruction in the U.S. This will further reduce the amount of substances that could otherwise harm the ozone layer.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5017;

Agency Contact: Kirsten Cappel, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9556
Fax: 202 343–2338
Email: cappel.kirsten@epamail.epa.gov

Julius Banks, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9870
Fax: 202 343–2338
Email: banks.julius@epamail.epa.gov

RIN: 2060–AN48

2967. ACTION ON PETITION TO LIST DIESEL EXHAUST AS A HAZARDOUS AIR POLLUTANT

Priority: Substantive, Nonsignificant

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

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

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, February 11, 2005.
NPRM, Judicial, June 12, 2006, tentative deadline for proposal, under negotiation.
Final, Judicial, May 1, 2007, tentative, under negotiation.

Abstract: EPA received a petition from Environmental Defense to list Diesel Exhaust as a Hazardous Air Pollutant (HAP). Upon initially reviewing the petition, we have decided the petition needs to be reviewed and evaluated by a Workgroup to make a final determination on how to proceed. After technical evaluation, the workgroup will recommend to grant or deny the petition. Our current negotiated court ordered deadlines are to propose to list or issue notification of denial by June 12, 2006 with final action by May 1, 2007.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5020; ; EPA Docket information: EPA-HQ-OAR-2005-0489

Agency Contact: Anne Rea, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–0053
Fax: 919 541–0840
Email: rea.anne@epamail.epa.gov

Scott Jenkins, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–1167
Email: jenkins.scott@epamail.epa.gov

RIN: 2060–AN49

2968. ● PROTECTION OF STRATOSPHERIC OZONE: 2007 CRITICAL USE EXEMPTIONS

Priority: Substantive, Nonsignificant

Legal Authority: sec 604 of the CAA

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking will include the solicitation of comments on uses of methyl bromide which the Agency believes meet the criteria for the critical use exemption for the year 2007, and will allocate such exemptions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5051, FDMS Docket Number EPA-HQ-OAR-2005-0538

URL For More Information: www.epa.gov/ozone/mbr

Agency Contact: Hodayah Finman, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9246
Fax: 202 565–2079
Email: finman.hodayah@epamail.epa.gov

Marta Montoro, Environmental Protection Agency, Air and Radiation, 6205 J, Washington, DC 20460
Phone: 202 343–9321
Fax: 202 343–2338
Email: montoro.marta@epamail.epa.gov

RIN: 2060–AN54

2969. ● PROTECTION OF STRATOSPHERIC OZONE: BAN ON THE IMPORT OF PRE–CHARGED PRODUCTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA is concerned with the environmental impacts that could result from the potential continued imports of HCFC pre-charged products after the phaseout of production and importation of bulk substances. Similar concerns resulted in the banning the imports of CFC pre-charged refrigeration products after the 1996 phaseout of production and import of bulk substances. Therefore, EPA intends to propose regulations banning the imports of HCFC pre-charged products under the provisions within title VI of CAAA.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5052;

URL For More Information: www.epa.gov\ozone\title6

Agency Contact: Cindy Newberg, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9729
Email: newberg.cindy@epamail.epa.gov

RIN: 2060–AN58

2970. ● TRANSITION TO NEW OR REVISED PARTICULATE MATTER (PM) NAAQS)

Priority: Other Significant

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

CFR Citation: 40 CFR 51

Legal Deadline: Other, Statutory, January 31, 2006, The 12/20/05 PM NAAQS says we will issue this ANPR by the end of January 2006.

Abstract: In 1997, EPA promulgated revised National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). EPA proposed revisions to the National Ambient Air Quality Standards for particle pollution (NAAQS) on December 20, 2005. The purpose of the ANPR is to assure stakeholders that EPA is aware of and is considering the multiple issues associated with implementing any revised PM fine standards, and possible new PM coarse standards that may result from the December proposal. This ANPR should also provide an opportunity for the public to provide input on the best way to implement these actions. The ANPR will be followed with a proposal possibly by September 2006.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/06	71 FR 6718
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4752.1; EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/February/Day-09/a1798.htm; Split from RIN 2060-AK74.

Agency Contact: Barbara Driscoll, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919 541–3310
Fax: 919 541–1051
Email: driscoll.barbara@epa.gov

Joe Paisie, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919 541–5556
Email: paisie.joe@epa.gov

RIN: 2060–AN59

2971. ● PM2.5 DE MINIMIS EMISSION LEVELS FOR GENERAL CONFORMITY APPLICABILITY

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: General Conformity (GC) requirements become effective for Federal actions in PM2.5 nonattainment areas with start actions dates after April 5, 2006. In the GC Regulations EPA set de minimis emission levels for criteria pollutants where Federal actions with emissions below the de minimis levels are presumed to conform to State Implementation Plans (or applicable emission budgets). Actions that are presumed to conform do not have to make conformity determinations. EPA anticipated publishing de minimis levels for the new PM2.5 standard in its revisions to the GC rule or in the PM2.5 Implementation Rule (whichever would be published earlier). These rules have not been promulgated yet and do not appear they will be finalized before GC requirements become effective in PM2.5 designated nonattainment areas in April 2006. At that time, Federal agencies will be in a position of having to perform applicability analysis without the benefit of published de minimis thresholds. This means all actions (unless currently listed as exempt) taken by a Federal agency in a PM2.5 nonattainment area will need to do a conformity determination (including mitigation and offsets if needed) before they can start the action — even those with zero or very low levels of emissions. To address this issue, we would like to propose and finalize a separate rulemaking on a faster track to set PM2.5 de minimis levels by April 2006. The substance of this separate rulemaking has already undergone workgroup consideration and will undergo final agency review (FAR) as part of the proposal for General Conformity rule revisions. This separate rule would essentially pull the language from the GC revision that will be proposed soon.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5042;

Agency Contact: Tom Coda, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, NC 27711
Phone: 919 541–3037
Fax: 919 541–0824
Email: coda.tom@epa.gov

RIN: 2060–AN60

2972. ● NESHAP FOR MISCELLANEOUS COATING MANUFACTURING; PROPOSED AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: The existing rule for this source category was published on December 11, 2003. These proposed amendments would further clarify applicability for coating manufacturing vs chemical manufacturing. The amendments would also propose extending the compliance date for certain coating manufacturing equipment.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4890.1; Split from RIN 2060-AM72.

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5402
Fax: 919 541–3470
Email: mcdonald.randy@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AN61

2973. ● NESHAP: AREA SOURCE STANDARDS—RECIPROCATING INTERNAL COMBUSTION ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, October 31, 2006, consent decree. Final, Judicial, December 20, 2007, consent decree.

Abstract: We are under a consent decree to propose area-source emission standards for hazardous air pollutants (HAP) from stationary reciprocating internal combustion engines. This action will propose standards for stationary engines smaller than 500 horsepower located at major sources of HAP. In addition we intend to propose standards for stationary engines of all sizes located at area sources of HAP.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5014;

Agency Contact: Jaime Pagan, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711

Phone: 919 541–5340
Email: pagan.jaime@epamail.epa.gov

Robert J Wayland, Environmental Protection Agency, Air and Radiation, C439–01, RTP, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AN62

2974. • REVISIONS TO THE DEFINITION OF POTENTIAL TO EMIT (PTE)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401, 7412, 7414, 7416, and 7601

CFR Citation: 40 CFR 51, 52, 63, 70, 71

Legal Deadline: None

Abstract: EPA proposes to clarify the definition of 'potential to emit' (PTE) for several CAA programs that implement requirements for major sources. To that end, EPA proposes to revise the PTE definition, for several CAA programs to explain the types of limits that are effective in restricting a source's PTE regulated pollutants. EPA's requirement that PTE limits must be federally enforceable to be considered effective in restricting PTE is at issue as a result of three court decisions. EPA's proposal will address this requirement.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5025;

Agency Contact: Grecia Castro, Environmental Protection Agency, Air and Radiation, C304–04, RTP, NC 27711
Phone: 919 541–1351
Fax: 919 541–5509
Email: castro.grecia@epamail.epa.gov

Michael Ling, Environmental Protection Agency, Air and Radiation, C304–03, RTP, NC 27711
Phone: 919 541–4729
Fax: 919 541–0804
Email: ling.michael@epamail.epa.gov

RIN: 2060–AN65

2975. • CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: SAFETEA–LU HOV FACILITIES RULE

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 1121

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, February 6, 2006, Language from Congress requires a final regulatory action by February 6, 2006.

Abstract: It is the sense of Congress to encourage the purchase and use of hybrid and other fuel efficient vehicles, which have been proven to minimize air emissions and decrease consumption of fossil fuels. This regulation establishes the criteria for certifying a vehicle as low emitting and energy-efficient. State HOV programs will reference this regulation in their request to Federal Highway Administration for exceptions to the 2-person minimum occupancy HOV requirement. These regulations are optional for states to implement and will sunset in 2009.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5029;

Agency Contact: Julia Rege, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4614
Email: rege.julia@epamail.epa.gov

Tandi Bagian, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, NW, Washington, DC 48105
Phone: 734 214–4901
Email: bagian.tandi@epamail.epa.gov

RIN: 2060–AN68

2976. • NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR AEROSOL COATINGS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59 subpart E

Legal Deadline: None

Abstract: Under section 183(e) of the Clean Air Act, the EPA is required to list and schedule for regulation those categories of consumer or commercial products that account for at least 80 percent of volatile organic compound (VOC) emissions, on a reactivity adjusted basis, in areas that violate the National Ambient Air Quality Standard for ozone. This rule is intended to meet that requirement for the aerosol spray paint category listed on March 23, 1995. This national regulation will establish a uniform reactivity-based standard for aerosol spray paints modeled after the California Air Resource Board (CARB) Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions. EPA granted final approval of the revisions to the California State Implementation Plan containing this regulation on September 13, 2005. Although mass-based VOC reductions have been made in the aerosol coating category, this reactivity-based approach will achieve additional reductions in ozone formation where further mass-based reductions have proven to be technologically infeasible. This national rule is projected to better control a product's contribution to ozone formation by encouraging reductions of higher reactivity VOCs, rather than treating all VOCs in a product alike through a mass-based approach.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
Final Action	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5030;

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@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AN69

2977. • NEW SOURCE PERFORMANCE STANDARDS (NSPS): EQUIPMENT LEAKS—SUBPARTS VV & GGG

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Statutory, October 31, 2006.
Final, Statutory, October 31, 2007.

Abstract: Section 111(b)(1)(B) of the Clean Air Act requires EPA to review new source performance standards at least every 8 years. Under this project, we will review and, if appropriate, revise the new source performance standards for equipment leaks (subparts VV and GGG in part 60). Equipment leaks are defined as leaks from valves, pumps, compressors, sampling connections, open-ended lines, and pressure relief valves at SOCMI sources (subpart VV) and oil refineries (subpart GGG). We will determine if actual emission reductions currently being achieved due to other programs are greater than the requirements in the current NSPS standards, and whether the current NSPS standards should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
Final Action	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5035;

Agency Contact: Karen Rackley, Environmental Protection Agency, Air and Radiation, C439–02, RTP, NC 27711
Phone: 919 541–0634
Fax: 919 541–3207
Email: rackley.karen@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27709
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AN71

2978. • DEFECT REPORTING FOR ON–HIGHWAY MOTOR VEHICLES AND ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA regulations require manufacturers to report defects of emissions-related equipment or emissions control systems of on-highway motor vehicles and heavy-duty engines. Under the current regulations a defect report is required when a manufacturer determines that the same defect has occurred in 25 or more vehicles or engines. This is an unreasonably small threshold for large engine families/test groups. This action would create new thresholds that would depend upon the size of the engine family/test group. It would also obligate manufacturers to conduct investigations under certain circumstances to determine if an emission-related defect is present. The investigations would be triggered by warranty information, parts shipments, and any other information which may be available to indicate need for an investigation.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5043;

Agency Contact: Christine Mikolajczyk, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4403
Email: mikolajczyk.christine@epamail.epa.gov

Lynn Sohacki, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 48105
Phone: 734 214–4851
Email: sohacki.lynn@epamail.epa.gov

RIN: 2060–AN73

2979. • INTERPRETIVE RULEMAKING TO CLARIFY THE SCOPE OF CERTAIN MONITORING REQUIREMENTS FOR FEDERAL AND STATE OPERATING PERMITS PROGRAMS

Priority: Other Significant

Legal Authority: Clean Air Act title V

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The purpose of this action is to request comments on a proposed interpretation of certain existing regulatory language relative to the need to address the sufficiency of existing monitoring requirements included in State and Federal operating permits programs developed under title V of the Clean Air Act (Act). Specifically, our proposed interpretation is that sections 70.6(c)(1) and 71.6(c)(1) of 40 CFR parts 70 and 71 (previously referred to as the Umbrella Monitoring Rule) do not provide a basis for assessing the adequacy of or adding monitoring requirements to operating permits, independent of such 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 part 64 (the compliance assurance monitoring or CAM, rule) where it applies, and such monitoring as may be required to fill gaps under the separate periodic monitoring requirements of the operating permits rules. We also formally withdraw a September 17, 2002, proposal to revise these paragraphs in parts 70 and 71.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 5044;

Agency Contact: Peter Westlin, Environmental Protection Agency, Air

and Radiation, C339–02, Research Triangle Park, NC 27711
Phone: 919 541–1058
Fax: 919 541–1039
Email: westlin.peter@epa.gov

Barrett Parker, Environmental Protection Agency, Air and Radiation, C330–02, Research Triangle Park, NC 27711
Phone: 919 541–5365
Fax: 919 541–1039
Email: parker.barrett@epa.gov

RIN: 2060–AN74

2980. • REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF COMPOUNDS

Priority: Substantive, Nonsignificant

Legal Authority: CAA

CFR Citation: 40 CFR 51.100

Legal Deadline: None

Abstract: The EPA is proposing to add four compounds (benzotrifluoride, dimethyl succinate, propylene carbonate, and dimethyl carbonate) to the list of negligibly reactive compounds in EPA's definition of VOC.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 5045;

Agency Contact: William Johnson, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, DC 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
Email: keating.terry@epa.gov

RIN: 2060–AN75

2981. • RENEWABLE FUELS STANDARD RULE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 109–58

CFR Citation: 40 CFR 80.1101

Legal Deadline: Final, Statutory, August 6, 2006, The Energy Policy Act of 2005 requires that EPA promulgate RFS regulations by 08/06/2006.

Abstract: The Energy Policy Act of 2005 (the ''Act''), signed into law on August 8, 2005, requires EPA to promulgate regulations implementing the Renewable Fuels Standard (RFS) within one year of enactment. The RFS requires specific volumes of renewable fuel to be in gasoline sold in the U.S. starting with 4.0 billion gal/yr in 2006 up to 7.5 billion gal/yr in 2012. The Act provides that if EPA fails to promulgate regulations within one year, then a default value of 2.78% renewable fuel in gasoline will be in effect for 2006. We recently promulgated a rule (''Renewable Fuel Standards Requirements for 2006'', 70 FR 77325, 12/30/05) to implement the default standard. The Agency must complete its obligation under the Act by promulgating a rule that implements the RFS for years 2007 and beyond. Such rule must establish how the renewable fuel standard is defined and calculated, what parties are liable, and how compliance with the standard is to be determined. In addition, the rule must establish a system by which renewable fuel credits can be generated, and traded/sold between parties. This statutory provision is subject to multiple interpretations of key terms. The ''Renewable Fuel Standard Requirements for 2006'' that we promulgated on 12/30/05 interprets the default provision so that it can be implemented with certainty in the event EPA fails to promulgate the RFS within one year of enactment. It provides for refiners, importers and blenders to meet the 2.78% requirement collectively, rather than on an individual basis. Since our projections show that this value is highly likely to be met in 2006 under planned practices of the refining industry, we do not anticipate any impacts on the industry in general, nor any on small businesses. It will have no effect on State, local or tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Additional Information: SAN No. 5048;

Agency Contact: Barry Garelick, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20005
Phone: 202 343–9028
Fax: 202 343–2802
Email: garelick.barry@epa.gov

David Korotney, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 48104
Phone: 734 214–4507
Fax: 734 214–4050
Email: korotney.david@epamail.epa.gov;

RIN: 2060–AN76

2982. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SEMICONDUCTOR MANUFACTURING: AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: CAA title III

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The promulgated National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing included process vent requirements for inorganic HAP streams or inorganic process HAP streams. However, a small minority of process vents in the industry contain emission streams that combine inorganic and organic HAPs. The purpose of this amendment is to add a definition for mixed stream process vents in order to clarify the rule requirements and avoid the confusion caused by the current rule. These amendments will not add additional burden or cost to the rule.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5055;

Agency Contact: John Schaefer, Environmental Protection Agency, Air

and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–0296
Fax: 919 541–5600
Email: schaefer.john@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AN80

2983. ● PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2007

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: OAR is seeking to allocate essential use allowances for import and production of class I stratospheric ozone depleting substances for calendar 2007. Essential allowances enable a person to obtain newly produced or imported controlled class I ODS under the essential exemption to the regulatory phaseout of these chemical,which became effective on January 1, 1996. Essential uses include the manufacture of important medical devices such as asthma inhalers.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5056;

Agency Contact: Hodayah Finman, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9246
Fax: 202 565–2079
Email: finman.hodayah@epamail.epa.gov

Ross Brennan, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9226
Fax: 202 565–2079
Email: brennan.ross@epamail.epa.gov

RIN: 2060–AN81

2984. ● TRANSPORTATION CONFORMITY RULE AMENDMENTS TO IMPLEMENT PROVISIONS CONTAINED IN THE 2005 TRANSPORTATION BILL (SAFETEA–LU)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7506

CFR Citation: 40 CFR 93; 40 CFR 51.390

Legal Deadline: Final, Statutory, August 9, 2007, SAFETEA–LU requires that EPA revise the transportation conformity rule to address the statutory provisions.

Abstract: The transportation conformity rule ensures that transportation planning is consistent with a State's plan for achieving the air quality standards. These amendments to the rule are necessary as a result of the changes to the Clean Air Act's transportation conformity provisions as mandated by the recent transportation bill, SAFETEA-LU. SAFETEA-LU revised a number of aspects of the Clean Air Act's transportation conformity provisions including: 1)Providing an additional 6 months to re-determine conformity after new State implementation plan (SIP) motor vehicle emissions budgets are either found adequate, approved or promulgated; 2)changing the frequency requirements for transportation conformity determinations; 3)providing an option for reducing the time period covered by conformity determinations; 4)providing procedures for areas to use in substituting or adding transportation control measures (TCMs) to approved SIPs; 5)adding a 1-year grace period for conformity lapses; and 6)streamlining requirements for conformity SIPs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Action	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5057;

Agency Contact: Rudolph Kapichak, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 48105
Phone: 734 214–4574
Fax: 734 214–4052
Email: kapichak.rudolph@epamail.epa.gov

Laura Berry, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 48105
Phone: 734 214–4858
Fax: 734 214–4052
Email: berry.laura@epamail.epa.gov

RIN: 2060–AN82

2985. ● REVISIONS TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES, NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS, & NESHAP FOR SOURCE CATEGORY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR Part 60, 61, 63

Legal Deadline: None

Abstract: The proposed rule will extend the time period required for source owners and operators to conduct initial performance tests in response to force majeures. A force majeure is defined as an event caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that results in not meeting the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facilty.

We recognize that there may be circumstances beyond a source owner's or operator's control that could cause a performance test deadline to be missed and that we must provide a mechanism for consideration of these circumstances and granting of extensions where warranted. Under current rules, a source owner or operator who is unable to comply with testing requirements within the allotted timeframe due to a force majeure is regarded as being in violation and subject to enforcement action. As a matter of policy, EPA has exercised enforcement discretion to avoid finding

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such sources in violation. However, because these failures result in circumstances beyond the control of the source owner or operator, we believe that a more reasonable approach is to provide an opportunity to such owners and operators to make good faith demonstrations and obtain extensions of the performance testing deadline in appropriate circumstances.

EPA's plans to address this issue were noted in the final Clean Air Action National Stack Testing Guidance issued by EPA on September 30, 2005. The following footnote was included in this guidance document. ''The Agency believes that it has the authority under law to allow extensions and plans to conduct notice and comment rulemaking regarding appropriate circumstances in which an extension of initial performance test deadlines may be allowed by regulation.''

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5061;

Agency Contact: Lula Melton, Environmental Protection Agency, Air and Radiation, C304–02, Washington, DC 20460
Phone: 919 541–2910
Fax: 919 541–1039
Email: melton.lula@epa.gov

RIN: 2060–AN84

Environmental Protection Agency (EPA) — Final Rule Stage

Clean Air Act (CAA)

2986. 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 61640
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

2987. 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	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919 541–7774
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AG88

2988. CLEAN AIR FINE PARTICLE IMPLEMENTATION RULE

Priority: Other Significant

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

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). EPA designations of 39 nonattainment areas for the PM2.5

standards became effective on April 5, 2005. The Clean Air Fine Particle Implementation Rule, which was proposed in the Federal Register on November 1, 2005, includes requirements and guidance for State and local air pollution agencies to follow in developing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 standards. These SIP development activities include technical analyses to identify effective strategies for reducing emissions contributing to PM-2.5 levels, and the adoption of regulations as needed in order to attain the standards. 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	11/01/05	70 FR 65984
Final Action	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4752;

Agency Contact: Rich Damberg, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919 541–5592
Fax: 919 541–3207
Email: damberg.rich@epa.gov

Joe Paisie, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919 541–5556
Email: paisie.joe@epa.gov

RIN: 2060–AK74

2989. 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 NSPS and Appendi; 40 CFR 63 – Appendix C to part 63

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 synthetic organic chemical manufacturing industry plants. 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. On December 9, 1998, EPA published a supplement to the proposed rule that consisted of revised definitions, alternative test procedures, and clarifications of requirements, and that proposed to add Appendix J to 40 CFR part 60.

The final rule will encompass 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. In conjunction with the rule development for the NSPS, amendments to appendix C to part 63 were proposed on June 30, 2004 On June 30, 2004, amendments to appendix C to part 63 were proposed (69 FR 39383). See http://www.epa.gov/ttn/atw/nsps/socww/socwwpg.html for more information.

Timetable:

Action	Date	FR Cite
NPRM (NSPS)	09/12/94	59 FR 46780
Supplemental NPRM 1	10/11/95	60 FR 52889
Supplemental NPRM 2	12/09/98	63 FR 67988
NPRM Amdmt	06/30/04	69 FR 39383
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3380;

Sectors Affected: 3251 Basic Chemical Manufacturing

Agency Contact: Mary Kissell, Environmental Protection Agency, Air and Radiation, C439–03, Washington, DC 20460
Phone: 919 541–4516
Email: kissell.mary@epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AE94

2990. 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

the methods. 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	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4161;

Agency Contact: Foston Curtis, Environmental Protection Agency, Air and Radiation, MD–19, Research Triangle Park, NC 20460
Phone: 919 541–1063
Email: curtis.foston@epamail.epa.gov

RIN: 2060–AK61

2991. 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: Since publication of the final Printing and Publishing NESHAP, we have discovered several minor errors. This action will correct those errors and clarify some of the rule language. The main change will be to correct the instructions for determining HAP content of inks and other materials from formulation data. No substantive changes will be made to the stringency of the rule.

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 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

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@epamail.epa.gov

RIN: 2060–AI66

2992. 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: Final, Judicial, July 26, 2006, Original settlement agreement –5/26/06, due to request for extension of public comments, litigants agreed to extend final–7/26/06.

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. 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 HAP metals, 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	12/02/05	70 FR 72330
NPRM 2	01/09/06	71 FR 1403
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4585; ; EPA Docket information: EPA-HQ-OAR-2002-0051

Sectors Affected: 32731 Cement Manufacturing

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

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AJ78

2993. NESHAP: ETHYLENE OXIDE FOR STERILIZATION FACILITIES—RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 6, 2002.
Final, Judicial, March 31, 2006, Consent Decree.

Abstract: This source category covers ethylene oxide commercial sterilizers. Proposal published October 24, 2005. 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 assessment results show cancer incidence less than one. Some commenters have requested we make the current requirements more stringent. Court ordered promulgation signature 3/2006.

Timetable:

Action	Date	FR Cite
NPRM	10/24/05	70 FR 61404
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4654;

Sectors Affected: 3254 Pharmaceutical and Medicine Manufacturing; 311942 Spice and Extract Manufacturing

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–0837
Fax: 919 541–0246
Email: markwordt.david@epamail.epa.gov

KC Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK09

2994. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK AND MACT STANDARDS REVIEW

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, March 31, 2006, consent decree.

Abstract: In 1994, we promulgated technology-based standards for this source category under section 112(d) of the CAA. The facilities covered by the standards and under investigation in this action, include both bulk gasoline terminals and pipeline breakout stations that emit major source levels of air toxics. The current action, required by section 112(f)(2) of the CAA, directs us to assess the risk remaining (residual risk) after the application of technology-based standards. Also, CAA section 112 (d)(6) requires us to review and revise the technology-based standards as necessary by taking into account developments in practices, processes, and control technologies. On August 10, 2005, we proposed no further action to revise the technology-based standards. Our risk assessment found that the risk from these facilities now meets the level we generally consider acceptable. In our technology assessment, we did not find significant advancements in technology. This final rule is under a consent decree requiring Administrator signature by 3/31/06.

Timetable:

Action	Date	FR Cite
NPRM	08/10/05	70 FR 46452
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4655; ; EPA Docket information: OAR-2004-0019

Agency Contact: Steve Shedd, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27709
Phone: 919 541–5397
Fax: 919 685–3195
Email: shedd.steve@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK10

2995. 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.
Final, Judicial, March 31, 2006, court ordered deadline.

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	10/24/05	70 FR 61411
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4660;

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27711
Phone: 919 541–5289
Email: mulrine.phil@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK16

2996. NESHAP: PERCHLOROETHYLENE DRY CLEANING FACILITIES RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, July 13, 2006, c/o deadline (original date 4/28/06, but negotiated extension with litigants, due to request for ext. of public comment period).

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. Approximately 28,000 perchloroethylene (perc) dry cleaning facilities are in existence. Fifteen of these facilities are major sources (use > 2100 gallons of perc per year), subject to MACT requirements under the technology-based NESHAP requirements. The remaining facilities are area sources (use <2100 gallons of perc per year) subject to GACT requirements under the NESHAP. The peer reviewed risk assessment revealed risk from major source dry cleaning facilities in excess of 100 in a million, therefore, EPA is currently assessing options to reduce risk from these

facilities. EPA has agreed with litigants to a deadline of July 13, 2006 for completion of this effort.

Timetable:

Action	Date	FR Cite
NPRM	12/21/05	70 FR 75884
Notice: Extension of Public Comments Period	02/06/06	71 FR 6030
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4662;

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

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

RIN: 2060–AK18

2997. 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, –.
Final, Judicial, March 31, 2006, Court ordered deadline for final rule.

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. The magnetic tape coating process entails a mixture of magnetic (metal) particles, resins, and solvents applied to either a plastic film or paper. The HAP used in this industry include methyl ethyl ketone (MEK), methyl isobutyl ketone (MIBK), toluene, toluene diisocyanate, ethylene glycol, methanol, xylenes, chromium, cobalt, ethylbenzene, and acetaldehyde. The most common HAP solvents are MEK (68 percent) and toluene (29 percent). The non-HAP solvents used in this industry include cyclohexanone, acetone, and isopropyl alcohol (IPA). The magnetic particles are combinations of iron, chrome, and cobalt. Particulate HAP emissions can result from handling of materials, cleaning of process equipment, and adding dry media to mix tanks during coating mix preparation. New processes for manufacturing magnetic tape products have been developed by at least one company in recent years. There are a total of six facilities manufacturing magnetic tape in the nation. Half of these are located in the State of Alabama. The residual risk analyses performed for this source category and the final determination to develop and promulgate additional standards for the source category is dependent on certain policy decisions. The EPA modeled each of the six facilities with magnetic tape manufacturing source category emission sources and found no facilities with a cancer risk at or above 1 in 1 million. The EPA also found the maximum noncancer risks from these facilities to be significantly below 0.2. The EPA believes that these six facilities constitute all of the emissions from this source category and that the assessment is likely to overestimate rather than underestimate risks. Therefore, EPA has determined that this source category currently presents an acceptable level of cancer and noncancer risks and provides an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	10/24/05	70 FR 61417
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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, C–539–03, Research Triangle Park, NC 27711
Phone: 919 541–2363
Fax: 919 541–1039
Email: dail.lynn@epamail.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@epamail.epa.gov

RIN: 2060–AK23

2998. 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; 40 CFR 63.18

Legal Deadline: None

Abstract: We are amending the part 63 General Provisions to 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 promulgating these amendments to encourage and promote pollution prevention, which is our strategy of 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
NPRM	05/15/03	68 FR 26249
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4719;

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919 541–5262
Fax: 919 541–5600
Email: colyer.rick@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AK54

2999. 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. That 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. This action also proposes to withdraw the section 126 Rule in States that meet the proposed revised criteria.

Timetable:

Action	Date	FR Cite
NPRM	04/04/03	68 FR 16644
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4689;

Agency Contact: Carla Oldham, Environmental Protection Agency, Air and Radiation, C539–02, RTP, NC 27711
Phone: 919 541–3347
Fax: 919 541–1039
Email: oldham.carla@epamail.epa.gov

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

RIN: 2060–AK41

3000. 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	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4604;

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4287
Email: brunner.christine@epamail.epa.gov

Patrice Simms, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 564–5593
Email: simms.patrice@epamail.epa.gov

RIN: 2060–AJ82

3001. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES

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 7521

CFR Citation: 40 CFR Part 80; 40 CFR Part 86

Legal Deadline: NPRM, Judicial, February 28, 2006, Consent Decree. Final, Judicial, February 9, 2007, Consent Decree.

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	03/29/06	71 CFR 15803
Final Action	02/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 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
Email: lieske.christopher@epamail.epa.gov

RIN: 2060–AK70

3002. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7) (SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: 42 USC 7412(r)

CFR Citation: 40 CFR Part 68

Legal Deadline: None

Abstract: In the October 2005 Regulatory Agenda, EPA stated that it would perform a review of the Accidental Release Prevention Requirements Rule per section 610 of the Regulatory Flexibility Act. No comments were received. EPA is now announcing the completion of that review. EPA has concluded that this rule should remain in effect without modification.

BACKGROUND: EPA promulgated the Accidental Release Prevention Requirements on June 20, 1996 (61 FR 31668); which apply to all stationary sources with process(es) that contain more than a threshold quantity of a regulated substance. Processes are divided into three categories: the potential for offsite consequences associated with a worst-case accidental release; accident history; or compliance with the prevention requirements under OSHA's Process Safety Management (PSM) regulations. Processes that have no potential impact on the public in the case of an accidental release have minimal requirements. For other processes, sources must implement a risk management program that includes more detailed requirements for hazard assessment, prevention, and emergency response. Processes in industry categories with a history of accidental releases and processes already complying with OSHA's PSM are subject to prevention program requirements that are almost identical to elements of the OSHA standard. All other processes are subject to streamlined prevention requirements. All sources must prepare a risk management plan (RMP) based on the risk management programs established at the source. The sources submit the plan to EPA. The first submission of RMPs was due on June 20, 1999; with updates due on June 20, 2004. Some sources re-submitted their plans or revised their plans after the first submission. Approximately 15,000 sources are subject to the accidental release prevention regulations. Based on the regulatory flexibility analysis for the 1993 proposal, EPA concluded that the rule would create a severe, adverse impact on small entities. In February 1995, EPA published a supplemental proposal to introduce a tiering approach for this regulation. By using the tiering approach and streamlining requirements for some of the regulated entities, the 1996 final rule resulted in significantly reduced impacts on small businesses. Entities with complex processes follow more rigorous requirements and those with simple processes follow streamlined requirements.

To further reduce the burden on covered facilities, including small business, EPA developed: (1) industry-specific guidance for small, non-chemical sector businesses (i.e., water treatment facilities, ammonia refrigeration, propane retailers/distributors). These documents help facilities develop their risk management programs and RMPs; (2) an electronic program, RMP*Submit, to facilitate the submissions, which incorporated more user friendly features and help menus to assist facilities, particularly those small- and medium-sized facilities with less expertise; and (3) a web-based tool to facilitate the reporting of those administrative changes required by the regulation to be updated with more frequency.

EPA amended the regulations which further reduced burden on small entities. On March 13, 2000, EPA modified the regulations to conform to the fuels provisions of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act. The rule was revised to exclude flammable substances when used as a fuel or held for sale as a fuel at a retail facility. This reduced burden on many small- to medium-sized facilities, particularly farms. On April 9, 2004, EPA revised the regulations to remove the regulatory requirement for covered facilities to include in the executive summaries of their RMPs a brief description of the off-site consequence analysis for their facilities.

EPA has a Hotline; a Reporting Center public access number for questions on RMP*Submit and RMP web-based reporting tools; a web-site; and a frequently-asked-questions database.

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

Timetable:

Action	Date	FR Cite
Begin Review	10/01/05	
End Comment Period	01/02/06	
End Review	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5018; ; EPA Docket information: OAR-2005-0166

Agency Contact: Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–8019
Fax: 202 564–2625
Email: jacob.sicy@epa.gov

Vanessa Rodriguez, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–7913
Fax: 202 564–2625
Email: rodriguez.vanessa@epa.gov

RIN: 2050–AG26

3003. 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: Other, Judicial, December 20, 2005, This is tied to SAN 4255, PM NAAQS which is under c/o deadline for signature 12/20/05. The final is under judicial 9/27/06. Final, Judicial, September 27, 2006, Relevant areas of the PM monitoring methods and network are tied to the consent decree for the PM NAAQS.

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. At this time that we are proposing revisions to the PM monitoring program as part of the review of the PM NAAQS, we are also proposing revisions to the overall structure of the monitoring regulations that 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	01/17/06	71 FR 2710
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 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, D243–02, Research Triangle Park, NC 27711
Phone: 919 541–4417
Fax: 919 541–1039
Email: hanley.tim@epamail.epa.gov

Lewis Weinstock, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919 541–3661
Fax: 919 541–1903
Email: weinstock.lewis@epamail.epa.gov; lewisweinstock/rtp/usepa/us@epamail.epa.gov

RIN: 2060–AJ25

3004. 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	10/13/05	70 FR 59690
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4570;

Sectors Affected: 336112 Light Truck and Utility Vehicle Manufacturing

Agency Contact: David Korotney, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 48104
Phone: 734 214–4507
Fax: 734 214–4050
Email: korotney.david@epamail.epa.gov;

Paul Machiele, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 48105
Phone: 734 214–4264
Email: machiele.paul@epamail.epa.gov

RIN: 2060–AJ72

3005. 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. 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	01/04/05	70 FR 646
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4632;

Agency Contact: Marilyn Bennett, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202 343–9624
Fax: 202 343–2803
Email: bennett.marilyn@epamail.epa.gov

RIN: 2060–AK02

3006. 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	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4706;

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4287
Email: brunner.christine@epamail.epa.gov

Patrice Simms, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 564–5593
Email: simms.patrice@epamail.epa.gov

RIN: 2060–AK69

3007. PROTECTION OF STRATOSPHERIC OZONE: VARIOUS MINOR AMENDMENTS TO THE REGULATIONS IMPLEMENTING THE ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT AND EXPORT

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82 (Revision)

Legal Deadline: None

Abstract: This direct final rule would amend the current regulations governing the production and trade of certain ozone-depleting substances to address technical issues concerning the export of previously imported material, trade with parties not part of the Montreal Protocol, and the exemption allowance petition process.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4804;

URL For More Information: www.epa.gov\ozone\title6

Agency Contact: Cindy Newberg, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9729
Email: newberg.cindy@epamail.epa.gov

Tom Land, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9185
Fax: 202 343–9226
Email: brennan, ross@epamail.epa.gov

RIN: 2060–AL90

3008. FIVE–YEAR REVIEW OF MACT STANDARDS FOR LARGE MWC

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq.

CFR Citation: 40 CFR 60

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

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	12/19/05	70 FR 75348
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4829;

Agency Contact: Walt Stevenson, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–5264
Fax: 919 541–5264
Email: stevenson.walt@epamail.epa.gov

Brian Shrager, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–7689
Fax: 919 541–5450
Email: shrager.brian@epamail.epa.gov

RIN: 2060–AL97

3009. NESHAP: OIL AND NATURAL GAS PRODUCTION FACILITIES – AREA SOURCE RULE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.760 to 779

Legal Deadline: Final, Statutory, November 30, 2000.
NPRM, Judicial, June 30, 2005.
Final, Judicial, December 21, 2006, consent decree.

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. A supplemental proposal was published in the FR on July 8, 2005. We proposed two options — that the control requirements apply in all locations or to just facilities in Urban 1 and Urban 2 counties. The control requirements only apply to triethylene glycol dehydration units.

Timetable:

Action	Date	FR Cite
NPRM	07/08/05	70 FR 39441
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4875; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/July/Day-08/a13480.htm;

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27709
Phone: 919 541–3078
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM16

3010. 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: This final rule amends 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 will potentially be required as part of EPA's implementation of the 8-hour ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	01/06/05	70 FR 1314
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4854; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/January/Day-06/a177.htm;

Agency Contact: Dave Sosnowski, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 48105
Phone: 734 214–4823
Email: sosnowski.dave@epamail.epa.gov

Joe Pedelty, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 48105
Phone: 734 214–4410
Email: pedelty.joe@epamail.epa.gov

RIN: 2060–AM21

3011. FIRE SUPPRESSION AND EXPLOSION PROTECTION LISTING UNDER SNAP

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 direct final rule updates the current SNAP list of acceptable alternatives for ozone-depleting substances in the fire suppression and explosion protection sector. The revisions to the SNAP lists will be done through a ''direct final'' rulemaking because we view them as non-controversial and anticipate no adverse comment. In this direct final rule, we are introducing new substitutes giving businesses and users additional flexibility in safely transitioning away from ozone-depleting halons in the fire protection sector. This action does not place any significant burden on users but provides new halon substitutes while continuing to protect human health and the environment.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4857; ; EPA Docket information: EPA-HQ-OAR-2005-0087

URL For More Information: www.epa.gov/ozone

Agency Contact: Bella Maranion, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9749
Fax: 202 343–2363
Email: maranion.bella@epa.gov

Karen Thundiyil, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9464
Fax: 202 343–2342
Email: thundiyil.karen@epamail.epa.gov

RIN: 2060–AM24

3012. NESHAP: HYDROCHLORIC ACID PRODUCTION AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401et seq.

CFR Citation: 40 CFR 63 (revision)

Legal Deadline: Other, Statutory, April 17, 2006, Compliance date for rule is 4/17/2006.

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 believes 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	08/24/05	70 FR 49530
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4867; ; EPA Docket information: OAR-2002-0057

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

Robert J Wayland, Environmental Protection Agency, Air and Radiation, C439–01, RTP, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AM25

3013. 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
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4880; EPA publication information: Direct Final Action w/NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-08/a23714.htm;

Agency Contact: Julia Rege, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4614
Email: rege.julia@epamail.epa.gov

Lynn Sohacki, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 48105
Phone: 734 214–4851
Email: sohacki.lynn@epamail.epa.gov

RIN: 2060–AM32

3014. 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: Final, Judicial, February 23, 2006, Settlement agreement published 10/26/05 signed by all parties agreed to a 2/23/06 signature date.

Abstract: A final rule for this source category was published on November 10, 2003. Several parties petitioned the rule and this action will address issues raised by the petitioners. The settlement agreement calls for two final rulemakings. The first is on the extension of the compliance date and the second, to follow within 4 months, is on the remaining issues.

Timetable:

Action	Date	FR Cite
NPRM	12/08/05	70 CFR 73098
Final Compliance Date Extension	03/01/06	71 FR 10439
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4891; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-08/a23666.htm;

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5402
Fax: 919 541–3470
Email: mcdonald.randy@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AM43

3015. 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 40 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 w/NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4900;

URL For More Information: www.epa.gov\ozone\title6

Agency Contact: Hodayah Finman, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9246
Fax: 202 565–2079
Email: finman.hodayah@epamail.epa.gov

Ross Brennan, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9226
Fax: 202 565–2079
Email: brennan.ross@epamail.epa.gov

RIN: 2060–AM46

3016. NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR): FINAL RULES

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51, app S

Legal Deadline: None

Abstract: This action will promulgate changes to regulations that govern NSR permitting of major stationary sources in nonattainment areas where there is no approved SIP. Appendix S of 40 CFR part 51 contains the permitting program for major stationary sources in nonattainment areas in transition periods before approval of an SIP to implement part D of title I. This action will revise appendix S to conform it to the changes made to regulations at 40 CFR 51.165 for SIP programs for nonattainment major NSR (67 FR 80816; December 31, 2002). It will cover Baseline Emissions Determination, Actual-to- Future-Actual Methodology, Plantwide Applicability Limitations. The action will also cover Clean Units and Pollution Control Projects to the extent they are covered in the NSR base program as affected by recent court decisions.

Timetable:

Action	Date	FR Cite
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3259.2; Split from RIN 2060-AE11. See also SAN 4390

Agency Contact: Lisa Sutton, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–3450
Fax: 919 541–1039
Email: sutton.lisa@epamail.epa.gov

Janet McDonald, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 20460
Phone: 919 541–1450
Fax: 919 541–5509
Email: mcdonald.janet@epamail.epa.gov

RIN: 2060–AM59

3017. NESHAP: INTEGRATED IRON AND STEEL; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Other, Judicial, September 23, 2005, 113(g) notice established proposal deadline.

Abstract: The EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for integrated iron and steel facilities on May 20,2003. The EPA was subsequently petitioned by industry and EarthJustice concerning several issues. The EPA has engaged in negotiations with both industry and EarthJustice concerning the issues and is issuing these amendments to address the concerns. The amendments clarify several sections of the rule and provide clearer and consistent directions on complying with the standards.

Timetable:

Action	Date	FR Cite
NPRM	08/30/05	70 FR 51306
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4909; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-30/a17193.htm;

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27711
Phone: 919 541–5289
Email: mulrine.phil@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AM76

3018. NESHAP: ORGANIC LIQUID DISTRIBUTION—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 63

Legal Deadline: Final, Judicial, July 10, 2006, Original settlement date–5/10/06 – due to request for extension of public comments, litigants agreed to extend final to 7/10/06.
NPRM, Judicial, October 31, 2006, settlement date.

Abstract: Two amendments will be written in which requests for reconsideration will be addressed. End users have always been covered by the rule. It has always been our intention to cover distribution of organic liquids wherever it might take place. This will be clarified in the first amendment. Recordkeeping requirements will also be reduced. Typographical and cross-referencing errors will be corrected and control requirement oversights will be corrected.

Timetable:

Action	Date	FR Cite
NPRM	11/14/05	70 FR69210
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4910; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/November/Day-14/a22108.htm;

Agency Contact: Martha Smith, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–2421
Email: smith.martha@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM77

3019. STANDARDS OF PERFORMANCE FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 111

CFR Citation: 40 CFR 60.42

Legal Deadline: NPRM, Judicial, June 29, 2005, court ordered deadline.
Final, Judicial, June 28, 2006, court ordered deadline.

Abstract: This project is to develop New Source Performance Standards

(NSPS) for stationary reciprocating internal combustion compression ignition (diesel) engines. These standards are being developed under section 111 of the CAA to require the application of the best system of emission reduction taking into account the cost of achieving emission reductions and environmental and energy impacts. The pollutants that will be addressed in this rulemaking are PM, NOx, SO2, and CO. The project is on a tight litigated schedule to be promulgated by June 2006.

Timetable:

Action	Date	FR Cite
NPRM	07/11/05	70 FR 39870
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4914;

Agency Contact: Jaime Pagan, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–5340
Email: pagan.jaime@epamail.epa.gov

Robert Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epa.gov

RIN: 2060–AM82

3020. REGULATION OF FUELS AND FUEL ADDITIVES: REFINER AND IMPORTER QUALITY ASSURANCE REQUIREMENTS FOR DOWNSTREAM OXYGENATE BLENDING

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This rule would amend the reformulated gasoline regulations to allow refiners and importers of ''reformulated gasoline blendstock for oxygenate blending,'' or RBOB, to use an alternative method of fulfilling the regulatory requirement to conduct quality assurance sampling and testing at downstream oxygenate blending facilities. This alternative method would consist of a comprehensive program of quality assurance sampling and testing calculated to achieve the same objectives as the current regulatory quality assurance requirement; i.e., to ensure that all facilities that blend oxygenate with RBOB in a given reformulated gasoline area are blending the required amounts of oxygenate. The program would be carried out by an independent association funded by an industry consortium. The program would be conducted pursuant to a survey plan, approved by EPA. This action will not have any adverse environmental impact.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4930;

Agency Contact: Marilyn Bennett, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202 343–9624
Fax: 202 343–2803
Email: bennett.marilyn@epamail.epa.gov

RIN: 2060–AM88

3021. PART 63 GENERAL PROVISIONS—RESPONSE TO PETITION TO RECONSIDER

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, March 31, 2006, date given to court that EPA will complete reconsideration.

Abstract: This notice will respond to the Natural Resource Defense Council's petition to reconsider certain aspects of the May 30, 2003 amendments to the part 63 General Provisions. The primary issue is public access to startup, shutdown, and malfunction plans.

Timetable:

Action	Date	FR Cite
NPRM	07/29/05	70 FR43992
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4934;

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919 541–5262
Fax: 919 541–5600
Email: colyer.rick@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AM89

3022. NESHAP FOR REFRACTORY PRODUCTS MANUFACTURING—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 91–190, sec 203

CFR Citation: 40 CFR 63

Legal Deadline: Other, Statutory, April 30, 2006, Compliance Date.

Abstract: The national emission standards for hazardous air pollutants (NESHAP) for new and existing refractory products manufacturing facilities, were promulgated on April 16, 2003, under section 112(d) of the Clean Air Act (CAA). These amendments clarify the testing and monitoring requirements of the NESHAP, bring the NESHAP into consistency with recent changes to the General Provisions to part 63, and make certain technical corrections to the rule. OMB reviewed these amendments and suggested that EPA clarify that if a source chose to comply with the percent reduction limit, and then turned back the thermal oxidizers at the heated process after the organic HAP are driven from the refractory products, then that source may choose to comply with the concentration limit to show compliance with the rule during the time period that the exhaust stream from the heated process is uncontrolled. This clarification was made because under the rule, a source could choose to meet either the percent reduction limit or the concentration limit, but was not allowed to switch

between one and the other. However, for the purposes of conserving energy after the control devices were not longer needed on a batch process, we agreed with the suggestions from OMB and made the clarification. We view the revisions as noncontroversial and anticipate no significant adverse comments.

Timetable:

Action	Date	FR Cite
Inadvertent Error	02/13/06	71 FR 7415
Direct Final Action	02/13/06	71 FR 7494
Withdrawal of Direct Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4937; EPA publication information: Inadvertent Error - http://www.epa.gov/fedrgstr/EPA-AIR/2006/February/Day-13/a1218.htm;

Agency Contact: Susan Fairchild, Environmental Protection Agency, Air and Radiation, C–504–05, RTP, NC 27711
Phone: 919 541–5167
Fax: 919 541–5600
Email: fairchild.susan@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AM90

3023. INCLUSION OF DELAWARE AND NEW JERSEY IN THE CLEAN AIR INTERSTATE RULE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7410(a)

CFR Citation: 40 CFR 51; 40 CFR 72 to 74; 40 CFR 77 to 78; 40 CFR 96

Legal Deadline: Other, Judicial, March 15, 2006, Final must be signed by 3/15/06 to include DE & NJ in CAIR, the date EPA signs CAIR FIP, which includes requirements for DE & NJ.

Abstract: In the Clean Air Interstate rule (CAIR), EPA adopted a single-factor threshold of 0.20 mg/m3 contribution to PM2.5 nonattainment as the air quality element of the definition of emissions that contribute significantly to nonattainment in another state. Upon further consideration, EPA believes that this may exclude some states that should be considered to make a significant contribution if their future emissions are not reduced below presently projected levels. On May 12, 2005, we proposed to supplement the contribution threshold adopted in the CAIR with a multi-factor weight of evidence test (70 FR 25408). We published a notice of data availability on 6/28/05 (70 FR 37068) to notify the public we had put additional information in the docket regarding the inclusion of Delaware and New Jersey. Application of the test indicates that New Jersey and Delaware should be included in the CAIR requirements. In this action, we are responding to comments received on the proposal.

Timetable:

Action	Date	FR Cite
NPRM	05/12/05	70 FR 25408
NODA	06/28/05	70 FR 37068
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN No. 4794.1; Split from RIN 2060-AL76.

URL For More Information: www.epa.gov/interstateairquality

Agency Contact: Jan King, Environmental Protection Agency, Air and Radiation, C539–02, RTP, NC 27711
Phone: 919 541–5665
Email: king.jan@epa.gov

Joe Paisie, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919 541–5556
Email: paisie.joe@epa.gov

RIN: 2060–AM95

3024. RULE ON SECTION 126 PETITION FROM NC TO REDUCE INTERSTATE TRANSPORT OF FINE PM AND O3; FIPS TO REDUCE INTERSTATE TRANSPORT OF FINE PM & O3; REVISIONS TO CAIR RULE; REVISIONS TO ACID RAIN PROGRAM

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 7401 et seq

CFR Citation: 40 CFR 52

Legal Deadline: Final, Judicial, March 15, 2006, Rule must be signed by March 15, 2006 in accordance with a Consent Decree on the rulemaking schedule for the section 126 petition.

Abstract: This action includes two separate but related rulemakings to address interstate transport with respect to the 8-hour ozone and fine particulate matter (PM2.5) national ambient air quality standards. In one part, EPA is responding to a petition submitted to the Agency in March 2004, by the State of North Carolina pursuant to section 126 of the Clean Air Act. The petition requests that EPA make findings that emissions of nitrogen oxides (NOx) and sulfur dioxide (SO2) from large electric generating units (EGUs) in 12 States are significantly contributing to PM2.5 nonattainment or maintenance problems in North Carolina and that NOx emissions from large EGUs in five States are significantly contributing to 8-hour ozone nonattainment or maintenance problems in North Carolina. NOx and SO2 are precursors to PM2.5 pollution; NOx is also a precursor to ozone pollution. If EPA makes such findings, EPA is authorized to establish Federal emissions limits for the affected sources. The second part of this rulemaking is related to EPA's Clean Air Interstate Rule (CAIR), promulgated on March 10, 2005, which addresses interstate transport of NOx and SO2. CAIR requires 28 States and the District of Columbia to revise their State Implementation Plans (SIPs) to reduce emissions of NOx and/or SOx. Controlling these emissions will assist the downwind areas in meeting the PM2.5 and 8-hour ozone national ambient air quality standards. To act as a ''backstop'' for CAIR, EPA is also developing Federal Implementation Plans (FIPs) to address interstate transport. These FIPs are the second

part of the two-part rulemaking we are discussing in this abstract. The FIPs would achieve the emissions reductions required under the CAIR if a State does not have an approved SIP to do so. In the FIP actions, EPA intends to propose Federal NOx and SO2 trading programs for electric generating units. The EPA is required to promulgate a FIP within 2 years of: 1) finding that a State has failed to make the required SIP submittal, 2) finding that the submittal received does not satisfy the minimum SIP completeness criteria, or 3) disapproving a SIP in whole or in part. The EPA is required to promulgate the FIP unless EPA has approved, within the 2-year time period, a SIP that corrects the identified deficiency. In an action published on April 25, 2005, EPA notified States that they had failed to submit SIPs to address transport that were due in 2000, 3 years after EPA established the 8-hour ozone and PM2.5 standards. This current rulemaking action is also proposing certain revisions to the CAIR and the Acid Rain Program.

Timetable:

Action	Date	FR Cite
NPRM	08/24/05	70 FR 49708
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4956;

Agency Contact: Carla Oldham, Environmental Protection Agency, Air and Radiation, C539–02, RTP, NC 27711
Phone: 919 541–3347
Fax: 919 541–1039
Email: oldham.carla@epamail.epa.gov

Joe Paisie, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919 541–5556
Email: paisie.joe@epa.gov

RIN: 2060–AM99

3025. COMPONENT DURABILITY PROCEDURES FOR NEW LIGHT DUTY VEHICLES, LIGHT DUTY TRUCKS & HEAVY DUTY VEHICLES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR Part 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. During the comment period of the NPRM the Agency received a comment from the Afton Chemical Corporation (formally known as Ethyl Corporation) suggesting that EPA did not address the component durability portion of the new vehicle emission certification process and should establish a procedure for rulemaking requesting comment on whether our current component durability process is appropriate or if we should revise the process to include a limited amount of testing.

Timetable:

Action	Date	FR Cite
Supplemental NPRM	01/17/06	71 FR 2843
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4757.1; EPA publication information: Supplemental NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/January/Day-17/a073.htm; Split from RIN 2060-AK76.

Agency Contact: Linda Hormes, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4502
Email: hormes.linda@epamail.epa.gov

RIN: 2060–AN01

3026. SMALL MUNICIPAL WASTE COMBUSTOR NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: CAA sections 111 and 129

CFR Citation: 40 CFR 60 subparts AAAA and BBBB, 40 CFR 62 s

Legal Deadline: None

Abstract: This rule would amend the final (Dec. 2000) small municipal waste combustors (MWC) new source performance standards (NSPS), emission guidelines (EG), and Federal 111(d) plan. The small MWC rule regulates owners and operators of small MWC, which are MWC units with capacities between 35 tons per day (tpd) and 250 tpd. The amendments will not change the response (the types of emission controls that will be used) of the facilities to the rule, but will provide clarification and correction. Specifically, the amendments will include: (1) fixing typographical errors created by the Office of the Federal Register; (2) approval of State operator training programs for MWC operators in the State of Minnesota (this was previously done for MWC operators in the States of Maryland and Connecticut); (3) addressing carbon monoxide (CO) emission limits during MWC malfunctions (this same provision was already added to large MWC standards in a previous rulemaking); (4) revising a CO limit for one type of MWC and a NOx limit for another type of MWC; and (5) removing one voluntary consensus standard, ASTM D-6522, which is not an appropriate test method for this industry. These changes need to be made to address compliance issues for this rule.

EPA—Clean Air Act (CAA) Final Rule Stage

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 4970;

Agency Contact: Brian Shrager, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–7689
Fax: 919 541–5450
Email: shrager.brian@epamail.epa.gov

Walt Stevenson, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–5264
Fax: 919 541–5264
Email: stevenson.walt@epamail.epa.gov

RIN: 2060–AN17

3027. REVISIONS TO AIR EMISSIONS REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 51 subpart A

Legal Deadline: None

Abstract: This action seeks to combine and consolidate air emission reporting requirements from three regulations. The three regulations are the Clean Air Interstate Rule (CAIR), the Consolidated Emissions Reporting Rule (CERR) and the NOX SIP Call. Each of these regulations has associated emissions reporting requirements. The purpose of this action is to resolve differences in the reporting requirements in the three regulations so that the regulated community will have a single location in the Code of Federal Regulations that details air emission reporting requirements. For example, the CERR and the NOX SIP Call use similar but not identical terminology to describe what data must be reported to EPA. The proposed rule would resolve these differences.

Timetable:

Action	Date	FR Cite
NPRM	01/03/06	71 FR 69
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4951;

Agency Contact: Bill Kuykendal, Environmental Protection Agency, Air and Radiation, D205–01, RTP, NC 27709
Phone: 919 541–5372
Fax: 919 541–0684
Email: kuykendal.bill@epa.gov

Doug Solomon, Environmental Protection Agency, Air and Radiation, D205–01, RTP, NC 27709
Phone: 919 541–4132
Fax: 919 541–0684
Email: solomon.dougl@epa.gov

RIN: 2060–AN20

3028. REGIONAL HAZE REGULATIONS; REVISIONS TO PROVISIONS GOVERNING ALTERNATIVE TO SOURCE–SPECIFIC BEST AVAILABLE RETROFIT TECHNOLOGY (BART) DETERMINATIONS

Priority: Other Significant

Legal Authority: 42 USC 7410; 2 USC 7414; 42 USC 7421; 42 USC 7470–7479

CFR Citation: 40 CFR 51.308(e)(2); 40 CFR 51.309; 40 CFR 51 app Y (New)

Legal Deadline: None

Abstract: EPA published the regional haze rule on July 1, 1999 (64 FR 35714). On May 24, 2002, the D.C. Circuit Court vacated certain provisions of the regional haze rule related to best available retrofit technology (BART). The BART provisions at issue in that case were applicable on a source-by-source basis. The revisions to the haze rule to respond to that case are being finalized in the Clean Air Visibility Rule (CAVR) on June 15, 2005, under a consent decree. In a separate but related case, the D.C. Circuit vacated additional BART provisions in a decision issued on February 18, 2005. These provisions applied to BART in the context of optimal emissions trading programs. The program at issue in that case was the SO2 ''backstop'' emissions trading program developed by the Western Regional Air Partnership (WRAP), but the decision also controls all similar programs developed in the future. To address this decision, we proposed revisions to the haze provisions governing trading programs on August 1, 2005 (70 FR 44154). The proposal addresses both the particular circumstances of the WRAP and general implications of the decision for other programs. We intend to finalize this proposal by November 8, 2005, as noted in the CAVR consent decree.

Timetable:

Action	Date	FR Cite
NPRM	08/01/05	70 FR 44154
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: San No. 4450-1. Split from RIN 2060-AJ31.

Agency Contact: Kathy Kaufman, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919 541–0102
Fax: 919 541–0824
Email: kaufman.kathy@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@epa.gov

RIN: 2060–AN22

3029. IMPLEMENTATION RULE FOR 8–HOUR OZONE NAAQS: RECONSIDERATION; OVERWHELMING TRANSPORT CLASSIFICATION

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This rule was issued as a result of EPA's Reconsideration of the Phase 1 Rule to Implement the 8-Hour Ozone NAAQS as requested by Earthjustice. Specifically, this rule will address the Overwhelming Transport Classification. The Phase 1 Rule provided 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, the Phase 1 Rule addressed the requirements of the CAA and the Supreme Court's ruling.

Timetable:

Action	Date	FR Cite
NPRM	03/27/06	71 FR 15098
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: SAN No. 4625.4; Split from RIN 2060-AJ99.

Agency Contact: John Silvasi, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919 541–5666
Fax: 919 541–0824
Email: silvasi.john@epa.gov

Denise Gerth, Environmental Protection Agency, Air and Radiation, C539–02, Washington, DC 20460
Phone: 919 541–5550
Fax: 919 541–0824
Email: gerth.denise@epa.gov

RIN: 2060–AN26

3030. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2006

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82.8(a)

Legal Deadline: None

Abstract: This rule will allocate essential use allowances for import and production of Class I controlled substances for calendar year 2006. Essential use allowances enable a company to obtain ozone depleting substances as an exemption to the regulatory ban on production and import of these chemicals, which took effect on January 1, 1996. EPA allocates essential use allowances for exempted production and import of a specific quantity of chlorofluorocarbons solely for use in medically essential asthma inhalers.

Timetable:

Action	Date	FR Cite
Direct Final Rule w/ Comments	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4986;

Agency Contact: Hodayah Finman, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9246
Fax: 202 565–2079
Email: finman.hodayah@epamail.epa.gov

RIN: 2060–AN29

3031. INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILER AND PROCESS HEATER NESHAP, AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.7480

Legal Deadline: None

Abstract: On September 13, 2004, national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial and institutional boilers, and process heaters were promulgated. Following promulgation, EPA received a petition for reconsideration filed by the General Electric Company. The petitioner claimed that the proposal did not provide sufficient information on the emission averaging provision added in the final rule upon which to provide meaningful comment. The petitioner requests reconsideration or clarification that the rule allows for consolidated testing of commonly vented boilers. On October 31, 2005, we granted the petition and proposed a limited number of amendments to the NESHAP. In response to the petition, we proposed an amendment allowing for consolidated testing of commonly vented boilers under the emission averaging provision. In addition, we proposed amendments and technical corrections to clarify some applicability and implementation issues.

Timetable:

Action	Date	FR Cite
NPRM	10/31/05	70 FR 62264
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4987;

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

Robert Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epa.gov

RIN: 2060–AN32

3032. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF HFE–7300

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title I

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

Abstract: This is a deregulatory action to exclude HFE-7300 from the list of

volatile organic compounds (VOCs) on the basis that, as a precursor, this compound makes a negligible contribution to the formation of tropospheric ozone. This compound has potential for use as a refrigerant because it also is not a stratospheric ozone depleter. This action will remove the necessity to control HFE-7300 as a VOC in State Implementation Plans for attaining the ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	02/09/06	71 FR 6729
NPRM Comment Period End	03/13/06	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5010; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/February/Day-09/a1800.htm;

Agency Contact: Dave Sanders, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, NC 27711
Phone: 919 541–3356
Fax: 919 541–0824
Email: sanders.dave@epa.gov

William L. 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

RIN: 2060–AN34

3033. OPTIONAL CHASSIS CERTIFICATION FOR DIESEL VEHICLES

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 86.1863–07

Legal Deadline: None

Abstract: Prior to the heavy-duty 2007 rulemaking (HD 2007), we have required that crankcase emissions be controlled only on naturally aspirated diesel engines. We made an exception for turbocharged heavy-duty diesel engines in the past because of concerns regarding fouling that could occur from diesel PM and engine oil, which are included in the crankcase emissions, when routing the crankcase blow-by into the turbocharger and aftercooler. However, this was an environmentally significant exception since most heavy-duty diesel trucks use turbocharged engines, and a single engine can emit over 100 pounds of NOx, NMHC, and PM from the crankcase over its lifetime. Therefore, given the availability of technologies to control crankcase emissions and the significant environmental benefit for eliminating those emissions, we are proposing new requirements for crankcase emissions in the HD 2007 rulemaking. Those provisions require that heavy-duty diesel engines either close the crankcase or account for any crankcase emissions within the total compliance limits of the tailpipe emissions standard. This requirement had the unintended consequence of confusing which crankcase provisions should apply to these heavy-duty diesel engines, those of subpart S or the newly defined diesel provisions of CFR sec. 86.007-11. It was our intention that these vehicles meet the newly defined requirements of closed crankcase provisions just as other heavy-duty diesel engines must. Therefore, we are finalizing a change to the HD 2007 that explicitly defines the crankcase provisions applicable for heavy-duty chassis certified diesel engines under 14,000 pounds as those provisions defined under CFR § 86.007-11. There are no environmental impacts. This represents a cost savings to the manufacturers of highway heavy duty diesel engines.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4993;

Agency Contact: Zuimdie Guerra, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 734 214–4387
Email: guerra.zuimdie@epamail.epa.gov

Cleophas Jackson, Environmental Protection Agency, Air and Radiation, OAR, Washington, DC 20460
Phone: 734 214–4824
Email: jackson.cleophas@epamail.epa.gov

RIN: 2060–AN39

3034. TREATMENT OF DATA INFLUENCED BY EXCEPTIONAL EVENTS

Priority: Other Significant

Legal Authority: Clean Air Act title I

CFR Citation: 40 CFR 50

Legal Deadline: Other, Statutory, March 1, 2006, SAFE–TEA requires EPA publish a NPRM in the FR NLT 3/1/06. Signature by 3/1 will be met but FR Pub date of 3/1 will not be met.

Abstract: This regulation would codify EPA policy concerning how to address air quality data that has been identified as being affected by exceptional, natural, or international events. The rulemaking provides guidance to States, local, and tribal air quality agencies on how to address the air quality and public health impacts caused by these types of events. EPA is developing this rule to better address situations where data resulting from uncontrollable, natural, or exceptional events—for example forest fires, structural fires, high wind, volcanic or seismic activities—may require special consideration. In some cases, it may be appropriate to exclude data from such events from regulatory consideration because they could result in inappropriate air quality values being compared with the level of the affected air quality standard. In other cases it may be appropriate to retain the data for comparison with the level of the affected standard and then allow EPA time to formulate the appropriate regulatory response.

Timetable:

Action	Date	FR Cite
NPRM	03/10/06	71 FR 12592
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4998;

Agency Contact: Larry Wallace, Environmental Protection Agency, Air and Radiation, C–504–02, Research Triangle Park, NC 27711
Phone: 919 541–0906

Fax: 919 541–5489
Email: wallace.larry@epa.gov

Eric Ginsburg, Environmental Protection Agency, Air and Radiation, C–304–02, Research Triangle Park, NC 27711
Phone: 919 541–0877
Fax: 919 541–4511
Email: ginsburg.eric@epa.gov

RIN: 2060–AN40

3035. • CAMR 111 RECONSIDERATION

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 7411; 42 USC 7401; 42 USC 7403; 42 USC 7426; 42 USC 7601; 42 USC 7651

CFR Citation: 40 CFR 60; 40 CFR 72; 40 CFR 75

Legal Deadline: Other, Statutory, May 31, 2006, Commitment to court to finalize.

Abstract: On May 18, 2005, the EPA promulgated regulations under section 111 of the Clean Air Act regulating mercury emissions from new and existing coal-fired electric utility steam generating units. As a result of four petitions for administrative reconsideration, on October 28, 2005, EPA opened the rule for reconsideration of several issues. The public comment period on the reconsideration closed on December 19. EPA expects to complete the reconsideration process by the end of May 2006.

Timetable:

Action	Date	FR Cite
NPRM	10/28/05	70 FR 62213
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, Tribal

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

Additional Information: SAN No. 4571.2; Split from RIN 2060-AJ65.; EPA Docket information: OAR-2002-0056

URL For More Information: www.epa.gov/ttn/atw/utility/utiltoxpg.html

Agency Contact: Robert Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epa.gov

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

RIN: 2060–AN50

3036. • REVISION OF 112(N) FINDING RECONSIDERATION

Priority: Other Significant

Legal Authority: 42 USC 7411; 42 USC 7401; 42 USC 7403; 42 USC 7426; 42 USC 7601; 42 USC 7651

CFR Citation: 40 CFR 60; 40 CFR 72; 40 CFR 75

Legal Deadline: Other, Statutory, May 31, 2006, commitment to court to finalize.

Abstract: On March 29, 2005, EPA published a final rule entitled ''Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units From the Section 112(c) List'' (Section 112(n) Revision Rule). (See 70 FR 15994.) Following that final action, the Administrator received two petitions for reconsideration. In response to those petitions, this action will reconsider certain aspects of the Section 112(n) Revision Rule.

Timetable:

Action	Date	FR Cite
NPRM	10/28/05	70 FR 62200
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN No. 4571.3; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/October/Day-28/a21456.htm; Split from RIN 2060-AN50. Split from RIN 2060-AJ65.; EPA Docket information: OAR-2002-0056

URL For More Information: www.epa.gov/ttn/atw/utility/utiltoxpg.html

Agency Contact: Robert J Wayland, Environmental Protection Agency, Air and Radiation, C439–01, RTP, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

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

RIN: 2060–AN53

3037. • NSPS COMBUSTION TURBINES—SUBPART GG: AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7211

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This action is the result of a settlement agreement with an industry group on amendments to the standards of performance for stationary gas turbines (subpart GG) that we published on July 8, 2004. We are going to promulgate a direct final rule to revise certain provisions to subpart GG to clarify that the amendments were not intended to impose new requirements for existing turbines. Owners and operators of existing and new turbines may use emissions monitoring that meets the pre-existing monitoring requirements of subpart GG.

Timetable:

Action	Date	FR Cite
Direct Final Action w/NPRM	02/24/06	71 FR 9504
Notice: Technical Corrections	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4681.1; Split from RIN 2060-AK35.

Agency Contact: Jaime Pagan, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711
Phone: 919 541–5340
Email: pagan.jaime@epamail.epa.gov

Robert J Wayland, Environmental Protection Agency, Air and Radiation, C439–01, RTP, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AN55

3038. • RULE TO REDUCE INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER AND OZONE (CLEAN AIR INTERSTATE RULE): RECONSIDERATION

Priority: Other Significant

Legal Authority: 42 USC 7410(a)

CFR Citation: 40 CFR 51; 40 CFR 72; 40 CFR 73; 40 CFR 74; 40 CFR 77; 40 CFR 78; 40 CFR 96

Legal Deadline: Other, Judicial, March 15, 2006, Final must be signed by 3/15/06 so outstanding action on CAIR is completed by signature date of CAIR FIP.

Abstract: On May 12, 2005, EPA published in the Federal Register the final ''Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone'' (Clean Air Interstate Rule or CAIR). The CAIR requires certain upwind States to reduce emissions of nitrogen oxides (NOx) and/or sulfur dioxide (SO2) that significantly contribute to nonattainment of, or interfere with maintenance by, downwind States with respect to the fine particle and/or 8-hour ozone national ambient air quality standards. Subsequently, EPA received 12 petitions for reconsideration of the final rule. This action will address five specific issues raised in the petitions. On December 2, 2005, EPA published in the Federal Register a notice announcing its decision to reconsider four specific issues in the CAIR and requesting comment on them. The four issues are: (1) claims regarding alleged inequities arising from the nethodology that States choosing to participate in the CAIR SO2 trading program would use to allocate sulfur dioxide (SO2) emissions allowances to sources; (2) EPA's use of fuel adjustment factors (1.0 for coal, 0.6 for oil, and 0.4 for gas) in establishing State nitrogen oxides (NOx) budgets; (3) certain inputs to the fine particle (PM2.5) modeling used to determine whether Minnesota should be included in the CAIR region for PM2.5; and (4) EPA's determination that Florida should be included in the CAIR region. On December 29, 2005, EPA published a supplemental notice granting reconsideration and seeking comment on an additional issue regarding the potential impact of a recent judicial opinion, New York v. EPA, 413 F.3d 3 (D.C. Cir. 2005). This decision vacated the pollution control project (PCP) exclusion in the New Source Review (NSR) regulations (the exclusion allowed for certain environmentally beneficial PCPs to be excluded from certain NSR requirements). The EPA did not propose any changes to CAIR in these two initial notices.

Timetable:

Action	Date	FR Cite
Reconsideration	12/02/05	70 FR 72268
Supplemental reconsideration	12/29/05	70 FR 77101
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4794.3; EPA publication information: Supplemental reconsideration - http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-29/a24609.htm; Split from RIN 2060-AL76.

URL For More Information: www.epa.gov/cair

Agency Contact: Kathy Kaufman, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919 541–0102
Fax: 919 541–0824
Email: kaufman.kathy@epa.gov

Joe Paisie, Environmental Protection Agency, Air and Radiation, C504–02, Research Triangle Park, NC 27711
Phone: 919 541–5556
Email: paisie.joe@epa.gov

RIN: 2060–AN57

3039. • AMENDMENT TO TIER 2 VEHICLE EMISSION STANDARDS AND GASOLINE SULFUR REQUIREMENTS: EXEMPTION FOR US TERRITORIES

Priority: Substantive, Nonsignificant

Legal Authority: CAA 325(a)(1)

CFR Citation: 40 CFR 80(H)

Legal Deadline: None

Abstract: This rule would exempt the three Pacific Island Territories—American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI) from the Tier-2 rule for vehicle emission and gasoline sulfur requirements. The Governor of American Samoa petitioned us for an exemption from the Tier-2 gasoline sulfur requirement because of the high cost, the potential for gasoline shortages, and minimal air quality benefits to American Samoa. The Governors of Guam and CNMI also want the exemption and enforcement discretion for similar reasons. The Far East market, primarily Singapore, supplies gasoline to the Pacifica Island Territories. The Tier-2 sulfur standard effectively requires the importation of special product runs, which would increase the cost and could jeopardize the security of the gasoline supply to the Pacific Island Territories. The air quality in American Samoa, Guam, and CNMI is generally pristine due to the wet climate, strong prevailing winds, and the remoteness. Exempting these Pacific Island Territories from the gasoline sulfur standard would have minimal, if any, impact on air quality.

Timetable:

Action	Date	FR Cite
Direct Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5027;

Agency Contact: Alvaro Alvarado, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9473
Email: alvarado.alvaro@epa.gov

Leila Cook, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 734 214–4820

Email: cook.leila@epamail.epa.gov

RIN: 2060–AN66

3040. • DETERIORATION FACTOR PROVISIONS FOR HEAVY–DUTY DIESEL ENGINE CERTIFICATION AND PART 86 TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 86.004–28 and 86.007–11

Legal Deadline: None

Abstract: In the 2007 Heavy Duty Rule, which was signed December 21, 2000, and published January 18, 2001 (66 FR 5002), EPA promulgated several new standards for heavy duty engines and vehicles beginning in model year 2007. On this rule, under §86.004-28, EPA specifies the use of an additive deterioration factor that applies exclusively to heavy-duty diesel engines that do not utilize aftertreatment devices and specifies the use of a multiplicative deterioration factor that applies exclusively to heavy-duty diesel engines that utilize aftertreatment devices. This limits the engine manufacturers' choice of deterioration factor according to the existence or not of an aftertreatment device. EPA believes that these heavy-duty diesel engines should have the same options of assigning deterioration factors as nonroad diesel engines certified under the Tier 4 rule (40 CFR §1039.240) where the choice of deterioration factor is independent of the aftertreatment device. Therefore, we are finalizing a change to 40 CFR §86.004-28 that explicitly defines the deterioration factor provisions applicable for diesel engines that lets the engine manufacturers choose deterioration factors according to their best engineering judgment to account engine emissions within the total compliance limits defined under 40 CFR § 86.007-11(c) for certified heavy-duty diesel engines. In this rulemaking we are also including some technical amendments to part 86 to correct typographical errors, revise references, and remove the old provisions. We are republishing sec. 86.007-11(a)(2)(v) to correct a typographical error in the equation.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5034;

Agency Contact: David Guerrero, Environmental Protection Agency, Air and Radiation, OAR, Washington, DC 20460
Phone: 202 564–5458
Email: guerrero.david@epamail.epa.gov

Cleophas Jackson, Environmental Protection Agency, Air and Radiation, OAR, Washington, DC 20460
Phone: 734 214–4824
Email: jackson.cleophas@epamail.epa.gov

RIN: 2060–AN70

3041. • PREVENTION OF SIGNIFICANT DETERIORATION, NONATTAINMENT NEW SOURCE REVIEW, AND TITLE V: TREATMENT OF CORN MILLING FACILITIES UNDER THE "MAJOR EMITTING FACILITY" DEFINITION

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 51,40 CFR 52, 40 CFR 70, 40 CFR 71

Legal Deadline: Other, Statutory, February 28, 2006, DA committed a 2/28/06 signature on NPRM to Senator Thune.

Abstract: Given widespread concerns about our Nation's fuel supply and Congress's recent recognition of the enormous role that domestically produced ethanol can play in reducing our dependence on foreign oil (by Congress's enactment of the renewable fuels standard in the Energy Policy Act of 2005), EPA will examine the treatment of ethanol production facilities under the New Source Review and title V operating permit programs. Specifically, a source emitting greater than the major source threshold may be subject to New Source Review, operating permits, and other regulations. A source in one of 27 listed source categories (including chemical process plants) has a major source threshold of 100 tons per year. Conversely, sources not in the one of the 27 listed source categories have a major source threshold of 250 tons per year. EPA will determine through this rulemaking whether ethanol production facilities were originally intended to be in chemical process plants source category when these categories were developed.

Timetable:

Action	Date	FR Cite
NPRM	03/09/06	71 FR 12240
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5049;

Agency Contact: Joanna Swanson, Environmental Protection Agency, Air and Radiation, C304–04, Research Triangle Park, NC 27711
Phone: 919 541–5282
Fax: 919 541–5509

Tom Driscoll, Environmental Protection Agency, Air and Radiation, C304–04, Research Triangle Park, NC 27711
Phone: 919 541–5135
Fax: 919 541–5509
Email: tom driscoll/rtp/usepa/us@epamail.epa.gov

RIN: 2060–AN77

3042. • TECHNICAL AMENDMENTS TO THE HIGHWAY AND NONROAD DIESEL REGULATIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This Direct Final Rule will amend and correct certain provisions of the Highway and Nonroad Diesel regulations, including the definition of a Credit Trading Area for Puerto Rico, correction to certain dates, the addition of provisions for biodiesel fuel, and revision of a sulfur testing adjustment factor.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5053;

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

Agency Contact: Tia Sutton, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4018
Email: sutton.tia@epamail.epa.gov

Paul Machiele, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 48105
Phone: 734 214–4264
Email: machiele.paul@epamail.epa.gov

RIN: 2060–AN78

Environmental Protection Agency (EPA) — Long-Term Actions

Clean Air Act (CAA)

3043. 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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Additional Information: SAN No. 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

3044. 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
Reproposal	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 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

3045. 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 No. 4695;

Sectors Affected: 56221 Waste Treatment and Disposal

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27709
Phone: 919 541–3078
Email: nizich.greg@epamail.epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27709
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK68

3046. 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 Security and 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 No. 4607;

Agency Contact: Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–8019
Fax: 202 564–2625
Email: jacob.sicy@epa.gov

RIN: 2050–AE95

3047. 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 5 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	01/00/08	
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4266;

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

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

RIN: 2060–AI43

3048. 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 procedure for measuring VOC content of water-based coatings, thereby improving the method's precision.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
Final Action	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3649;

Agency Contact: Candace Sorrell, Environmental Protection Agency, Air and Radiation, D205–02, Washington, DC 20460
Phone: 919 541–1064
Fax: 919 541–1039
Email: sorrell.candace@epamail.epa.gov

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919 541–7774
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AF72

3049. 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 No. 1002;

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

Susan Stone, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919 541–1146
Email: stone.susan@epa.gov

RIN: 2060–AA61

3050. 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
Direct Final–pet jud rev	03/09/99	64 FR 11536
NPRM–pet jud rev	03/09/99	64 FR 11555
Direct Final–comp ext	05/07/99	64 FR 24511
Direct Final–pet rec equip leaks	06/08/99	64 FR 30406
NPRM 2	06/08/99	64 FR 30453
NPRM 3	06/08/99	64 FR 30456
Direct Final–stay notice	06/30/99	64 FR 35023
NPRM–stay notice	06/30/99	64 FR 35107
Direct Final00	08/29/00	65 FR 52319
NPRM00	08/29/00	65 FR 52392
Direct Final 4	10/26/00	65 FR 64161
Final Action01	02/23/01	66 FR 11233
Direct Final Comp.	02/26/01	66 FR 11543
NPRM Compliance01	02/26/01	66 FR 1550
Final 1	07/16/01	66 FR 36924
Final 2	08/06/01	66 FR 40903
NPRM	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AH47

3051. 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 to 7479 CAA 160 to 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 No. 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

3052. 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	12/00/07	
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4653;

Sectors Affected: 33641 Aerospace Product and Parts 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

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AK08

3053. 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	12/00/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 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
Fax: 919 541–3470
Email: mcdonald.randy@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AK13

3054. 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.

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	01/00/08	
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4661;

Sectors Affected: 483 Water Transportation

Agency Contact: David Markwordt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–0837
Fax: 919 541–0246
Email: markwordt.david@epamail.epa.gov

KC Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK17

3055. 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	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 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, Research Triangle Park, NC 27711
Phone: 919 541–5308
Fax: 919 541–1039
Email: rosario.iliam@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK19

3056. 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 (and associated cleaning), welding, and sandblasting of ships under construction or repair at major sources. Shipbuilding and ship repair operations means any building, repair, repainting, converting, or alteration of ships. A ''ship'' any marine or freshwater vessel used for military or commercial operations, including self-propelled vessels, and navigational aids (buoys). The term shipyard applies to any facility that performs construction or repair of ships, or self identifies its SIC Codes as 3731 (and National Security SIC Code), with no regard to physical location or type of operation. A 1987 study showed that 14 out of 590 establishments (2.4 percent) accounted for about 66 percent of the industry value shipments. We estimate that there are 52 potential major source facilities today. 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. We completed a preliminary assessment ''Residual Risk (RR) Test'' using readily available information from 10 representative, high emitting, facilities in December 2002 . A relatively simple health protective analysis was performed to assess the emission's potential to produce chronic cancer and non-cancer risks and acute non-cancer risks to humans via the inhalation pathway. The results of the RR test showed that we ''do not'' have sufficient data to remove the shipbuilding source category from consideration for a residual risk rule. Seven out of the 10 modeled shipyards either had cancer risk > 1.00 E-6 or chronic hazard index (HI) = 0.2. The results were presented to the Work Group, EPA management, and the appropriate stakeholders.

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4666;

Sectors Affected: 336611 Ship Building and Repairing

Agency Contact: Mohamed Serageldin, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919 541–2379
Fax: 919 541–5689
Email: serageldin.mohamed@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AK20

3057. 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	05/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4667;

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

Agency Contact: Lynn Dail, Environmental Protection Agency, Air and Radiation, C–539–03, Research Triangle Park, NC 27711
Phone: 919 541–2363
Fax: 919 541–1039
Email: dail.lynn@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AK21

3058. 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	07/00/07	
Final Action	07/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 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

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@epamail.epa.gov

RIN: 2060–AK24

3059. 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	09/00/08	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4663;

Sectors Affected: 32411 Petroleum Refineries

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27709
Phone: 919 541–0884
Fax: 919 541–0246
Email: lucas.bob@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AK25

3060. 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	09/00/07	
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4750;

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27711
Phone: 919 541–5289
Email: mulrine.phil@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK72

3061. 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: None

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 18327
NPRM—STAY	04/07/04	69 FR 18338
Final Action—STAY	08/18/04	69 FR 51184
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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, Research Triangle Park, NC 27711
Phone: 919 541–2962
Fax: 919 541–1039
Email: rimer.kelly@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–5368
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AK73

3062. NESHAP: GROUP I 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 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	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AK12

3063. 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	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

Robin Dunkins, Environmental Protection Agency, Air and Radiation,

C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AK15

3064. 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
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2665;

Agency Contact: Bob Doyle, Environmental Protection Agency, Air and Radiation, 6405J, Washington, DC 20460
Phone: 202 343–9258

RIN: 2060–AI03

3065. 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	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 3917;

Agency Contact: Angela Spickard, Environmental Protection Agency, Air and Radiation, NFEVL, Ann Arbor, MI 48105
Phone: 734 214–4238
Email: spickard.angela@epamail.epa.gov

RIN: 2060–AH31

3066. 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
Direct Final Action w/NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4348;

Agency Contact: Buddy Polovick, Environmental Protection Agency, Air and Radiation, 6406, Ann Arbor, MI 48105

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 NW, Washington, DC 20460
Phone: 202 564–5592
Email:
schneeberg.sara@epamail.epa.gov

RIN: 2060–AI97

3067. 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	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4722;

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 48105
Phone: 734 214–4287
Email:
brunner.christine@epamail.epa.gov

RIN: 2060–AK56

3068. LIFTING THE STAY OF THE 8–HOUR PORTION OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT (“NOX SIP CALL”)

Priority: Other Significant

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 the District 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 to lift the stay of our findings in the NOx SIP Call contained in 40 CFR sec 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	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4797;

Agency Contact: Jan King, Environmental Protection Agency, Air and Radiation, C539–02, RTP, NC 27711
Phone: 919 541–5665
Email: king.jan@epa.gov

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

RIN: 2060–AL84

3069. 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 USC 7401 et seq

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 Manufacturers 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. Because of the delisting of the HAP ethylene glycol butyl ether, there are not expected to be any sources in the subcategory. Consequently, there would be no sources subject to standards under section 112(d) or (f) of the Clean Air Act. EPA has notified the petitioner that there appears to be no benefit to delisting the subcategory, and the petitioner has tentatively agreed. However, since EPA has not received a notification of withdrawal of the petition, EPA continues to consider this a long-term action.

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 No. 4799;

Agency Contact: Mark Morris, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711

Phone: 919 541–5416
Email: morris.mark@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–5368
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AL86

3070. 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 previously promulgated 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 remaining after the 112(d) standards take effect, 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 No. 4810;

Agency Contact: Margaret Sieffert, Environmental Protection Agency, Air and Radiation, C439–02, Chicago, IL 60604
Phone: 312 353–1151
Email: sieffert.margaret@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–5368
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AL93

3071. 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: The Mineral Wool NESHAP (MACT rule) for the mineral wool production source category was promulgated on June 1, 1999. 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 8 years [nine for the 2-year bin standards] after the promulgation of the associated MACT standard.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 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, RTP, NC 27711
Phone: 919 541–5167
Fax: 919 541–5600
Email: fairchild.susan@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AL96

3072. 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	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4831;

Agency Contact: Maria Noell, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5607
Email: noell.maria@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AL99

3073. 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	02/00/08	
Final Action	02/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4832;

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5402
Fax: 919 541–3470
Email: mcdonald.randy@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AM00

3074. CONTROL OF EMISSIONS FROM NEW LOCOMOTIVES AND NEW MARINE DIESEL ENGINES LESS THAN 30 LITERS PER CYLINDER

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7522 – 7621

CFR Citation: 40 CFR 92 and 94

Legal Deadline: None

Abstract: Emissions from locomotive and marine diesel engines contribute significantly to unhealthful levels of ambient particulate matter and ozone in many parts of the United States. These engines are highly mobile and are not easily controlled at a State or local level. EPA currently regulates the manufacturers of these engines when they are produced or remanufactured at a level similar to early 1990s on-highway diesel trucks. This rulemaking will propose to set an additional tier of more stringent particulate matter and nitrogen oxides emission standards for new marine diesel engines below 30 liters per cylinder (Category 1 and Category 2 marine diesel engines) and new locomotive engines. The standards under consideration are expected to be based on the use of high-efficiency aftertreatment technologies like those that will be used to meet EPA's recent heavy-duty and nonroad diesel standards. These technologies, which could reduce emissions by 90 percent, would be enabled by the availability and use of low sulfur diesel fuel.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/04	69 FR 39276
NPRM	05/00/07	
Final Action	05/00/08	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 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

3075. NESHAP: AREA SOURCE STANDARDS—GLASS MANUFACTURING INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: The Clean Air Act (42 USC 7401 to 7626)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, November 15, 2000.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. This component includes the development of maximum achievable control technology (MACT) standards and generally available control technology (GACT) standards under section 112(d), the area source program developed under section 112(k), residual risk standards under 112(f), and other standards to regulate emissions of air toxics from specific sources. The section 112(k) area source strategy addresses 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. 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. The Integrated Urban 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 percent 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 its air toxics program into four components. The first component is source specific regulatory programs. 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 include raw material storage, handling and mixing, high temperature (usually furnace) melting, forming, coating, and other processes specific to particular products. The hazardous air pollutants (HAP) emitted from glass manufacturing includes lead, arsenic, mercury, cobalt, nickel, chromium, hydrogen fluoride, hydrochloric acid, glycol ethers, methyl ethyl ketone, xylene, 1,2,4-trimethyl benzene, n-butyl alcohol, toluene, methyl isobutyl ketone, m-xylene, 1,1-dichloro-1-fluoroethane, methanol, selenium, styrene, sec-butyl alcohol, manganese, antimony, barium, chlorine, phenol and formaldehyde. In 1986, EPA promulgated the NESHAP for Inorganic Arsenic Emissions From Glass Manufacturing Plants. Since that time, EPA has re-evaluated both the carcinogenicity assessment (4/10/1998) and the oral RfD assessment (02/01/1993) for arsenic. In reference to the regulations addressing area sources, section 112(c)(3) states, ''such regulations shall be promulgated not later than 10 years after such date of enactment'' (CAA). Approximately 150 facilities currently operate in the US producing containers, flat glass, industrial glass fiber and specialty glass. The specialty glass subcategory includes lighting, lead crystal, art glass, opthalmic lenses, tableware, optical glass fiber, and technical glass components and products. Two small businesses exist in the source category, both of which manufacture containers. It is unknown at this time whether these facilities will be affected by the rule (i.e., whether they use toxic raw materials in the furnace or coatings processes). Glass manufacturers use toxic raw materials in the furnace or in coating operations to impart specific properties to the final product. About 1500 tons per year of HAP are released into the ambient air by glass manufacturing plants. Toxic emission sources include raw material storage, furnace and melting operations and coating processes. Air pollution control devices are generally available for toxic emission points within the glass manufacturing industry. It is anticipated at this time that glass manufacturers not using toxics would not be subject to the rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4873;

Agency Contact: Susan Fairchild, Environmental Protection Agency, Air and Radiation, C–504–05, RTP, NC 27711
Phone: 919 541–5167
Fax: 919 541–5600
Email: fairchild.susan@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AM12

3076. 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. One facility has been identified.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 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: 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

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27709
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM13

3077. 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	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4851;

URL For More Information:

www.epa.gov\ozone\title6\608

Agency Contact: Jabeen Akhtar, Environmental Protection Agency, Air and Radiation, C339–03, Washington, DC 20460
Phone: 919 541–0503
Fax: 919 541–5509
Email: akhtar.jabeen@epamail.epa.gov

RIN: 2060–AM15

3078. NESHAP: OIL AND NATURAL GAS PRODUCTION RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.760–63.779

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	07/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4847;

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, C439–03, Research Triangle Park, NC 27709
Phone: 919 541–3078
Email: nizich.greg@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP , NC 27709
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AM18

3079. 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	01/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4874;

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919 541–5262
Fax: 919 541–5600
Email: colyer.rick@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AM19

3080. 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 a 2-generation reproductive effects study. That study is now complete. On October 17, 2003, the ACC submitted an addendum to the 1997 petition which includes: the results of the 2-generation reproductive 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 requested that EPA reopen its review of the MIBK petition. EPA did reopen its review of the petition. However, since the last submittal by the petitioner, a 2-year MIBK bioassay by the National Toxicology Program (NTP) has been completed. A draft report of this study was reviewed by the NT Board of Scientific Counselors Technical Reports Review Subcommittee, which accepted unanimously the conclusions in the report that there is some evidence of carcinogenic activity of MIBK. EPA has notified the petitioner that further review of the petition will require that the petitioner submit information regarding the relevance of the NTP study and a risk characterization for the human risk of cancer from MIBK exposures, which would include the derivation of a cancer unit risk estimate. Given the significant time that will be necessary to prepare and submit this information, we are considering the MIBK petition review a long-term action.

Timetable:

Action	Date	FR Cite
Notice	07/19/04	69 FR 42954
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4849;

Agency Contact: Mark Morris, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–5416
Email: morris.mark@epamail.epa.gov

Dave Guinnup, Environmental Protection Agency, Air and Radiation, C404–01, Research Triangle Park, NC 27711
Phone: 919 541–5368
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AM20

3081. 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 is sought 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	05/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4865;

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

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AM26

3082. 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 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. The Integrated Urban Air Toxics Strategy lists plating and polishing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	03/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4886;

Agency Contact: Donna Jones, Environmental Protection Agency, Air and Radiation, MD–C439–02, RTP, NC 27711
Phone: 919 541–5251
Email: jones.donnalee@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AM37

3083. 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: 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 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	04/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: SAN No. 4884;

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

Robert J Wayland, Environmental Protection Agency, Air and Radiation, C439–01, RTP, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450

Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AM44

3084. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT (RMRR); MAINTENANCE AND REPAIR AMENDMENTS

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: This rulemaking is a follow up to SAN 4676, which is a final rule that specifies categories of equipment replacement activities that would qualify as ''routine maintenance, repair, and replacement'' (RMRR) under the Clean Air Act's New Source Review (NSR) Program (40 CFR parts 51 and 52). SAN 4676's final action — referred to as the ''equipment replacement provision'' (ERP) — was promulgated in the Federal Register on 10/27/03 (68 FR 61248). The action summarized here, SAN 4676.3, when finalized, will establish a regulatory definition for maintenance and repair activities (that are not equipment replacements) that qualify for the RMRR Exclusion from Major NSR. We previously proposed options for this SAN in our RMRR proposal on 12/31/02 (67 FR 80920). However, this action will propose and take comments on an additional approach.

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 No. 4676.3; Split from RIN 2060-AK28

Agency Contact: Jabeen Akhtar, Environmental Protection Agency, Air and Radiation, C339–03, Washington, DC 20460
Phone: 919 541–0503
Fax: 919 541–5509
Email: akhtar.jabeen@epamail.epa.gov

David Painter, Environmental Protection Agency, Air and Radiation, C339–03, Washington, DC 20460
Phone: 919 541–5515
Email: painter.david@epamail.epa.gov

RIN: 2060–AM62

3085. REQUEST FOR COMMENTS ON POTENTIALLY INADEQUATE MONITORING IN CLEAN AIR APPLICABLE REQUIREMENTS AND ON METHODS TO IMPROVE SUCH MONITORING

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR part 60; 40 CFR part 61

Legal Deadline: None

Abstract: Meeting with new Division Director will be scheduled after office reorganization is complete. Next steps to be decided during that meeting.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/05	70 FR 7905
60 day extension to public comment period 1	04/15/05	70 FR 19914
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4699.1; Split from RIN 2060-AK29; Individual Document id in the EPA docket: http://www.epa.gov/edocket

Agency Contact: Barrett Parker, Environmental Protection Agency, Air and Radiation, C330–02, Research Triangle Park, NC 27711
Phone: 919 541–5365
Fax: 919 541–1039
Email: parker.barrett@epa.gov

Peter Westlin, Environmental Protection Agency, Air and Radiation, C339–02, Research Triangle Park, NC 27711
Phone: 919 541–1058
Fax: 919 541–1039
Email: westlin.peter@epa.gov

RIN: 2060–AM63

3086. AREA SOURCE NESHAP FOR PRIMARY NONFERROUS METALS – ZN, CD, BE

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

Unfunded Mandates: Undetermined

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 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These 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. There are 2 primary zinc smelters in the U.S. which process zinc sulfide ore concentrates to produce metallic zinc or zinc oxide. Currently, only one company produces primary cadmium as a by-product of smelting and refining zinc metal from sulfide ore. One of these facilities will shut down in February 2006. There are currently no producers of primary beryllium in the U.S. Pollutants of interest for the Primary Nonferrous Metals -Zn, Cd, Be Area Source NESHAP are cadmium, lead, and nickel.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4887;

Agency Contact: Karen Rackley, Environmental Protection Agency, Air and Radiation, C439–02, RTP, NC 27711
Phone: 919 541–0634
Fax: 919 541–3207
Email: rackley.karen@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AM69

3087. AREA SOURCE NESHAP FOR SECONDARY NONFERROUS METALS

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

Unfunded Mandates: Undetermined

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) 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. The secondary nonferrous metals source category includes establishments primarily engaged in recovering nonferrous metals and alloys from new and used scrap and dross or in producing alloys from purchased refined metals. This industry includes establishments engaged in both the recovery and alloying of precious metals. Plants engaged in the recovery of tin through secondary smelting and refining, as well as by chemical processes, are included in this industry. Secondary refining and smelting produces metals from scrap and process waste. Scrap is bits and pieces of metal parts, bars, turnings, sheets, and wire that are off-specification or worn-out but are capable of being recycled. Two metal recovery technologies are generally used to produce refined metals. Pyrometallurgical technologies are processes that use heat to separate desired metals from other less or undesirable materials, while hydrometallurgical technologies the desired metals are separated from undesirables using techniques that capitalize on differences between constituent solubilities and/or electrochemical properties while in aqueous solutions. The secondary nonferrous metals source category is listed to address some of the urban metal HAP's like lead and chromium compounds in addition to arsenic.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4888;

Agency Contact: Iliam Rosario, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27711
Phone: 919 541–5308
Fax: 919 541–1039
Email: rosario.iliam@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AM70

3088. NESHAP: PLASTIC PARTS AND PRODUCTS (SURFACE COATING)—AREA SOURCE RULE

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 63

Legal Deadline: None

Abstract: These standards are being developed 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 or 25 tons/year of all HAP. As part of that strategy, several area-source categories were listed for regulation. Plastic parts and products was listed as one of those categories, and these standards will establish requirements to control pollution from facilities engaged in the surface coating of miscellaneous parts and products comprised of metal and plastic substrates. Plastic parts and products surface coating facilities are known to emit cadmium compounds, chromium compounds, lead compounds, manganese compounds, and nickel compounds. In 2004, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for major sources engaged in the surface coating of plastic parts and products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4955;

Agency Contact: Kim Teal, Environmental Protection Agency, Air and Radiation, C539–03, Research Triangle Park, NC 27711
Phone: 919 541–5580
Fax: 919 541–3470
Email: teal.kim@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, C504–04, Research Triangle Park, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AN08

3089. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE–DEPLETING SUBSTANCES IN FOAM BLOWING

Priority: Other Significant

Legal Authority: Clean Air Act Section 612

CFR Citation: 40 CFR part 82

Legal Deadline: None

Abstract: EPA is initiating this rulemaking in response to a DC Circuit action. In July 2004, the DC Circuit Court vacated a portion of an SNAP Final Rule published on July 22, 2002 (67 FR 47703). This rule responds to that vacature and would rule on the use of HCFC-22 and -142b as substitutes for HCFC-141b in foam blowing. This rule will address effects of stratospheric ozone depletion and health and environmental impacts of substitutes for ozone-depleting substances. The ultimate impact will be to reduce skin cancer, cataracts, and other adverse impacts of ozone depletion.

Timetable:

Action	Date	FR Cite
NPRM	11/04/05	70 FR 67120
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4959;

URL For More Information: www.epa.gov\ozone\title6

Agency Contact: Suzanne Kocchi, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202 343–9387
Email: kocchi.suzanne@epamail.epa.gov

Jeff Cohen, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9005
Fax: 202 343–2363
Email: cohen.jeff@epa.gov

RIN: 2060–AN11

3090. ADVANCE NOTICE FOR INFORMATION ON DETERMINING THE EMISSIONS REDUCTIONS ACHIEVED FROM LIMITING THE VOC CONTENT OF ARCHITECTURAL COATINGS

Priority: Substantive, Nonsignificant

Legal Authority: CAAA section 110

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action is an Advanced Notice of Proposed Rulemaking (ANPRM) to discuss and take comment on approaches for calculating emission reductions from the national architectural and Industrial maintenance (AIM) coating rule and other architectural rules. Review of the comments received could result in a rule or policy guidance on calculation methodology.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/05	70 FR 51694
Comment Period Extended	10/13/05	70 FR 59680
Second Comment Period Extended	12/20/05	70 FR 75439
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5009;

Agency Contact: David Sanders, Environmental Protection Agency, Air and Radiation, C539–02, Research Triangle Park, NC 27711
Phone: 919 541–3356
Fax: 919 541–0824
Email: sanders.dave@epa.gov

Marcia Spink, Environmental Protection Agency, Air and Radiation, 3AP20, Research Triangle Park, NC 27705
Phone: 215 814–2104
Fax: 215 814–2124
Email: spink.marcia@epa.gov

RIN: 2060–AN42

3091. NESHAP: AREA SOURCE STANDARDS—LEAD ACID BATTERY MANUFACTURING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999, and listed Lead Acid Battery Manufacturing as one of the area source categories emitting at least one of the urban HAPs. As such, EPA is required to subject the Lead Acid Battery Manufacturing source category to regulations issued under Section 112(d). This rulemaking will satisfy this mandate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 5012;

Agency Contact: Bob Schell, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27711
Phone: 919 541–4116
Fax: 919 541–3207
Email: schell.bob@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AN44

3092. NESHAP: AREA SOURCE STANDARDS—PRIMARY AND SECONDARY COPPER

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999, and listed Primary and Secondary Copper Smelters as area source categories emitting at least one of the urban HAPs. As such, EPA is required to subject Primary and Secondary Copper Smelters to regulations issued under section 112(d). This rulemaking will satisfy this mandate. There has only been one primary copper smelting facility identified in the U.S. that is not subject to the Primary Copper part 63 MACT Standard. This source is a continuous process with well controlled emission points. There are currently no operating secondary copper smelters in the U.S.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5013;

Agency Contact: Karen Rackley, Environmental Protection Agency, Air and Radiation, C439–02, RTP, NC 27711
Phone: 919 541–0634
Fax: 919 541–3207
Email: rackley.karen@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, C439–02, Research Triangle Park, NC 27709
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AN45

3093. NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the chemical preparations industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5015;

Agency Contact: Jeff Telander, Environmental Protection Agency, Air and Radiation, C504–05, RTP, NC 27709
Phone: 919 541–5427
Email: telander.jeff@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AN46

3094. NESHAP: AREA SOURCE STANDARDS—PAINT AND ALLIED PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the Paint and Allied Products industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5016;

Agency Contact: Jeff Telander, Environmental Protection Agency, Air and Radiation, C504–05, RTP, NC 27709
Phone: 919 541–5427
Email: telander.jeff@epamail.epa.gov

David Cozzie, Environmental Protection Agency, Air and Radiation, C504–04, RTP, NC 27711
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AN47

3095. • PETROLEUM REFINERIES—NEW SOURCE PERFORMANCE STANDARDS (NSPS)—SUBPART J

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, April 28, 2007, Lawsuit by Sierra Club and Our Children's Earth Foundation.
Final, Judicial, April 28, 2008, Lawsuit by Sierra Club and Our Children's Earth Foundation.

Abstract: Section 111(b)(1)(B) of the Clean Air Act requires EPA to review new source performance standards at least every 8 years. Under this project, we will review and , if appropriate, revise the new source performance standards for petroleum refineries (subpart J in part 60). We will determine if actual emission reductions currently being achieved due to other programs are greater than the requirements in the current NSPS standards, and whether the current standards should be revised.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5036;

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27709
Phone: 919 541–0884
Fax: 919 541–0246
Email: lucas.bob@epamail.epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, C439–03, RTP, NC 27709
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AN72

3096. • REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR LEAD

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, February 1, 2008, internal deadline to facilitate meeting court–ordered date for final rulemaking for the proposed rule is May 1, 2008.
Final, Judicial, September 1, 2008, court–ordered schedule.

Abstract: On October 5, 1978 the EPA promulgated primary and secondary NAAQS for lead under section 109 of the Act (43 FR 46258). Both primary and secondary standards were set at a level of 1.5 $\mu g/m^3$as a quarterly average (maximum arithmetic mean averaged over a calendar quarter). Subsequent to this initial standard-setting, the Clean Air Act requires that the standard be reviewed periodically. The last such review occurred during the period 1986-1990. For that review, an Air Quality Criteria Document (AQCD) was completed in 1986 with a supplement in 1990. Based on information contained in the AQCD, an EPA Staff Paper and Exposure Assessment were

prepared. Following the completion of these documents, the agency did not propose any revisions to the 1978 Pb NAAQS. The current review of the Pb air-quality criteria was initiated in November 2004 by EPA's National Center for Environmental Assessment (NCEA) with a general call for information published in the Federal Register. In January 2005, NCEA released a work plan for the review and revision of the Pb AQCD. Workshops were held to provide author feedback on a developing draft of the AQCD in August 2005. The draft AQCD is was released December 1, 2005. The EPA Office of Air Quality Planning and Standards will prepare a Staff Paper for the Administrator, which will evaluate the policy implications of the key studies and scientific information contained in the AQCD and additional technical analyses, and identify critical elements that EPA staff believe should be considered in reviewing the standards. The AQCD and Staff Paper 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 lead NAAQS review is completed, the Administrator's proposal to reaffirm or revise the lead 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	02/00/08	
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 5059;

Agency Contact: Ginger Tennant, Environmental Protection Agency, Air and Radiation, C504–06, Research Triangle Park, NC 27711
Phone: 919 541–4072
Fax: 919 541–0237
Email: tennant.ginger@epa.gov

Karen Martin, Environmental Protection Agency, Air and Radiation, C504–06, Research Triangle Park, NC 27711
Phone: 919 541–5274
Fax: 919 541–0237
Email: martin.karen@epa.gov

RIN: 2060–AN83

Environmental Protection Agency (EPA) Completed Actions

Clean Air Act (CAA)

3097. 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

CFR Citation: 40 CFR 68.130

Completed:

Reason	Date	FR Cite
Withdrawn	02/22/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Kathy Franklin
Phone: 202 564–7987
Fax: 202 564–2625
Email: franklin.kathy@epamail.epa.gov

Sicy Jacob
Phone: 202 564–8019
Fax: 202 564–2625
Email: jacob.sicy@epa.gov

RIN: 2050–AE96

3098. 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

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

Completed:

Reason	Date	FR Cite
NPRM	04/21/00	65 FR 21505
Notice of Data Availability	09/08/03	68 FR 52934
Final Action	11/09/05	70 FR 68218

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Tyler Fox
Phone: 919 541–5562
Email: fox.tyler@epamail.epa.gov

Mark Evangelista
Phone: 919 541–2803
Email: evangelista.mark@epa.gov

RIN: 2060–AK60

3099. NSPS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS

Priority: Other Significant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Notice	08/28/00	65 FR 52058
Prop. Stds & Guidance	11/09/00	65 FR 67357
NPRM	12/09/04	69 FR 71472
Final Action	12/16/05	70 FR 74870

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Mary Johnson
Phone: 919 541–5025
Fax: 919 541–5450
Email: johnson.mary@epamail.epa.gov

Brian Shrager
Phone: 919 541–7689
Fax: 919 541–5450
Email: shrager.brian@epamail.epa.gov

RIN: 2060–AG31

3100. PERFORMANCE SPECIFICATION 16 – SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
NPRM	08/08/05	70 FR 45608
Final Action	11/01/05	70 FR 65873

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Foston Curtis
Phone: 919 541–1063
Email: curtis.foston@epamail.epa.gov

Conniesue Oldham
Phone: 919 541–7774
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AH84

3101. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: MUNICIPAL SOLID WASTE LANDFILLS: AMENDMENT

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Withdrawn	04/06/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Martha Smith
Phone: 919 541–2421
Email: smith.martha@epamail.epa.gov

Kent Hustvedt
Phone: 919 541–5395
Email: hustvedt.ken@epamail.epa.gov

RIN: 2060–AJ41

3102. PETITIONS TO DELIST HAZARDOUS AIR POLLUTANTS: MEK

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	12/19/05	70 FR 75047

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Morris
Phone: 919 541–5416
Email: morris.mark@epamail.epa.gov

Dave Guinnup
Phone: 919 541–5368
Email: guinnup.dave@epamail.epa.gov

RIN: 2060–AI72

3103. NESHAP FOR PRIMARY ALUMINUM REDUCTION PLANTS; AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR Part 63

Completed:

Reason	Date	FR Cite
NPRM	03/17/03	68 FR 12645
Final Action	11/02/05	70 FR 66280

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steve Fruh
Phone: 919 541–2837
Email: fruh.steve@epamail.epa.gov

RIN: 2060–AK50

3104. INTERSTATE OZONE TRANSPORT: RULEMAKING ON SECTION 126 PETITIONS FROM THE DISTRICT OF COLUMBIA, DELAWARE, MARYLAND, AND NEW JERSEY

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 52; 40 CFR 97

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Carla Oldham
Phone: 919 541–3347
Fax: 919 541–1039
Email: oldham.carla@epamail.epa.gov

David Cole
Phone: 919 541–5565
Fax: 919 541–0824
Email: cole.david@epa.gov

RIN: 2060–AI99

3105. STREAMLINED EVAPORATIVE TEST PROCEDURES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 86 (Revision)

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Good
Phone: 734 214–4450
Email: good.david@epamail.epa.gov

RIN: 2060–AH34

3106. EMISSIONS DURABILITY PROCEDURES FOR NEW LIGHT–DUTY VEHICLES & LIGHT–DUTY TRUCKS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR Part 86

Completed:

Reason	Date	FR Cite
NPRM	04/02/04	69 FR 17532
Direct Final/NPRM	01/17/06	71 FR 2810

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Hormes
Phone: 734 214–4502
Email: hormes.linda@epamail.epa.gov

RIN: 2060–AK76

3107. SELECTION OF SEQUENCE OF MANDATORY SANCTIONS TO BE APPLIED PURSUANT TO SECTION 502 OF THE CLEAN AIR ACT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 70

Completed:

Reason	Date	FR Cite
Withdrawn	02/03/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Scott Voorhees
Phone: 919 541–5348
Fax: 919 541–5509
Email: voorhees.scott@epamail.epa.gov

Ray Vogel
Phone: 919 541–3153
Fax: 919 541–5509
Email: vogel.ray@epamail.epa.gov

RIN: 2060–AK46

3108. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
NPRM	09/21/05	70 FR 55480
Final Action	12/29/05	70 FR 77042

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Hodayah Finman
Phone: 202 343–9246
Fax: 202 565–2079
Email: finman.hodayah@epamail.epa.gov

Ross Brennan
Phone: 202 343–9226
Fax: 202 565–2079
Email: brennan.ross@epamail.epa.gov

RIN: 2060–AK45

3109. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51; 40 CFR 85

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Sosnowski
Phone: 734 214–4823
Fax: 734
Email: sosnowski.david@epamail.epa.gov

RIN: 2060–AE20

3110. INSPECTION/MAINTENANCE RECALL REQUIREMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Sosnowski
Phone: 734 214–4823
Fax: 734
Email: sosnowski.david@epamail.epa.gov

RIN: 2060–AE22

3111. ADOPTION OF THE AMENDED INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
NPRM	09/30/03	68 FR 56226
Final Action	11/17/05	70 FR 69664

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Bryan Manning
Phone: 734 214–4832
Email: manning.bryan@epamail.epa.gov

RIN: 2060–AK01

3112. REGULATION OF FUEL AND FUEL ADDITIVES: EXTENSION OF CALIFORNIA ENFORCEMENT EXEMPTIONS FOR REFORMULATED GASOLINE TO CALIFORNIA PHASE 3 GASOLINE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 80.81

Completed:

Reason	Date	FR Cite
NPRM	08/11/04	69 FR 48827
Final Action	12/21/05	70 FR 75914

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Anne—Marie Pastorkovich
Phone: 202 343–9623
Email: pastorkovich.anne-marie@epamail.epa.gov

Dave Kortum
Phone: 202 343–9022
Fax: 202 343–2802
Email: kortum.dave@epamail.epa.gov

RIN: 2060–AK04

3113. AMENDMENTS TO THE REQUIREMENTS ON VARIABILITY IN THE COMPOSITION OF ADDITIVES CERTIFIED UNDER THE GASOLINE DEPOSIT CONTROL PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Direct Final Action 1	11/05/01	66 FR 55885
Final Action 2	11/14/05	70 FR 69240

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeff Herzog
Phone: 734 214–4227
Email: herzog.jeff@epamail.epa.gov

Andrea Medici
Phone: 202 564–5634
Email: medici.andrea@epamail.epa.gov

RIN: 2060–AK62

3114. REVISION TO POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS (VOC)

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51.100(s)

Completed:

Reason	Date	FR Cite
Notice of Interim Guidance	09/13/05	70 FR 54047

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Agency Contact: William L. Johnson
Phone: 919 541–5245
Fax: 919 541–0824
Email: johnson.williaml@epa.gov

Terry Keating
Phone: 202 564–1174
Email: keating.terry@epa.gov

RIN: 2060–AK75

3115. 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

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Final (Partial)	12/31/97	62 FR 68196
Direct Final Action w/NPRM	12/15/05	70 FR 74552

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Marilyn Bennett
Phone: 202 343–9624
Fax: 202 343–2803
Email: bennett.marilyn@epamail.epa.gov

RIN: 2060–AK77

3116. VOLUNTARY SUPERIOR MONITORING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60 to 61; 40 CFR 63; 40 CFR 70; 40 CFR 71

Completed:

Reason	Date	FR Cite
Withdrawn	02/03/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Tom Driscoll
Phone: 919 541–5135
Fax: 919 541–5509
Email: tom driscoll/rtp/usepa/us@epamail.epa.gov

Barrett Parker
Phone: 919 541–5365
Fax: 919 541–1039
Email: parker.barrett@epa.gov

RIN: 2060–AK85

3117. DEFERRAL OF EFFECTIVE DATE OF NONATTAINMENT DESIGNATIONS FOR 8–HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR EARLY ACTION COMPACT AREAS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 81

Completed:

Reason	Date	FR Cite
NPRM	12/16/03	68 FR 70108
Final Action	04/30/04	69 FR 23858
Final Action 2	08/29/05	70 FR 50988

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: David Cole
Phone: 919 541–5565
Fax: 919 541–0824
Email: cole.david@epa.gov

Barbara Driscoll
Phone: 919 541–3310
Fax: 919 541–1051
Email: driscoll.barbara@epa.gov

RIN: 2060–AL85

3118. NESHAP: SURFACE COATING OF METAL CANS — TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Direct Final Action w/NPRM	01/06/06	71 FR 1378

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Paul Almodovar
Phone: 919 541–0283
Email: almodovar.paul@epamail.epa.gov

Elaine Manning
Phone: 919 541–5499
Fax: 919 541–5689
Email: manning.elaine@epamail.epa.gov

RIN: 2060–AM28

3119. EXEMPTION OF CERTAIN AREA SOURCES FROM TITLE V OPERATING PERMIT PROGRAMS

Priority: Other Significant

CFR Citation: 40 CFR Part 70, 40 CFR part 71, and 40 CFR pa

Completed:

Reason	Date	FR Cite
NPRM	03/25/05	70 FR 15250
Final Action	12/19/05	70 FR 75320

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Jeff Herring
Phone: 919 541–3195
Fax: 919 541–5509
Email: herring.jeff@epamail.epa.gov

Ray Vogel
Phone: 919 541–3153
Fax: 919 541–5509
Email: vogel.ray@epamail.epa.gov

RIN: 2060–AM31

3120. REGULATION OF FUEL AND FUEL ADDITIVES: GASOLINE AND DIESEL TEST METHODS

Priority: Substantive, Nonsignificant

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)

Completed:

Reason	Date	FR Cite
Direct Final Action w/NPRM	04/03/06	71 FR 16492

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Joe Sopata
Phone: 202 343–9034
Fax: 202 343–2802
Email: sopata.joe@epamail.epa.gov

Dave Kortum
Phone: 202 343–9022
Fax: 202 343–2802
Email: kortum.dave@epamail.epa.gov

RIN: 2060–AM42

3121. PROTECTION OF STRATOSPHERIC OZONE: EXTENSION OF THE LABORATORY AND ANALYTICAL USE EXEMPTION FOR ESSENTIAL CLASS I OZONE DEPLETING SUBSTANCES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
NPRM	05/13/05	70 FR 25726
Final Action	12/29/05	70 FR 77048

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Hodayah Finman
Phone: 202 343–9246
Fax: 202 565–2079
Email:
finman.hodayah@epamail.epa.gov

RIN: 2060–AM56

3122. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS COATING MANUFACTURING; AMENDMENT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63 (Revision)

Completed:

Reason	Date	FR Cite
NPRM	05/13/05	70 FR 25684
Direct Final Action	05/13/05	70 FR 25676
Withdrawal Notice	07/06/05	70 FR 38780
Final Action	12/21/05	70 FR 75924

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Randy McDonald
Phone: 919 541–5402
Fax: 919 541–3470
Email:
mcdonald.randy@epamail.epa.gov

Robin Dunkins
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AM72

3123. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS; AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Merged With 2060–AN05, SAN 4911.1	02/01/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Kissell
Phone: 919 541–4516
Email: kissell.mary@epa.gov

K.C. Hustvedt
Phone: 919 541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epa.gov

RIN: 2060–AM78

3124. NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR STATIONARY COMBUSTION TURBINES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
NPRM	02/18/05	70 FR 8314
Final Action	02/24/06	71 FR 9453

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Christian Fellner
Phone: 919 541–4003
Email:
fellner.christian@epamail.epa.gov

Jaime Pagan
Phone: 919 541–5340
Email: pagan.jaime@epamail.epa.gov

RIN: 2060–AM79

3125. NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ELECTRIC UTILITY STEAM GENERATING UNITS AND INDUSTRIAL AND COMMERCIAL BOILERS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
NPRM	02/28/05	70 FR 9706
Final Action	02/27/06	71 FR 9866

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Christian Fellner
Phone: 919 541–4003
Email:
fellner.christian@epamail.epa.gov

Bill Maxwell
Phone: 919 541–5430
Fax: 919 541–5450
Email: maxwell.bill@epamail.epa.gov

RIN: 2060–AM80

3126. AMENDMENTS TO COMPLIANCE CERTIFICATION REQUIREMENTS FOR STATE AND FEDERAL OPERATING PERMITS PROGRAMS; CORRECTION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 70.6 (correction); 40 CFR 71.6 (correction)

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Grecia Castro
Phone: 919 541–1351
Fax: 919 541–5509
Email: castro.grecia@epamail.epa.gov

Michael Ling
Phone: 919 541–4729
Fax: 919 541–0804
Email: ling.michael@epamail.epa.gov

RIN: 2060–AM92

3127. NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING; RECONSIDERATION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Notice of Reconsideration	04/22/05	70 FR 21094
Final Action	11/17/05	70 FR 69655

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary Johnson
Phone: 919 541–5025
Fax: 919 541–5450
Email: johnson.mary@epamail.epa.gov

Robert J Wayland
Phone: 919 541–1045
Fax: 919 541–5450
Email:
wayland.robertj@epamail.epa.gov

RIN: 2060–AM94

3128. NESHAP: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS; RECONSIDERATION NOTICE

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Reconsideration Notice	06/27/05	70 FR 36907
Final Action	12/28/05	70 FR 76918

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Agency Contact: Jim Eddinger
Phone: 919 541–5426
Fax: 919 541–5450
Email: eddinger.jim@epamail.epa.gov

Bill Maxwell
Phone: 919 541–5430
Fax: 919 541–5450
Email: maxwell.bill@epamail.epa.gov

RIN: 2060–AM97

3129. REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUNDS – REMOVAL OF VOC EXEMPTIONS FOR CALIFORNIA'S AEROSOL COATINGS REACTIVITY–BASED REGULATION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
NPRM	01/07/05	70 FR 1640
Final Action	09/13/05	70 FR 53930

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Stanley Tong
Phone: 415 947–4122
Fax: 415 947–3579
Email: tong.stanley@epamail.epa.gov

William L. Johnson
Phone: 919 541–5245
Fax: 919 541–0824
Email: johnson.williaml@epa.gov

RIN: 2060–AM98

3130. PM 2.5 & PM10 HOT–SPOT ANALYSES IN TRANSPORTATION CONFORMITY RULE AMENDMENTS

Priority: Other Significant

CFR Citation: 40 CFR 51 and 93

Completed:

Reason	Date	FR Cite
Final Action	03/10/06	71 FR 12468

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Agency Contact: Rudolph Kapichak
Phone: 734 214–4574
Fax: 734 214–4052
Email:
kapichak.rudolph@epamail.epa.gov

Laura Berry
Phone: 734 214–4858
Fax: 734 214–4052
Email: berry.laura@epamail.epa.gov

RIN: 2060–AN02

3131. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS; LIST OF HAZARDOUS AIR POLLUTANTS, LESSER QUANTITY DESIGNATIONS, SOURCE CATEGORY LIST; RECONSIDERATION; FINAL RULE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Reconsideration Notice	07/29/05	70 FR 44012
Final Action	02/16/06	71 FR 8342

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Kissell
Phone: 919 541–4516
Email: kissell.mary@epa.gov

K.C. Hustvedt
Phone: 919 541–5395
Fax: 919 541–0246
Email: hustvedt.ken@epa.gov

RIN: 2060–AN05

3132. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL USES OF METHYL BROMIDE FOR THE 2005 SUPPLEMENTAL REQUEST

Priority: Other Significant

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
Final Rule	12/13/05	70 FR 73604

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Marta Montoro
Phone: 202 343–9321
Fax: 202 343–2338
Email: montoro.marta@epamail.epa.gov

RIN: 2060–AN13

3133. PROTECTION OF STRATOSPHERIC OZONE: THE 2006 CRITICAL USE EXEMPTION RULE FROM THE PHASEOUT OF METHYL BROMIDE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
NPRM	10/27/05	70 FR 62030
Final Action	02/06/06	71 FR 5985

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marta Montoro
Phone: 202 343–9321
Fax: 202 343–2338
Email: montoro.marta@epamail.epa.gov

Hodayah Finman
Phone: 202 343–9246
Fax: 202 565–2079

Email:
finman.hodayah@epamail.epa.gov

RIN: 2060–AN18

3134. IMPLEMENTATION RULE FOR 8–HOUR OZONE NAAQS—PHASE 2

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Final Action – Phase 2	11/29/05	70 FR 71612

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Agency Contact: John Silvasi
Phone: 919 541–5666
Fax: 919 541–0824
Email: silvasi.john@epa.gov

Denise Gerth
Phone: 919 541–5550
Fax: 919 541–0824
Email: gerth.denise@epa.gov

RIN: 2060–AN23

3135. COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS NSPS AND EG: DEFINITIONS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	09/22/05	70 FR 55568

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Brian Shrager
Phone: 919 541–7689
Fax: 919 541–5450
Email: shrager.brian@epamail.epa.gov

Mary Johnson
Phone: 919 541–5025
Fax: 919 541–5450
Email: johnson.mary@epamail.epa.gov

Related RIN: Related to 2060–AF91

RIN: 2060–AN31

3136. NESHAP: SECONDARY ALUMINUM PRODUCTION – AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63.1500

Completed:

Reason	Date	FR Cite
Direct Final Action	10/03/05	70 FR 57513

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rick Colyer
Phone: 919 541–5262
Fax: 919 541–5600
Email: colyer.rick@epamail.epa.gov

David Cozzie
Phone: 919 541–5356
Fax: 919 541–3207
Email: cozzie.david@epamail.epa.gov

RIN: 2060–AN38

3137. REVISIONS TO MOTOR VEHICLE DIESEL FUEL SULFUR TRANSITION PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Direct Final Action w/NPRM	11/22/05	70 FR 70498

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tad Wysor
Phone: 734 214–4332
Email: wysor.tad@epa.gov

Paul Machiele
Phone: 734 214–4264
Email: machiele.paul@epamail.epa.gov

RIN: 2060–AN41

3138. RENEWABLE FUEL STANDARDS REQUIREMENTS FOR 2006

Priority: Other Significant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Duplicate of RIN 2060–AN64, SAN 5024	03/09/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Barry Garelick
Phone: 202 343–9028
Fax: 202 343–2802
Email: garelick.barry@epa.gov

David Korotney
Phone: 734 214–4507
Fax: 734 214–4050
Email:
korotney.david@epamail.epa.gov;

RIN: 2060–AN51

3139. ● REVISION OF 112 FINDING RECONSIDERATION

Timetable:

Action	Date	FR Cite
Duplicate of RIN 2060-AN53, SAN 4571.3	03/09/06	

RIN: 2060–AN52

3140. ● FINDINGS OF FAILURE TO SUBMIT REQUIRED STATE IMPLEMENTATION PLANS FOR PHASE II OF THE NOX SIP CALL

Priority: Other Significant

Legal Authority: 42 USC 7410(a)(2)(D); 42 USC 7410(k)(5)

CFR Citation: 40 CFR 51 (Revision)

Legal Deadline: None

Abstract: The EPA is taking final action making findings, under the Clean Air Act (CAA), that Indiana, Illinois, Kentucky, Michigan, and Virginia failed to make complete State Implementation Plan (SIP) submittals required under the CAA. Under the CAA and Phase II of EPA's nitrogen oxides (NOx) SIP Call regulations, these States were required to submit SIP measures providing for reductions in the emissions of NOx, an ozone precursor. Publication of this notice defines the start of a clock for EPA to develop a Federal implementation plan under section 110(c) of the Clean Air Act.

Timetable:

Action	Date	FR Cite
Final Action	02/08/06	71 FR 6347

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4433.1; EPA publication information: Final Action - http://www.epa.gov/fedrgstr/EPA-AIR/2006/February/Day-08/a1175.htm; Split from RIN 2060-AJ16.

Agency Contact: Jan King, Environmental Protection Agency, Air and Radiation, C539–02, RTP, NC 27711
Phone: 919 541–5665
Email: king.jan@epa.gov

Carla Oldham, Environmental Protection Agency, Air and Radiation, C539–02, RTP, NC 27711
Phone: 919 541–3347
Fax: 919 541–1039
Email: oldham.carla@epamail.epa.gov

RIN: 2060–AN56

3141. ● RENEWABLE FUEL STANDARDS REQUIREMENTS FOR 2006

Priority: Other Significant

Legal Authority: PL 109–58, sec 1501

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: The Energy Policy Act of 2005 (the ''Act''), signed into law on August 8, 2005, requires EPA to promulgate regulations implementing the Renewable Fuels Standard (RFS) within 1 year of enactment. The RFS requires specific volumes of renewable fuel to be in gasoline sold in the U.S. starting with 4.0 billion gal/yr in 2006 up to 7.5 billion gal/yr in 2012. The Act provides that if EPA fails to promulgate regulations within one year, then a default value of 2.78 percent renewable fuel in gasoline will be in effect for 2006. This statutory provision is subject to multiple interpretations of key terms. The ''Renewable Fuel Standard Requirements for 2006'' that we are proposing will [provide the means to implement] interpret the default provision so that it can be implemented with certainty in the event EPA fails to promulgate the RFS within 1 year of enactment. It provides for refiners, importers and blenders to meet the 2.78 percent requirement collectively, rather than on an individual basis. Since our projections show that this value is highly likely to be met in 2006 under planned practices of the refining industry, we do not anticipate any impacts on the industry in general, nor any on small businesses. It will have no effect on State, local or tribal governments.

Timetable:

Action	Date	FR Cite
Direct Final Action w/NPRM	12/30/05	70 FR 77325

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5024; EPA publication information: Direct Final Action w/NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-30/a24611.htm;

Agency Contact: Barry Garelick, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20005
Phone: 202 343–9028
Fax: 202 343–2802
Email: garelick.barry@epa.gov

David Korotney, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 48104
Phone: 734 214–4507
Fax: 734 214–4050
Email: korotney.david@epamail.epa.gov;

RIN: 2060–AN64

3142. ● AMENDMENTS TO THE TIER 2 MOTOR VEHICLE EMISSION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title II

CFR Citation: 40 CFR 86.1811

Legal Deadline: None

Abstract: This action includes minor technical amendments to existing regulations that are consistent with our intention, under the original Tier 2 highway rule, to provide interim flexibilities for clean diesels in the passenger car market. The action will provide an alternative compliance option for a very limited set of NOx standards (high altitude and high speed/hard acceleration) and will maintain environmental neutrality via requirements for longer useful life and more stringent PM standards for vehicles using the option. The alternative compliance options will last for only 3 model years during which time advancements in diesel emissions control technologies can be further developed.

Timetable:

Action	Date	FR Cite
Direct Final Action w/NPRM	03/30/06	71 FR 16053

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5028;

Agency Contact: Todd Sherwood, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 48105
Phone: 734 214–4405
Email: sherwood.todd@epamail.epa.gov

Robin Moran, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 48105
Phone: 734 214–4781
Email: moran.robin@epamail.epa.gov

RIN: 2060–AN67

3143. ● APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS; MAINE; NOX EXEMPTION REQUEST FOR NORTHERN MAINE

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: Under the 1-hour ozone standard, EPA granted a NOx waiver in 1995 to certain areas in northern Maine. These northern areas have always been in attainment for ozone, but had certain NOx obligations because Maine is in the Ozone Transport Region (OTR). A NOx waiver allows major sources of NOx to be exempt from the OTR New Source Review (NSR) and Reasonably Available Control Technology (RACT) requirements. Under the 8-hour ozone implementation policy, Maine needs to reapply for a NOx waiver in these areas, or NSR and RACT will be applicable again in northern Maine. In order to be granted a waiver by EPA, Maine needs to demonstrate that emissions of NOx in these areas do not cause or contribute to ozone nonattainment anywhere in the OTR. Maine submitted its most recent NOx

EPA—Clean Air Act (CAA) — Completed Actions

waiver petition to EPA on March 28, 2005. The Administrator must approve all NOx waiver requests. This has not been delegated to the regions.

Timetable:

Action	Date	FR Cite
Final Action	02/03/06	71 FR 5791

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5026; EPA publication information: Final Action - http://www.epa.gov/fedrgstr/EPA-AIR/2006/February/Day-03/a984.htm;

Agency Contact: Richard Burkhart, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 617 918–1664
Email: burkhart.richard@epamail.epa.gov

Alease Wright, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 202 564–7276
Email: wright.alease@epamail.epa.gov

RIN: 2060–AN79

Environmental Protection Agency (EPA) — Long-Term Actions

Atomic Energy Act (AEA)

3144. 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 was issued to solicit early public input on this issue.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/03	68 FR 65120
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 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

3145. 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	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4003;

Agency Contact: Ray Clark, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9198
Fax: 202 343–9198
Email: clark.ray@epa.gov

RIN: 2060–AH90

Environmental Protection Agency (EPA) — Prerule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3146. ● PESTICIDES; DETERMINATION OF STATUS OF PRIONS AS PESTS

Priority: Other Significant

Legal Authority: 7 USC 136; 7 USC 136w

CFR Citation: 40 CFR 152

Legal Deadline: None

Abstract: Prions (proteinaceous infectious particles) are considered to be pests under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Agency is considering whether to propose a rule to amend an existing regulation that lists what organisms are pests, in order to make clear that prions are pests, and that a product or mixture of substances intended to prevent, destroy, repel or mitigate prions would be considered to be a pesticide subject to regulation under FIFRA. The Agency may issue an ANPRM to seek comment and foster discussion of this issue.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4985;

Agency Contact: Carlton Kempter, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7510C, Washington, DC 20460
Phone: 703 305–5448
Fax: 703 305–6467
Email: kempter.carlton@epa.gov

RIN: 2070–AJ26

Environmental Protection Agency (EPA) — Proposed Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3147. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 to 136y

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	12/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4173;

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

URL For More Information: http://www.epa.gov/pesticides/regulating/data.htm

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

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 305–5944
Fax: 703 305–5884
Email: frane.jean@epa.gov

RIN: 2070–AD30

3148. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEIN GENES

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 protein genes 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 based on viral coat protein genes 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
Supplemental NPRM 1	07/22/96	61 FR 37891
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 4	07/19/01	66 FR 37855
Reproposal	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 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

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Proposed Rule Stage

URL For More Information: http://www.epa.gov/pesticides/biopesticides/pips/index.htm

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@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@epa.gov

RIN: 2070–AD49

3149. • PESTICIDES: DATA REQUIREMENTS FOR PLANT–INCORPORATED PROTECTANTS (PIPS)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a; 7 USC 136w

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA intends to propose codifying data requirements for the pesticide registration of plant-incorporated protectants (PIPs). These data requirements are intended to provide EPA with data and other information necessary for the registration of PIPs. These requirements would improve the Agency's ability to make regulatory decisions about the human health and environmental effects of these products. By codifying data requirements specific to PIPs, the regulated community would have a better understanding of and could better prepare for the registration process. This proposed rule is one in a series of proposals to update and clarify pesticide data requirements. EPA has proposed data requirements for conventional pesticides (70 FR 12276; March 11, 2005) and is developing data requirements specific to antimicrobial, biochemical, and microbial pesticides.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 5005;

Agency Contact: Kristen Brush, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 308–0308
Email: brush.kristen@epa.gov

William Schneider, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7511C, Washington, DC 20460
Phone: 703 308–8683
Fax: 703 308–7026
Email: schneider.william@epa.gov

RIN: 2070–AJ27

3150. • PESTICIDES; EXPANSION OF CROP GROUPING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 346a

CFR Citation: 40 CFR 180

Legal Deadline: None

Abstract: EPA is revising the pesticide crop grouping regulations to create new crop groupings, add new subgroups, and expand existing crop groups by adding new commodities. EPA expects these revisions to promote greater use of crop grouping for tolerance-setting purposes and to facilitate the availability of pesticides for minor crop uses.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5031;

Agency Contact: Rame Cromwell, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 308–9068
Fax: 703 305–5884
Email: cromwell.rame@epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 305–5944
Fax: 703 305–5884
Email: frane.jean@epa.gov

RIN: 2070–AJ28

3151. • PESTICIDE AGRICULTURAL CONTAINER RECYCLING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 165

Legal Deadline: None

Abstract: EPA will propose to require that large pesticide manufacturers of agricultural pesticides and specialty chemicals support (either manage and operate or contract with another organization) a container recycling program that meets the standards of the American National Standards Institute (ANSI). The registrant's level of support for the program would be proportional to the quantity of disposable plastic containers he introduces into the marketplace. The proposed regulation will ensure the continued operation of an existing but endangered nationwide infrastructure for voluntary recycling of plastic pesticide containers. Recycling of pesticide containers will continue to be voluntary for farmers and dealers. The proposed regulation has the support of pesticide registrants, state regulators and agricultural retailers and dealers. The existing voluntary program, with an annual budget of less than $4 million, has successfully recycled over 80 million pounds of plastic pesticide containers over the past 12 years. The program is not self-sustainable and is in danger of collapse in spite of a nationwide infrastructure. This proposed rule would have minimal additional cost imposed on registrants (less than $5 million), would have no cost for small businesses. Companies meeting the SBA definition of <500 employees would be exempt. Companies would be required to obtain third-party certification and keep records of compliance. The rule would rely on a technical standard developed with broad stakeholder support by the American Society of Agricultural and Biological Engineers (ASABE) and approved by ANSI. The technical standard specifies management practices for effectiveness and safety in the handling, cleaning and recycling of used non-refillable, high density polyethylene containers up to 56

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gallons in size that originally held pesticides labeled for agriculture, forestry, professional specialty pesticides (for turf, ornamental, pest control, aquatic and terrestrial vegetation and other non-food/fiber applications) and structural pest control.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5050;

Agency Contact: Nancy Fitz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 305–7385
Email: fitz.nancy@epamail.epa.gov

Jude Andreasen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 308–9342
Fax: 703 308–3259
Email: andreasen.jude@epamail.epa.gov

RIN: 2070–AJ29

Environmental Protection Agency (EPA) — Final Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3152. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS

Priority: Other Significant

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: EPA is revising its data requirements for the registration of conventional pesticide products. In this action, the Agency is revising 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. When promulgated, the data requirements will 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. Coupled with revision of data requirements, EPA is reformatting the requirements and revising 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.

Timetable:

Action	Date	FR Cite
NPRM	03/11/05	70 FR 12277
Notice of Public Meeting	04/01/05	70 FR 16785
NPRM: Extension of comment period	06/08/05	70 FR 33414
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 2687; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-PEST/2005/March/Day-11/p4466.htm;

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information: http://www.epa.gov/pesticides/regulating/data.htm

Agency Contact: Vera Au, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 308–9069
Fax: 703 305–5884
Email: au.vera@epamail.epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 305–5944
Fax: 703 305–5884
Email: frane.jean@epa.gov

RIN: 2070–AC12

3153. PESTICIDE TOLERANCE REASSESSMENT PROGRAM

Priority: Routine and Frequent

Legal Authority: 21 USC 346(a) to (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) of 1996, requires that EPA conduct this reassessment on a phased 10-year schedule. Based on its reassessment, EPA will take the appropriate regulatory action(s) to modify or revoke tolerances. Since such actions are issued on a chemical-by-chemical basis and are exempt from inclusion in the Regulatory Agenda, this Regulatory Agenda entry does not list the individual actions that are likely to occur under this program. Instead, this entry is intended to note the statutory mandate for completing the reassessment by August 2006. 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 No. 4175; LEGAL DEADLINE CONT: EPA is required to complete reassessments on a phased schedule of: 33 percent by August 3, 1999; 66 percent by August 3, 2002; and 100 percent by August 3,

2006. The Agency will continue to assess pesticide tolerances throughout each year.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information: http://www.epa.gov/pesticides/regulating/tolerances.htm

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

3154. 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
Supplemental NPRM 1	10/21/99	64 FR 56918
Supplemental NPRM 2	12/21/99	64 FR 71368
Notice: Partial Reopening of Comment Period	06/30/04	69 FR 39392
Notice: Extension of Comment Period	08/13/04	69 FR 50114
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 2659; EPA publication information: Supplemental NPRM 2 - http://www.epa.gov/fedrgstr/EPA-PEST/1999/October/Day-21/p27397.htm;

Sectors Affected: 42291 Farm Supplies Wholesalers; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 11511 Support Activities for Crop Production

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, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 305–7385
Email: fitz.nancy@epamail.epa.gov

Jude Andreasen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 308–9342
Fax: 703 308–3259
Email: andreasen.jude@epamail.epa.gov

RIN: 2070–AB95

3155. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE

Priority: Other 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: As proposed, this regulation would have established 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 were reconsidered to determine whether the program could address water quality issues rather than ground-water only, and to determine the best partnership approach to implementation. During this period, the risk level associated with the named pesticides was reexamined and reduced. Moreover, since the proposal in 1996, many States have adopted the original concept and framework of Pesticide Management Plans and these programs are operational today. This experience and growth in knowledge has exceeded the requirements and specifications of the original proposal. Accordingly, EPA intends to withdraw the proposed rule in the near future.

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
Notice: Withdrawal	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 3222;

Sectors Affected: 9241 Administration of Environmental Quality Programs

Agency Contact: Charles Evans, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 305–7199
Email: evans.charles@epa.gov

Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 305–5944
Fax: 703 305–5884
Email: frane.jean@epa.gov

RIN: 2070–AC46

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Final Rule Stage

3156. PESTICIDES; PROCEDURES FOR THE REGISTRATION REVIEW PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 136a(g); 7 USC 136w

CFR Citation: 40 CFR 155

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, which are required by FIFRA section 3(g), is to review a pesticide's registration every 15 years. The regulations will address the following procedural aspects of the program: establishing pesticide cases for registration review; establishing schedules; assembling information to be considered during the review; deciding on the scope and depth of the review; calling in data under FIFRA sec. 3(c)(2)(B) that are needed to conduct the review; reviewing data and conducting risk assessments or benefit analyses, as needed; deciding whether a pesticide continues to meet the standard of registration in FIFRA; and public participation in the registration review process. If a pesticide does not meet the FIFRA standard, and cancellation is determined to be needed, the Agency will follow cancellation procedures in section 6 of FIFRA. This program will begin after the completion of tolerance reassessment in 2006 and before the completion of reregistration in 2008. Each pesticide will be reviewed every 15 years to assure that the it continues to meet the FIFRA standard for registration, including compliance with any new legislation, regulations or science policy.

Timetable:

Action	Date	FR Cite
ANPRM	04/26/00	65 FR 24586
NPRM	07/13/05	70 FR 40251
Notice of Availability	08/17/05	70 FR 48356
Final Action	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4170; EPA Docket information: OPP-2004-0404

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
Fax: 703 305–5884
Email: frane.jean@epa.gov

RIN: 2070–AD29

Environmental Protection Agency (EPA) — Long-Term Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3157. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 to 136y

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	03/08/06	71 FR 12071
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4596;

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information: http://www.epa.gov/pesticides/regulating/data.htm

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
Fax: 703 305–5884
Email: frane.jean@epa.gov

RIN: 2070–AD51

3158. ENDOCRINE DISRUPTOR 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: Section 408(p) of the Federal Food, Drug, and Cosmetic Act, as amended by the 1996 Food Quality Protection Act, directs EPA to establish and implement a program whereby industry will be required to screen and test all pesticide chemicals to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the

Administrator may designate. The requirements of Section 408(p) were implemented through the creation of the Endocrine Disruptor Screening Program (EDSP) in 1998. The EDSP has the following three components that are proceeding simultaneously: 1) Developing and validating assays; 2) setting chemical testing priorities; and 3) establishing 408(p) testing orders and related data procedures. The Endocrine Disruptor Methods Validation Advisory Committee (a Federal Advisory Committee Act committee) is providing advice to the EDSP on assay development and validation. For chemical testing priorities, the approach to selecting the first 50-100 chemicals was finalized in a September 2005 Federal Register Notice (70 FR 56449) and EPA is implementing that approach. For establishing the testing orders and related data procedures, EPA intends to focus on the initial 50-100 chemicals. The Agency intends to conduct a review of the data received from the screening of the initial group of chemicals to evaluate whether the program could be improved or optimized, and if so, how.

Timetable:

Action	Date	FR Cite
Notice	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 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.

URL For More Information: http://www.epa.gov/scipoly/oscpendo/index.htm

Agency Contact: William Wooge, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7201M, Washington, DC 20460
Phone: 202 564–8476
Fax: 202 564–8483
Email: wooge.william@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

3159. PESTICIDES; TOLERANCE PROCESSING FEES

Priority: Other Significant

Legal Authority: 21 USC 346(a)

CFR Citation: 40 CFR 180, 178

Legal Deadline: None

Abstract: Section 408(m) of the Federal Food, Drug, and Cosmetic Act requires 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. EPA developed a final rule that would have adjusted the fee structure and fee amounts for tolerance actions. A final rule completed OMB review on December 31, 2003, but has not been issued because the Consolidated Appropriations Act of 2004, signed on January 23, 2004, prohibits EPA from collecting any tolerances fees until September 30, 2008. This prohibition was expanded in 2005 to include a prohibition on using Federal funding to perform any work on a final tolerance fee rulemaking. As such, no rulemaking activities are currently planned.

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: No

Government Levels Affected: Federal

Additional Information: SAN No. 4027; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-PEST/1999/June/Day-09/p14477.htm;

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information: http://www.epa.gov/pesticides/regulating/fees/index.htm

Agency Contact: Lin Moos, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 305–0605
Fax: 703 305–5884
Email: moos.lin@epa.gov

RIN: 2070–AJ23

3160. 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 withdrawing this action from the regulatory agenda because it is an activity with a long term horizon; i.e., 10 years or longer. This activity will be reinitiated subsequent to: (1) The Agency implementing and gaining experience with procedures for exempting a class of plant-incorporated protectants (PIPs), e.g. Plant Viral Coat Protein-PIPs, and (2) development of a larger scientific base of information. For this action, EPA was 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.

Timetable:

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supplemental NPRM 1	07/22/96	61 FR 37891

Action	Date	FR Cite
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 4	07/19/01	66 FR 37855
Supplemental 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 No. 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

URL For More Information: http://www.epa.gov/pesticides/biopesticides/pips/index.htm

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

3161. 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 withdrawing this action from the regulatory agenda because it is an activity with a long term horizon; i.e., 10 years or longer. This activity will be reinitiated subsequent to: (1) The Agency implementing and gaining experience with procedures for exempting a class of plant-incorporated protectants (PIPs), e.g. Plant Viral Coat Protein-PIPs, and (2) development of a larger scientific base of information. For this action, EPA was 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.''

Timetable:

Action	Date	FR Cite
NPRM Original	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 4	07/19/01	66 FR 37855
Final Action (FFDCA)	To Be	Determined
Final Action (FIFRA)	To Be	Determined
NPRM (FFDCA)	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 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.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

URL For More Information: http://www.epa.gov/pesticides/biopesticides/pips/index.htm

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

3162. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS

Priority: Substantive, Nonsignificant

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 provisions tailored 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	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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

3163. 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 Action 1	12/14/01	66 FR 64759
Final Action 2	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3892;

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

URL For More Information: http://www.epa.gov/oppad001/regpolicy.htm

Agency Contact: Jean Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 305–5944
Fax: 703 305–5884
Email: frane.jean@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

3164. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136i; 7 USC 136w

CFR Citation: 40 CFR 171; 40 CFR 156; 40 CFR 152

Legal Deadline: None

Abstract: The EPA is proposing change to Federal regulations guiding the certified pesticide applicator program (40 CFR 171). Change is sought to strengthen the regulations so that they may better protect pesticide applicators and the public from harm due to pesticide exposure. Changes would include having occupational users of pesticides demonstrate competency by meeting minimum competency requirements; ensuring that those who train on pesticide safety are competent; and requiring additional competency determinations of those who use the most toxic pesticides in a manner that could result in significant exposure to the public. The need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the need for changes to the regulation.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5007;

Agency Contact: Jeanne Kasai, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 308–3240
Fax: 703 308–2962
Email: kasai.jeanne@epamail.epa.gov

Donald Eckerman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 305–5062
Fax: 703 308–2962
Email: eckerman.donald@epamail.epa.gov

RIN: 2070–AJ20

3165. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

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

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136w

CFR Citation: 40 CFR 156; 40 CFR 170

Legal Deadline: None

Abstract: The EPA is developing a proposal to revise the Federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are expected to

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Long-Term Actions

help agricultural workers protect themselves from potential hazards resulting from their potential exposure to pesticides and pesticide residues. EPA is proposing to make minor adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to establish a right-to-know Hazard Communication program and make improvements to pesticide safety training. The need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5006;

Agency Contact: Don Eckerman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 305–5062
Fax: 703 308–2962
Email: eckerman.donald@epa.gov

Jeanne Kasai, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460
Phone: 703 308–3240
Fax: 703 308–2962
Email: kasai.jeanne@epamail.epa.gov

RIN: 2070–AJ22

Environmental Protection Agency (EPA) — Completed Actions
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3166. PROTECTIONS FOR TEST SUBJECTS IN HUMAN RESEARCH

Priority: Other Significant

CFR Citation: 40 CFR 26

Completed:

Reason	Date	FR Cite
ANPRM	05/07/03	68 FR 24410
Notice	02/08/05	70 FR 6661
NPRM	09/12/05	70 FR 53838
Final Action	02/06/06	71 FR 6137

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: William Jordan
Phone: 703 305–1049
Fax: 703 308–4776
Email: jordan.william@epamail.epa.gov

John Carley
Phone: 703 305–7019
Fax: 703 308–4776
Email: carley.john@epamail.epa.gov

RIN: 2070–AD57

3167. PESTICIDES; EMERGENCY EXEMPTION PROCESS REVISIONS

Priority: Other Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 166

Completed:

Reason	Date	FR Cite
Notice: Limited Pilot	04/24/03	68 FR 20145
NPRM	09/03/04	69 FR 53866
Final Action	01/27/06	71 FR 4495

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Agency Contact: Joe Hogue
Phone: 703 308–9072
Fax: 703 305–5884
Email: hogue.joe@epamail.epa.gov

Jean Frane
Phone: 703 305–5944
Fax: 703 305–5884
Email: frane.jean@epa.gov

RIN: 2070–AD36

Environmental Protection Agency (EPA) — Prerule Stage
Toxic Substances Control Act (TSCA)

3168. FUTURE TESTING FOR EXISTING CHEMICALS (OVERVIEW 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 and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is 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 rulemaking 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. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) the Agency

EPA—Toxic Substances Control Act (TSCA) — Prerule Stage

will consider whether to require testing of the chemical through rulemaking or ECA or will publish a notice which provides the reasons for not doing so in the case of a particular chemical (such reasons may involve the existence of a VTA). The Agency may also consider test rules, ECAs or VTAs for chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes. This regulatory agenda entry is considered a ''generic entry'' because it is intended to alert the public that within the next 6 months the Agency may consider other chemicals for test rules, ECAs or VTAs that are not yet identified. A separate activity-specific entry will be included in the regulatory agenda once the Agency decides to develop a test rule, ECA or VTA.

Timetable:

Action	Date	FR Cite
Notice/ANPRM	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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@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

3169. • NANOSCALE MATERIALS STEWARDSHIP PROGRAM

Priority: Other Significant

Legal Authority: 15 USC 2601 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Nanoscale materials are chemical substances containing structures in the scale of approximately 1 to 100 nanometers, and may have different molecular organizations and properties than the same chemical substances in a larger scale. Because such materials may have novel properties and present novel issues, evaluating and managing health and environmental risks of nanoscale materials poses a new challenge. Under the Toxic Substances Control Act, EPA has the authority to require the development of data adequate for the assessment of chemical substances and mixtures from persons that manufacture or process them, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures. The Office of Prevention, Pesticides and Toxic Substances is considering establishing a stewardship program to assemble existing data and information from manufacturers and processors of certain nanoscale materials. With this assembled material, EPA will take appropriate steps to protect human health and the environment from unreasonable risk from these substances.

Timetable:

Action	Date	FR Cite
Notice	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5058;

Agency Contact: Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8974
Fax: 202 564–4775
Email: alwood.jim@epa.gov

Jim Willis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–0104
Fax: 202 564–9490
Email: willis.jim@epamail.epa.gov

RIN: 2070–AJ30

Environmental Protection Agency (EPA) — Proposed Rule Stage
Toxic Substances Control Act (TSCA)

3170. LEAD–BASED PAINT ACTIVITIES; AMENDMENTS FOR RENOVATION, REPAIR AND PAINTING

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 2682 and 2684 TSCA secs 402 and 404

CFR Citation: 40 CFR 745

Legal Deadline: Final, Statutory, October 28, 1996.

NPRM, Statutory, December 30, 2005, Administration deadline.

Abstract: The Environmental Protection Agency is developing a comprehensive program for the management of renovation, repair and painting activities involving lead-based paint hazards. The program will be comprised of a combination of approaches including an extensive education and outreach campaign for lead-safe work practices and training for industry, an outreach campaign designed to expand consumer awareness and create demand for the use of lead-safe work practices, and the proposal of regulatory requirements. On January 10, 2006, the EPA proposed regulatory requirements for renovation, repair and painting contractors involved in activities where, as a result of their work, lead hazards are created. [Modifications to the abatement requirements will also be considered to ensure compatibility between the existing requirements and any future renovation requirements.]

Timetable:

Action	Date	FR Cite
NPRM	01/10/06	71 FR 1588

Action	Date	FR Cite
NPRM: Extension of Comment Period	04/06/06	71 FR 17409

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3557; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-TOX/2006/January/Day-10/t071.htm; EPA Docket information: EPA-HQ-OPPT-2005-0049; Individual Document id in the EPA docket: www.regulations.gov

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

URL For More Information: http://www.epa.gov/oppt/lead/pubs/renovation.htm

Agency Contact: Mike Wilson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0521
Fax: 202 566–0471
Email: wilson.mike@epa.gov

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–1980
Fax: 202 566–0471
Email: simpson.julie@epa.gov

RIN: 2070–AC83

3171. 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: New DOD Petition	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 2150;

Sectors Affected: 2211 Electric Power Generation, Transmission and Distribution; 31-33 Manufacturing; 5133 Telecommunications

URL For More Information: www.epa.gov/pcb

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

Tom Simons, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0517
Fax: 202 566–0473
Email: simons.tom@epamail.epa.gov

RIN: 2070–AB20

3172. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

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) 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 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 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	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 2563;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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@epa.gov

RIN: 2070–AB79

3173. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS

Priority: Other Significant

Legal Authority: 15 USC 2603

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is issuing test rules under section 4(a) of the Toxic Substances Control Act (TSCA) to 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) that have not been sponsored under the voluntary HPV Challenge Program. Although varied based on specific data needs for the particular chemical, the data generally collected under these rules 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 of chemicals included in the first final rule may be reduced based on new information on annual production volumes, worker exposure, and commitments to the voluntary HPV Challenge Program. Subsequent test rules will require similar screening level testing for other unsponsored HPV Challenge Program chemicals.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81658
Final Action	03/16/06	71 FR 13709
NPRM2	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3990; EPA Docket information: EPA-HQ-OPPT-2005-0033

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/opptintr/chemtest

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@epa.gov

RIN: 2070–AD16

3174. SIGNIFICANT NEW USE RULE (SNUR); MERCURY SWITCHES IN MOTOR VEHICLES

Priority: Routine and Frequent

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for mercury used in convenience light switches, anti-lock braking system (ABS) sensors, and active ride control sensors in motor vehicles. This action would require persons who intend to manufacture, import, or process mercury for these uses, including when mercury is imported or processed as part of an article, to notify EPA at least 90 days before commencing such activity. The required notice would provide EPA with the opportunity to evaluate the use of mercury in these switches, and, if necessary, to prohibit or limit such activity before it occurs to prevent unreasonable risk of injury to human health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4983;

Sectors Affected: 335931 Current-Carrying Wiring Device Manufacturing; 3363 Motor Vehicle Parts Manufacturing

Agency Contact: Ellie Clark, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0498
Fax: 202 566–0469
Email: clark.ellie@epamail.epa.gov

Nancy Wilson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 202 566–0492
Email: wilson.nancy@epa.gov

RIN: 2070–AJ19

3175. 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: In support of the residential upholstered furniture (RUF) flammability standards under consideration by the Consumer Product Safety Commission (CPSC), EPA would propose a significant new use rule (SNUR) under section 5 of the Toxic

Substances Control Act (TSCA) covering certain flame retardant chemicals for use in RUF. The SNUR would require companies intending to import, manufacture or process these chemicals for use as a flame retardant in RUF to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The required notice will provide EPA with the opportunity to evaluate their use as flame retardant chemicals in RUF, and if necessary to prohibit or limit such activity before it occurs to prevent any unreasonable risk of injury to human health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4512; ; EPA Docket information: EPA-HQ-OPPT-2002-0074

Sectors Affected: 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing

Agency Contact: 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

Amy Breedlove, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9823
Fax: 202 564–4775
Email: breedlove.amy@epa.gov

RIN: 2070–AD48

3176. 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: In an Advance Notice of Proposed Rulemaking (ANPRM) issued in November 2004, EPA announced and sought comment on whether it should establish new procedures and regulations for naming enzymes and proteins when listing such substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory (TSCA Inventory). The ANPRM outlined four identification elements that EPA currently believes are appropriate for use in developing unique TSCA Inventory nomenclature for proteinaceous enzymes. The Agency also solicited public comment on several specific questions relating to this topic. EPA is currently evaluating the comments received and is developing a proposed rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	11/15/04	69 FR 65565
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4878; ; EPA Docket information: OPPT-2003-0058

Agency Contact: Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8974
Fax: 202 564–4775
Email: alwood.jim@epa.gov

Henry Lau, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7406M, Washington, DC 20460
Phone: 202 564–8572
Email: lau.henry@epamail.epa.gov

RIN: 2070–AJ04

3177. 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 > 50 ppm PCBs in paint, gaskets and cable that cannot be easily removed. In 2003, MARAD exported four surplus ships to a shipyard in the United Kingdom, Able UK, for scrapping; however, the planned export of an additional nine ships had been prevented by a temporary restraining order issued by the U.S. District Court for D.C. Although EPA issued a letter of enforcement discretion in May 2003, on July 29, 2004, MARAD submitted a partial petition for an export ban exemption under TSCA 6(e)(3)(B). Upon receipt of a completed petition, the Agency will conclude its review. 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	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 2150.1; Split from RIN 2070-AB20.; EPA Docket information: OPPT-2004-0107

URL For More Information: www.epa.gov/pcb/

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, 7404, Washington, DC 20460
Phone: 202 566–0514
Fax: 202 566–0473
Email: baney.tony@epamail.epa.gov

RIN: 2070–AJ05

EPA—Toxic Substances Control Act (TSCA) — Proposed Rule Stage

3178. EFFECTS OF TRANSFERS OF OWNERSHIP ON OBLIGATIONS UNDER SECTION 5 OF TSCA

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: Companies frequently transfer ownership or other rights with respect to a chemical substance to a different company or person. These transfers may have regulatory implications because of the transferor's earlier submittal under the Toxic Substances Control Act (the ''Act'') of a premanufacture notice, a significant new use notice, or an exemption notice to EPA for the chemical substance. Either prior to or after commencing the manufacture of the chemical substance, the company may want to transfer the right to manufacture the chemical substance to a new company as part of a merger, corporate reorganization, or other business transaction. The Act can be interpreted as requiring the transferee of a right to manufacture to submit a new premanufacture notice to the Agency, because the transferee is a new person. However, the Agency has not always required the transferee to submit a new notice and has allowed the transferee to manufacture the chemical substance under the original company's authorization. Because there are no rules or formal guidance concerning the procedure for transferring rights to manufacture, this issue has not been addressed in a clear and consistent manner. Furthermore, it is not clear if a transferee of a right to manufacture is liable under the Act to the same extent as the transferor. Therefore, to clarify these issues, EPA proposes to adopt a rule to accomplish several purposes: (1) To provide a clear procedural mechanism to facilitate the transfer of rights to manufacture to new persons; (2) to require the transferee to specifically assume all of the legal obligations associated with the transferred right to manufacture; and (3) to provide notice to the Agency of a proposed transfer of a right to manufacture, thereby allowing the Agency to engage in more meaningful compliance monitoring.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4975;

Agency Contact: James Vinch, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–1256
Fax: 202 564–1256
Email: vinch.james@epa.gov

RIN: 2070–AJ15

3179. CLARIFICATION ON GUIDANCE FOR ACTIVATED PHOSPHORS

Priority: Info./Admin./Other

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: EPA is developing guidance to clarify the chemical identification of activated phosphors for purposes of the Toxic Substances Control Act (TSCA) Chemical Substance Inventory (TSCA Inventory). Specifically, the Agency is developing guidance to clarify that an activated phosphors not currently listed on the TSCA Inventory is considered a new chemical under TSCA. Prior to initiating the manufacture or import of a new chemical, TSCA section 5 requires a company to submit a premanufacture notice (PMN) to EPA. Apparently this has not been clear and several firms have initiated the manufacture of activated phosphor materials that are not listed on the TSCA Inventory without having submitted the required PMN. EPA intends to seek public comment on draft guidance in this area to ensure that the necessary clarity is provided.

Timetable:

Action	Date	FR Cite
Notice	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4984;

Agency Contact: David Schutz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9262
Fax: 202 564–9262
Email: schutz.david@epa.gov

Linda Gerber, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9262
Fax: 202 564–9262
Email: gerber.linda@epa.gov

RIN: 2070–AJ21

Environmental Protection Agency (EPA) — Final Rule Stage
Toxic Substances Control Act (TSCA)

3180. 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: In September 2005, EPA proposed an amendment to the Polymer Exemption Rule, which provides an exemption from the premanufacture notification (PMN) requirements of the Toxic Substances Control Act (TSCA). The proposed amendment would exclude from eligibility polymers containing as an integral part of their composition, except as impurities, certain perfluoroalkyl moieties consisting of a CF3- or longer chain length. This proposed exclusion includes polymers that contain any one or more of the following: perfluoroalkyl sulfonates (PFAS); perfluoroalkyl carboxylates (PFAC); fluorotelomers; or perfluoroalkyl moieties that are covalently bound to either a carbon or sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule. If finalized as proposed, any person who intends to manufacture (or import) any of these polymers not already on the TSCA Inventory would have to complete the TSCA

premanufacture review process prior to commencing the manufacture or import of such polymers. EPA believes this proposed change to the current regulation is necessary because, based on recent information, EPA can no longer conclude that these polymers ''will not present an unreasonable risk to human health or the environment,'' which is the determination necessary to support an exemption under TSCA, such as the Polymer Exemption Rule.

Timetable:

Action	Date	FR Cite
NPRM	03/07/06	71 FR 11485
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4635;

Sectors Affected: 325 Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 326 Plastics and Rubber Products Manufacturing

Agency Contact: Geraldine Hilton, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405, Washington, DC 20460
Phone: 202 564–8986
Fax: 202 564–9490
Email: hilton.geraldine@epa.gov

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 202 564–9138
Email: cool.rebecca@epa.gov

RIN: 2070–AD58

3181. 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

CFR Citation: 40 CFR 721

Legal Deadline: None

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, EPA extends 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: Aromatic Amino Ether (P90–1840)	06/06/94	59 FR 29255
NPRM: Alkenyl Ether of Alkanetriol Polymer (93–458)	12/19/94	59 FR 65289
NPRM: Certain Chemical Substances (91–1299/95–1667 91–1298 91–1297)	06/26/97	62 FR 34421
Final: Alkenyl Ether of Alkanetriol Polymer (93–458)	12/00/06	
Final: Aromatic Amino Ether (P90–1840)	12/00/06	
Final: Certain Chemical Substances (91–1299/95–1667 91–1298 91–1297)	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3495;

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

URL For More Information: http://www.epa.gov/opptintr/newchems/cnosnurs.htm

Agency Contact: Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8974
Fax: 202 564–4775
Email: alwood.jim@epa.gov

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 202 564–9138
Email: cool.rebecca@epa.gov

RIN: 2070–AB27

3182. 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-related data (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.

Timetable:

Action	Date	FR Cite
Final 51st ITC List	06/11/03	68 FR 34832
Final 53rd ITC List	12/07/04	69 FR 70552
Final 55th AND 56th ITC Lists	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 2178;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:

www.epa.gov/oppt/chemtest

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

3183. 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 chemical manufacturers, importers and processors to submit unpublished health and safety data on chemicals added to the Toxic Substances Control Act (TSCA) 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 (ITC). The Regulatory Agenda identifies the most recent rules and any anticipated rules.

Timetable:

Action	Date	FR Cite
Final: 51st ITC List (has actions from lists 43, 47, and 50)	05/04/04	69 FR 24517
Final: 55th and 56th ITC Lists	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 1139;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:
www.epa.gov/oppt/chemtest

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

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

3184. VOLUNTARY HIGH PRODUCTION VOLUME (HPV) CHEMICAL CHALLENGE PROGRAM

Priority: Other Significant

Legal Authority: 15 USC 2601 et seq. (TSCA)

CFR Citation: 00 CFR 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. The Agency is considering specific chemicals which are not voluntarily sponsored in the HPV Challenge Program as candidates for rules under section 4 and 8 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	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: SAN No. 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

URL For More Information:
www.epa.gov/chemrtk/volchall.htm

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

Amy Breedlove, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9823
Fax: 202 564–4775
Email: breedlove.amy@epa.gov

RIN: 2070–AD25

3185. SIGNIFICANT NEW USE RULE (SNUR); CERTAIN POLYBROMINATED DIPHENYL ETHERS (PBDES)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604 TSCA sec 5

CFR Citation: 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

Legal Deadline: None

Abstract: EPA proposed a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain polybrominated diphenylethers (PBDEs). The SNUR would require companies wanting to import or manufacture these chemicals for the significant new uses described in the SNUR to submit a significant new use notice (SNUN) to the Agency at least

90 days prior to beginning those activities. The SNUN provides EPA the opportunity to evaluate the intended use, and, if necessary, prohibit or limit that use before it occurs. Great Lakes Chemical Corporation, the only United States manufacturer of pentaBDE and octaBDE, voluntarily phased out of these commercial products by the end of 2004. The chemical substances subject to this proposed rule are these commercial products, and other PBDE congeners that comprise these products. This proposed rule would require manufacturers and importers to notify EPA at least 90 days before commencing the manufacture or import of any one or more of these chemicals on or after January 1, 2005, for any use.

Timetable:

Action	Date	FR Cite
NPRM	12/06/04	69 FR 70404
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4870; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-TOX/2004/December/Day-06/t26731.htm; EPA Docket information: EPA-HQ-OPPT-2004-0085

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@epa.gov

Amy Breedlove, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9823
Fax: 202 564–4775
Email: breedlove.amy@epa.gov

RIN: 2070–AJ02

3186. 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 (man-made) 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 the Toxic 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 and exposure pathways leading to the presence of PFOA in humans and the environment.

Timetable:

Action	Date	FR Cite
Final: ECA and CO for Fluoropolymer Chemicals Incineration	07/08/05	70 FR 39630
Final: ECA and CO for Fluorotelomer–based Polymer Chemicals Incineration	07/08/05	70 FR 39624
Notice; Measurement of PFOA Generated from Thermal Degradation of Fluoropolymer Chemicals	06/00/06	
Stewardship Program	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.1; EPA Docket information: EPA-HQ-OPPT-2003-0012

URL For More Information: http://www.epa.gov/oppt/pfoa/index.htm

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@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

3187. TESTING AGREEMENT FOR DIETHANOLAMINE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

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 and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary 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 rulemaking 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 proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (''HAPs''), including diethanolamine (61 FR 33178, June 26, 1996) (FRL-4869-1), as amended by 62 FR 67466, December

24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Alkanolamines Panel submitted a proposal on November 25, 1996, for alternative testing involving PK studies. ORD/NCEA performed a technical analysis of the proposal in November of 1997. A public meeting was held on February 24, 1998. The Alkanolamines Panel of ACC has submitted three update letters, one in April 1999, one in May of 2003 and one in January of 2005. Under this action, EPA will continue negotiations to develop an ECA that will provide health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.4;

URL For More Information: www.epa.gov/oppt/chemtest

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@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–AJ09

3188. TESTING AGREEMENT FOR HYDROGEN FLUORIDE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

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 and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary 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 rulemaking 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 proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (''HAPs''), including hydrogen fluoride (61 FR 33178, June 26, 1996) (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Hydrogen Fluoride (HF) Panel submitted a proposal for alternative testing involving PK studies for HF on November 27, 1996. EPA responded to this proposal by letter on June 26, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 Test Rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.5;

URL For More Information: www.epa.gov/oppt/chemtest

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@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–AJ10

3189. TESTING AGREEMENT FOR PHTHALIC ANHYDRIDE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

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 and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate,

and (3) testing is necessary 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 rulemaking 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 proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (''HAPs''), including phthalic anhydride (61 FR 33178, June 26, 1996) (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Phthalic Anydride (PA) Panel submitted a proposal for alternative testing involving PK studies for PA on November 22, 1996. EPA responded to this proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 Test Rule, as amended.

Timetable:

Action	Date	FR Cite
Final Action – ECA	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.7;

URL For More Information: www.epa.gov/oppt/chemtest

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@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–AJ11

3190. TESTING AGREEMENT FOR MALEIC ANHYDRIDE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

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 and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary 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 rulemaking 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 proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (''HAPs''), including maleic anhydride (61 FR 33178, June 26, 1996) (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Maleic Anhydride (MA) Panel submitted a proposal for alternative testing involving PK studies for MA on November 8, 1996. EPA responded to the Panel's proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 Test Rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.6;

URL For More Information: www.epa.gov/oppt/chemtest

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@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–AJ13

3191. ● TSCA INVENTORY UPDATE REPORTING RULE; ELECTRONIC REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2607(a) TSCA 8(a)

EPA—Toxic Substances Control Act (TSCA) — Final Rule Stage

CFR Citation: 40 CFR 710

Legal Deadline: None

Abstract: With this action, the EPA will amend the TSCA Inventory Update Rule (IUR) to allow online electronic submissions though EPA's Central Data Exchange (CDX) system. Under the IUR, manufacturers and importers of certain chemicals on the TSCA Chemical Substances Inventory must report data to EPA on the manufacture, import, and use of these chemicals. Information on chemicals from calendar year 2005 must be reported to EPA using Form U during the 2006 submission period. In 2006, industry will be able to submit the IUR Form U on-line through EPA's CDX. CDX has become a trusted and time-tested information exchange system used by over 45,000 registered participants. Responding to e-Government initiatives, and to simplify and improve the submission process for industry, EPA is currently developing the capability for IUR submitters to use EPA's CDX to upload their electronic IUR data securely and efficiently over the Web to EPA for processing. Of course, industry will continue to be able to submit Form U to the Agency either in hard copy or on CD-ROM.

Timetable:

Action	Date	FR Cite
Direct Final Action; Using CDX	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 3301.2; Split from RIN 2070-AD63.; EPA Docket information: OPPT-2004-0106

URL For More Information: www.epa.gov/oppt/iur

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–AJ25

Environmental Protection Agency (EPA) — Long-Term Actions
Toxic Substances Control Act (TSCA)

3192. 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. On February 3, 1994, EPA issued an interim final rule to revise the asbestos MAP to clarify the types of persons who must be accredited to work with asbestos in schools and public or commercial buildings; to increase the minimum number of hours of training for asbestos abatement workers and contractor/supervisors, including additional hours of hands-on health and safety training; and to effect a variety of other necessary changes as mandated by section 15(a)(3) of the ASHARA. This interim final rule satisfied the statutory deadline. EPA will continue to consider finalizing the MAP rule and/ or promulgating regulatory revisions to sunset current EPA MAP accreditations granted to training providers.

Timetable:

Action	Date	FR Cite
Model Plan	05/13/92	57 FR 20438
Interim Final Action	02/03/94	59 FR 5236
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3148;

Sectors Affected: 611519 Other Technical and Trade Schools

URL For More Information: http://www.epa.gov/asbestos/

Agency Contact: Robert Courtnage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–1081
Fax: 202 566–0473
Email: courtnage.robert@epamail.epa.gov

Tony Baney, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404, Washington, DC 20460
Phone: 202 566–0514
Fax: 202 566–0473
Email: baney.tony@epamail.epa.gov

RIN: 2070–AC51

3193. 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. EPA intends to publish a notice withdrawing the proposal.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM	03/09/94	59 FR 11122
Notice: Withdrwal of NPRM	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3252;

URL For More Information: http://www.epa.gov/oppt/lead/

Agency Contact: Doreen Cantor, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404, Washington, DC 20460
Phone: 202 566–0486
Fax: 202 566–0471
Email: cantor.doreen@epa.gov

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–1980
Fax: 202 566–0471
Email: simpson.julie@epa.gov

RIN: 2070–AC21

3194. LEAD–BASED PAINT ACTIVITIES; BRIDGES AND STRUCTURES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE

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 2682, 2684; 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 for LBP activities in target housing and child occupied facilities as well as training and certification of training programs for LBP activities 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	01/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4376;

Sectors Affected: 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools

URL For More Information: http://www.epa.gov/oppt/lead/

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: 202 566–0471
Email: simpson.julie@epa.gov

RIN: 2070–AC64

3195. POLYCHLORINATED BIPHENYLS (PCBS); DISPOSAL OF PCBS; IMPLEMENTATION ISSUES

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

Legal Authority: 15 USC 2605(e) 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	10/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 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

URL For More Information: www.epa.gov/pcb

Agency Contact: Sara McGurk, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0480
Fax: 202 566–0473
Email: mcgurk.sara@epamail.epa.gov

David Hanneman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0509
Fax: 202 566–0473
Email: hanneman.dave@epamail.epa.gov

RIN: 2070–AD52

3196. 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: Aluminum Cross–linked Sodium Carboxy methylcellulose	06/11/93	58 FR 32628
Final: 84–1056	12/00/07	
Final: 86–566	12/00/07	
Final: Aluminum Cross–linked Sodium Carboxy methylcellulose	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 1976;

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

URL For More Information: http://www.epa.gov/opptintr/newchems/cnosnurs.htm

Agency Contact: Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8974
Fax: 202 564–4775
Email: alwood.jim@epa.gov

Rebecca Cool, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 202 564–9138
Email: cool.rebecca@epa.gov

RIN: 2070–AA59

3197. 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 nine 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: Initiation of Stakeholder Process & Public Meeting	08/26/99	64 FR 46673
Notice: Stakeholder Involvement Process & Public Meeting	03/29/00	65 FR 16590
Notice Announcing VCCEP & Pilot	12/26/00	65 FR 81700
Notice: Pilot Status	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 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, Washington, DC 20460
Phone: 202 564–3452
Fax: 202 564–4765
Email: penberthy.ward@.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

3198. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

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
Supplemental NPRM	12/24/97	62 FR 67466
Supplemental NPRM 2	04/21/98	63 FR 19694
NPRM – Reproposal	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3487;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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

3199. TEST RULE; CERTAIN METALS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

CFR Citation: 40 CFR 790–799

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 Agency's 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) and EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(I) and the Clean Air Act (CAA) section 112. 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 No. 3882;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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@epa.gov

RIN: 2070–AD10

3200. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 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 or other testing action is proposed.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	To Be	Determined
Notice Soliciting Participation	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4174;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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@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

3201. 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 2625 TSCA 26

CFR Citation: 40 CFR 790 to 799; 40 CFR 704

Legal Deadline: None

Abstract: On March 4, 1991, EPA issued a proposed TSCA section 4 Test Rule to require testing of 12 chemicals for developmental and/or reproductive effects. Since issuing that proposed rule, 11 of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary HPV Chemical Challenge Program, and/or the International Council of Chemical Associations (ICCA). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

Timetable:

Action	Date	FR Cite
NPRM original	03/04/91	56 FR 9092
NPRM – Reproposal	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4395;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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@epa.gov

RIN: 2070–AD44

3202. 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 monitors the commercial development of existing chemicals of concern and/or gathers 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–Pentanedione	09/27/89	54 FR 39548
NPRM: Chloranil	05/12/93	58 FR 27980
NPRM: Heavy Metals	01/15/02	67 FR 1937
Final: Chloranil	12/00/06	
Final: Heavy Metals	06/00/07	
NPRM: Benzidine Congener Dyes	06/00/07	
Supp. NPRM: 2,4–Pentanedione	06/00/07	
Supp. NPRM: Benzidine Congener Dyes	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: SAN No. 1923;

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: 202 564–4775
Email: alwood.jim@epa.gov

RIN: 2070–AA58

3203. 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	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 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: 202 566–1081
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

3204. 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 for commercial 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: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: SAN No. 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, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 202 564–9138
Email: cool.rebecca@epa.gov

RIN: 2070–AD53

3205. LEAD–BASED PAINT; AMENDMENTS TO THE REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD–BASED PAINT OR LEAD–BASED PAINT HAZARDS IN TARGET HOUSING

Priority: Substantive, Nonsignificant

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 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 that apply to these transactions. Overall burden is not expected to increase significantly.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4777;

Sectors Affected: 92511 Administration of Housing Programs; 53111 Lessors of Residential Buildings and Dwellings; 53121 Offices of Real Estate Agents and Brokers; 522292 Real Estate Credit; 531311 Residential Property Managers

URL For More Information: http://www.epa.gov/oppt/lead/

Agency Contact: John Wilkins, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0477
Fax: 202 566–0471
Email: wilkins.john@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–AD64

3206. NOTIFICATION OF CHEMICAL EXPORTS UNDER TSCA SECTION 12(B)

Priority: Other Significant

Legal Authority: 15 USC 2611

CFR Citation: 40 CFR 707

Legal Deadline: None

Abstract: Section 12(b)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. As part of OMB's Regulatory Reform of the U.S. Manufacturing Sector Report (2005), commenters expressed concern that the existing TSCA section 12(b) regulations do not provide a low-level cut-off for the export notification requirements. To address that concern, EPA committed to OMB that it would consider potential changes to the TSCA section 12(b) regulation within the scope of existing statutory authority and issue a proposed amendment to address the concern expressed by January 2006. 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. After the comment period closes, EPA will determine next steps.

Timetable:

Action	Date	FR Cite
NPRM	02/09/06	71 FR 6733
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4858; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-TOX/2006/February/Day-09/t1797.htm; EPA Docket information: EPA-HQ-OPPT-2005-0058

URL For More Information: www.epa.gov/opptintr/chemtest/12b.htm

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@epa.gov

Dave 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@epa.gov

RIN: 2070–AJ01

3207. TESTING AGREEMENT FOR ARYL PHOSPHATES (ITC LIST 2)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: On January, 17, 1972 (57 FR 2138), EPA published a proposed TSCA Section 4 test rule covering a number of aryl phosphate base stocks. On March 30, 1993, EPA announced initiation of negotiations with the Aryl Phosphates Panel of the Chemical Manufacturers Association (now the American Chemistry Council or ACC) to develop a TSCA Section 4 Enforceable Consent Agreement (ECA) for aryl phosphate base stocks as an alternative approach to testing under the proposed rule (58 FR 16669). On October 9, 1998, EPA sent letters to the Chief Executive Officers of companies, including those who were participating in the development of this ECA, to announce EPA's High Production Volume (HPV) Chemical Challenge Program. Consistent with the international OECD Screening Information Data Set (SIDS) Program, EPA's HPV Challenge Program encourages US chemical producers and importers to voluntarily provide existing screening level data, or, if none exist, to develop such data on US HPV chemicals. Because some overlap of testing requirements in the HPV Challenge and this ECA initiative were identified, the industry committed to develop the screening level data for the HPV Challenge Program before continuing with further development of the ECA. In this way, results from the HPV Challenge program would feed back into consideration of needs for the ECA testing and, where possible, could avert some or all of the overlap testing requirements. After completion of the industry's commitments under the HPV Challenge Program, EPA will evaluate the need for any additional testing of the subject AP base stocks under an ECA.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/83	48 FR 57452
NPRM	01/17/92	57 FR 2138
Final: ECA and Consent Order	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.2;

URL For More Information: www.epa.gov/oppt/chemtest

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@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–AJ07

3208. TEST RULE; BROMINATED FLAME RETARDANTS (BFRS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 ''TSCA 4''

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: On June 25, 1991 (56 FR 29140), EPA issued a proposed TSCA section 4 Test Rule for health and environmental effects and chemical fate testing of five brominated flame retardants. Since issuing that proposed rule, all of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary US HPV Chemical Challenge Program, and/or EPA's Voluntary Children's Chemical Evaluation Program (VCCEP). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 29140
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.3;

URL For More Information: www.epa.gov/oppt/chemtest

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@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–AJ08

3209. SIGNIFICANT NEW USE RULE, PERFLUOROALKYL SULFONATES (PFAS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604; 15 USC 2607; 15 USC 2625

CFR Citation: 40 CFR 721.9582 (Amended)

Legal Deadline: None

Abstract: EPA is proposing to amend a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for certain perfluoroalkyl sulfonates (PFAS) substances that were not addressed by the previous PFAS SNURs (67 FR 11008, March 11, 2002; 67 FR 72854, December 9, 2002), codified at 40 CFR 721.9582. EPA is proposing to amend the PFAS SNUR at 40 CFR 721.9582 by adding a new table 3 containing all PFAS chemicals currently on the TSCA Inventory but not already subject to the FAS SNUR. This proposed rule would require manufacturers, including importers, to notify EPA at least 90 days before commencing the manufacture or import of these chemical substances for the significant new uses described in this document after January 1, 2007. EPA believes that this action is necessary because the PFAS component of these chemical substances may be hazardous to human health and the environment. The required notice will provide EPA the opportunity to evaluate intended significant new uses and associated activities before they occur and, if necessary, to prohibit or limit those activities.

Timetable:

Action	Date	FR Cite
NPRM	03/10/06	71 FR 12311
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4974; EPA Docket information: EPA-HQ-OPPT-2005-0015

URL For More Information: http://www.epa.gov/opptintr/newchems/cnosnurs.htm

Agency Contact: Amy Breedlove, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9823
Fax: 202 564–4775
Email: breedlove.amy@epa.gov

Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8974
Fax: 202 564–4775
Email: alwood.jim@epa.gov

RIN: 2070–AJ18

Environmental Protection Agency (EPA) — Completed Actions

Toxic Substances Control Act (TSCA)

3210. TSCA INVENTORY UPDATE RULE REVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 710

Completed:

Reason	Date	FR Cite
NPRM	01/26/05	70 FR 3658
Final Action	12/19/05	70 FR 75059

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Susan Sharkey
Phone: 202 564–8789
Fax: 202 564–8893
Email: sharkey.susan@epamail.epa.gov

Robert Lee
Phone: 202 564–8786
Fax: 202 564–8893
Email: lee.robert@epamail.epa.gov

RIN: 2070–AD63

3211. SIGNIFICANT NEW USE RULE FOR GLYCOL ETHERS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 721 (amended)

Completed:

Reason	Date	FR Cite
NPRM	03/01/05	70 FR 9902
Final Action	11/29/05	70 FR 71401

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Amy Breedlove
Phone: 202 564–9823
Fax: 202 564–4775
Email: breedlove.amy@epa.gov

Jim Alwood
Phone: 202 564–8974
Fax: 202 564–4775
Email: alwood.jim@epa.gov

RIN: 2070–AJ12

3212. LEAD–BASED PAINT; PRE–RENOVATION LEAD EDUCATION RULE; AMENDED PAMPHLET

Priority: Info./Admin./Other

CFR Citation: 40 CFR 745.83 (Revision); 40 CFR 745.8

Completed:

Reason	Date	FR Cite
Withdrawn	01/10/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Joshua Novikoff
Phone: 202 566–0502
Fax: 202 566–0471
Email: novikoff.joshua@epamail.epa.gov

Julie Simpson
Phone: 202 566–1980
Fax: 202 566–0471
Email: simpson.julie@epa.gov

RIN: 2070–AJ14

Environmental Protection Agency (EPA) — Proposed Rule Stage

Emergency Planning and Community Right—to—Know Act (EPCRA)

3213. TRI; RESPONSE TO PETITION TO DELETE CHROMIUM, ANTIMONY, AND TITANATE FROM THE METAL COMPOUND CATEGORIES LISTED ON THE TOXICS 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 action will respond to a petition received by EPA to delete chromium, antimony, titanate from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition, a notice of, proposed rulemaking will be published in the Federal Register; if EPA denies the petition a notice of petition denial will be published. Chromium, antimony, titanate is reportable under the chromium and antimony compound categories, the deletion of this chemical would eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

Action	Date	FR Cite
Response	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.4; Split from RIN 2025-AA00. 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

Ben Smith, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0816
Fax: 202 566–0741
Email: smith.ben@epamail.epa.gov

RIN: 2025–AA16

3214. ● REPORTABLE QUANTITY ADJUSTMENT FOR ISOPHORONE DIISOCYANATE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 11002; 42 USC 11004; 42 USC 11048

CFR Citation: 40 CFR 355

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA) — Proposed Rule Stage

Legal Deadline: None

Abstract: EPA is considering adjusting the reportable quantity (RQ) for Isophorone Diisocyanate (IPDI) under 40 CFR part 355. Reportable quantities for many of the Extremely Hazardous Substances were adjusted to their threshold planning quantities in a final rule on May 7, 1996 (61 FR 20473). On September 8, 2003 (68 FR 52978), EPA modified the threshold planning quantity (TPQ) for IPDI (CAS No. 4098-71-9) to 500 pounds. At that time, EPA inadvertently omitted to adjust the RQ for this substance. Therefore, EPA is now considering adjusting the RQ for IPDI to be 500 pounds. EPA is planning to publish a direct final rule concurrently with a proposed rule to the same effect. If the Agency receives any adverse comments on the direct final rule, it will publish a timely withdrawal in the Federal Register for the direct final rule and proceed with the rulemaking process on the basis of the concurrent proposed rule.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 5054; EPA Docket information: EPA-HQ-SFUND-2005-0522

Agency Contact: Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–8019
Fax: 202 564–2625
Email: jacob.sicy@epa.gov

RIN: 2050–AG32

Environmental Protection Agency (EPA) — Final Rule Stage
Emergency Planning and Community Right—to—Know Act (EPCRA)

3215. 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	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 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

Ben Smith, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0816
Fax: 202 566–0741
Email: smith.ben@epamail.epa.gov

RIN: 2025–AA10

3216. 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	03/07/05	70 FR 10919
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4692; TRI has not converted to NAICS so the

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA) Final Rule Stage

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

Ben Smith, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0816
Fax: 202 566–0741
Email: smith.ben@epamail.epa.gov

RIN: 2025–AA12

3217. TOXICS RELEASE INVENTORY REPORTING BURDEN REDUCTION RULE

Priority: Other Significant

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 Toxics Release Inventory (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.

Timetable:

Action	Date	FR Cite
NPRM	10/04/05	70 FR 57822
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4896; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WASTE/2005/October/Day-04/f19710.htm;

URL For More Information: www.epa.gov/tri

Agency Contact: Kevin—E Donovan, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0676
Fax: 202 566–0741
Email: donovan.kevin-e@epamail.epa.gov

Cassandra Vail, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0753
Fax: 202 566–0715
Email: vail.cassandra@epamail.epa.gov

RIN: 2025–AA14

Environmental Protection Agency (EPA) Long-Term Actions

Emergency Planning and Community Right—to—Know Act (EPCRA)

3218. 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
Final	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 3215;

Agency Contact: Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–8019
Fax: 202 564–2625
Email: jacob.sicy@epa.gov

Vanessa Rodriquez, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–7913
Fax: 202 564–2625
Email: vanessa.rodriquez@.epa.gov

RIN: 2050–AE17

3219. 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 the 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 that would revise the TPQ for solids in solution and seek comment on an alternative approach. EPA is pursuing this proposal in part based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). If the TPQ for solids in solution is raised, it would 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 intends to 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	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4753;

Agency Contact: Kathy Franklin, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–7987
Fax: 202 564–2625
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: 202 564–2625
Email: jacob.sicy@epa.gov

RIN: 2050–AF08

3220. 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	12/00/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4616;

URL For More Information: www.epa.gov/tri

Agency Contact: Marc Edmonds, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0758
Fax: 202 566–0741
Email: edmonds.marc@epamail.epa.gov

Ben Smith, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0816
Fax: 202 566–0741
Email: smith.ben@epamail.epa.gov

RIN: 2025–AA11

3221. TRI; RESPONSE TO PETITION TO ADD DIISONONYL PHTHALATE TO THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS

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 action will respond to a petition received by EPA to add diisononyl phthalate to the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register; if EPA denies the petition a notice of petition denial will be published. The addition of this chemical would make it subject to all the reporting requirements under the Toxic Chemical Release Reporting Rule.

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA) Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	09/05/00	65 FR 53681
Notice of Data Availability	06/14/05	70 FR 34437
Final Action	02/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.1; Split from RIN 2025-AA00. 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

Ben Smith, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0816
Fax: 202 566–0741
Email: smith.ben@epamail.epa.gov

RIN: 2025–AA17

3222. TRI; RESPONSE TO PETITION TO DELETE ACETONITRILE FROM THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS

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 action will respond to a petition received by EPA to delete acetonitrile from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register; if EPA denies the petition a notice of petition denial will be published. The deletion of this chemical would eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

Action	Date	FR Cite
Response	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.3; Split from RIN 2025-AA00. 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

Ben Smith, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0816
Fax: 202 566–0741
Email: smith.ben@epamail.epa.gov

RIN: 2025–AA19

Environmental Protection Agency (EPA) Proposed Rule Stage
Resource Conservation and Recovery Act (RCRA)

3223. 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 that will allow the alternative of clean closure of landfills rather than require the installation of a landfill cap. This 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	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal

Additional Information: SAN No. 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@epa.gov

Richard Kinch, Environmental Protection Agency, Solid Waste and Emergency Response, 5307W, Washington, DC 20460
Phone: 703 308–8214
Fax: 703 308–8686
Email: kinch.richard@epa.gov

RIN: 2050–AE67

3224. 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 sub-sectors, 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
Notice of Data Availability	01/00/07	
Final Action	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4091; EPA Docket information: EPA-HQ-RCRA-2003-0004

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

URL For More Information: www.epa.gov/epaoswer/hazwaste/id/solvents/wipes.htm

Agency Contact: Teena Wooten, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703 308–8751
Fax: 703 308–0514
Email: wooten.teena@epa.gov

RIN: 2050–AE51

3225. INCREASE METALS RECLAMATION FROM F006 WASTE STREAMS

Priority: Other Significant

Legal Authority: 42 USC 6902; 42 USC 6921 to 6930; 42 USC 6938

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. 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-1990s, EPA has been working with industry and the States to create incentives for safe recycling and has promulgated rules to foster this practice. 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	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4651; EPA Docket information: EPA-HQ-RCRA-2005-0012

Agency Contact: Jim OLeary, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703 308–8827
Email: oleary.jim@epamail.epa.gov

Charlotte Mooney, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703 308–7025

Fax: 703 308–0514
Email: mooney.charlotte@epa.gov

RIN: 2050–AE97

3226. HAZARDOUS WASTE MANAGEMENT SYSTEM: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE (F019 LISTING AMENDMENT IN WASTEWATER TREATMENT SLUDGES FROM ZINC PHOSPHATING PROCESSES IN AUTOMOTIVE ASSEMBLY PLANTS)

Priority: Other Significant

Legal Authority: 42 USC 3001

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	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4834; EPA Docket information: EPA-HQ-RCRA-2004-0019

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@epa.gov

Gail Cooper, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703 308–8419
Fax: 703 308–0514
Email: cooper.gailann@epa.gov

RIN: 2050–AG15

3227. RULEMAKING TO STREAMLINE LABORATORY WASTE MANAGEMENT IN ACADEMIC AND RESEARCH LABORATORIES

Priority: Other Significant

Legal Authority: 42 USC 6922

CFR Citation: 40 CFR 262

Legal Deadline: None

Abstract: The College and University Laboratory rulemaking is focusing on the 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 academic laboratories compared with large manufacturing processes. For example, 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 academic laboratories operate. Our aim is to improve compliance, not by relaxing the standards, but by improving the fit through regulatory changes to 40 CFR 262.34.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4920; No legal deadline.; EPA Docket information: EPA-HQ-RCRA-2003-0012

Sectors Affected: 6113 Colleges, Universities and Professional Schools; 6112 Junior Colleges

Agency Contact: Patricia Mercer, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703 308–8408
Fax: 703 308–0522
Email: mercer.patricia@epa.gov

Anna Tschursin, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703 308–8805
Fax: 703 308–0522
Email: tschursin.anna@epa.gov

RIN: 2050–AG18

3228. 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 about 300 members in Performance Track. In this action, EPA plans to propose a streamlined process for permit modifications, performance based standards for tanks, new capabilities for standardized permits, 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 3.1 million MMBTUs; Water use by 775 million gallons; Hazardous materials use by 17,996 tons; Solid waste by 176,126 tons; Hazardous waste by 6,558 tons; Emissions of greenhouse gases by 40,193 tons; Emissions of nitrogen

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oxides (NOx) by 2,152 tons; Emissions of sulfur dioxide (SO2) by 13,621 tons; and toxic discharges to water by 6,834 tons. Members also increased their use of reused and recycled materials by 13,760 tons and preserved or restored 4,485 acres of habitat.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4828;

Agency Contact: Robert Sachs, Environmental Protection Agency, Office of the Administrator, 1807T, Washington, DC 20460
Phone: 202 566–2884
TDD Phone: 202 566–2884
Fax: 202 566–0966
Email: sachs.robert@epamail.epa.gov

David Guest, Environmental Protection Agency, Office of the Administrator, 1807T, Washington, DC 20460
Phone: 202 566–2872
TDD Phone: 202 566–2872
Fax: 202 566–2985
Email: guest.david@epamail.epa.gov

RIN: 2090–AA34

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3229. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6912(a)

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 61 items under four Comprehensive Procurement Guidelines (CPG1, CPG2, CPG3 and CPG4). 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 2 years. EPA has proposed one new and one revised item designation in CPG5.

In addition, CPG Nylon Carpet was originally proposed with CPG IV, but, not included in the final designation because more information was needed. A Notice of Data Availability was issued asking for that information. EPA is now considering finalizing the CPG for Nylon Carpet separately from CPG IV and V.

Timetable:

Action	Date	FR Cite
NPRM–CPG1	04/20/94	59 FR 18892
Final CPG1	05/01/95	60 FR 21370
NPRM CPG2	11/07/96	61 FR 57748
Final CPG2	11/13/97	62 FR 60962
NPRM–CPG3	08/26/98	63 FR 45558
Final–CPG3–RMAN3	01/19/00	65 FR 3069
NPRM CPG4	08/28/01	66 FR 45256
NODA on Nylon Carpet	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	10/00/06	
Final CPG for Nylon Carpet	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3545; EPA Docket information: For CPG V rule: EPA-HQ-RCRA-2003-0005

Sectors Affected: 92119 All Other General Government; 92111 Executive Offices

URL For More Information: www.epa.gov/cpg

Agency Contact: Susan Nogas, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703 308–0199
Fax: 703 308–8686
Email: nogas.sue@epa.gov

Marlene Regelski–Reddoor, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703 308–7276
Fax: 703 308–8686
Email: regelski-reddoor.marlene@epa.gov

RIN: 2050–AE23

3230. 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

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	04/00/07	

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4411; This is an extension of a previous notice that contained the following RIN 2050-AD88.

Sectors Affected: 32411 Petroleum Refineries

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@epa.gov

Elaine Eby, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703 308–8449
Fax: 703 308–8605
Email: eby.elaine@epa.gov

RIN: 2050–AE78

3231. RECYCLING OF CATHODE RAY TUBES (CRTS): 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

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.

Timetable:

Action	Date	FR Cite
NPRM	06/12/02	67 FR 40508
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4092; EPA Docket information: EPA-HQ-RCRA-2004-0010

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

3232. REVISIONS TO THE DEFINITION OF SOLID WASTE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 6903 RCRA sec 1004

CFR Citation: 40 CFR 261.2

Legal Deadline: None

Abstract: On October 28, 2003 (68 FR 61558), EPA proposed revisions to the definition of solid waste for materials being reclaimed in a continuous process in the generating industry. This proposal was in part intended to respond to various court decisions about the extent of RCRA jurisdiction over secondary materials being recycled. In the same notice, the Agency also proposed criteria for determining whether or not hazardous secondary materials are recycled legitimately. EPA received numerous comments on the proposal. Based on comments received, EPA had conducted studies of recycling practices and the circumstances in which recycling of hazardous wastes caused environmental problems. We are developing a rule or rules which will address commenters'concerns regarding various aspects of the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/28/03	68 FR 61558
Action Taken	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4670; Listed in the 2005 OMB report, Regulatory Reform of the U.S. Manufacturing Sector. EPA and OMB have determined that this reform has potential merit and justifies further action.; EPA Docket information: EPA-HQ-RCRA-2002-0031

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

Tracy Atagi, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703 308–8672
Fax: 703 308–0514
Email: atagi.tracy@epamail.epa.gov

RIN: 2050–AE98

3233. CRITERIA FOR SAFE AND ENVIRONMENTALLY PROTECTIVE USE OF GRANULAR MINE TAILINGS

Priority: Other Significant

Legal Authority: Public Law 109–59

CFR Citation: 40 CFR 278

Legal Deadline: Final, Statutory, February 6, 2006, the 2005 Transportation Equity Act requires the Agency to establish criteria within 180 days of enactment.

Abstract: The 2005 Transportation Equity Act requires EPA to establish criteria for the safe and environmentally protective use of granular mine tailings (chat) from the Tar Creek, Oklahoma Mining District in cement and concrete products and in transportation construction projects.

Timetable:

Action	Date	FR Cite
NPRM	04/04/06	71 FR 16729
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5019; EPA Docket information: EPA-HQ-RCRA-2006-0097

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Agency Contact: Stephen Hoffman, Environmental Protection Agency, Solid Waste and Emergency Response, 5307W, Washington, DC 20460
Phone: 703 308–8413
Fax: 703 605–0595
Email: hoffman.stephen@epa.gov

Richard Kinch, Environmental Protection Agency, Solid Waste and Emergency Response, 5307W, Washington, DC 20460
Phone: 703 308–8214
Fax: 703 308–8686
Email: kinch.richard@epa.gov

RIN: 2050–AG27

3234. 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 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	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4565;

Agency Contact: Sandra Panetta, Environmental Protection Agency, Office of the Administrator, 1807, Washington, DC 20460
Phone: 202 566–2184
Fax: 202 566–2200
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
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3235. 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 3 to 5 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 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	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3856;

Sectors Affected: 32731 Cement Manufacturing

Agency Contact: Jana Englander, Environmental Protection Agency, Solid Waste and Emergency Response, 5306W, Washington, DC 20460
Phone: 703 308–8711
Fax: 703 308–8686
Email: englander.jana@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

3236. 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: Undetermined

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 under RCRA 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 unaddressed. 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	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 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

3237. 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: Undetermined

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 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, but has 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 unaddressed. 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.

The schedule has been deferred pending results of a National Academy of Sciences study of the health and environmental risks associated with placement of power plant coal combustion byproducts in coal mines.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 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

URL For More Information: http://www.epa.gov/epaoswer/other/fossil/index.htm

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

3238. RCRA SMARTER WASTE REPORTING

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; 40 CFR 268.9; 40 CFR 270.16; 40 CFR 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 No. 4735;

Agency Contact: Peggy Vyas, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703 308–5477
Fax: 703 308–8433
Email: vyas.peggy@epa.gov

RIN: 2050–AF01

3239. 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. The direct final was withdrawn because there were adverse comments on the rule. Originally, rule was to be used as a model for electronic recycling nationwide by EPA Region 3 and the Mid-Atlantic States (DE, DC, MD, PA, VA, WV). However, the usefulness of this rule as a pilot project will likely be overtaken upon promulgation of 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 national rule is currently being reviewed within the Agency.

Timetable:

Action	Date	FR Cite
NPRM	12/26/02	67 FR 78761
Direct Final	12/26/02	67 FR 78718
Direct Final Withdrawn	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 No. 4701;

Agency Contact: Marie Holman, Environmental Protection Agency, Regional Office Philadelphia, 3EI00, Philadelphia, PA 19130
Phone: 215 814–5463
Email: holman.marie@epamail.epa.gov

Sandra Panetta, Environmental Protection Agency, Regional Office

Philadelphia, 1807T, Philadelphia, PA 19130
Phone: 202 566–2184
Email: panetta.sandra@epamail.epa.gov

RIN: 2003–AA00

3240. 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); 40 CFR 262.58; 40 CFR 264.12(a)(2); 40 CFR 265.12(a)(2)

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 $30-40 billion in annual trade among developed countries in waste recyclables, with the U.S. having a positive trade balance. Because each of the developed countries (the 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 U.S. 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 U.S. 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 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 U.S. since there is more efficient access to other recycling markets.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4606; EPA Docket information: EPA-HQ-RCRA-2005-0018

Agency Contact: Marc Thomas, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703 308–0023
Fax: 703 308–0514
Email: thomas.marc@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@epa.gov

RIN: 2050–AE93

3241. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Priority: Other Significant

Legal Authority: 42 USC 6912(a); 42 USC 6924; 42 USC 6925; 42 USC 6926

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. EPA has suspended work on this rulemaking because it has asked the Environmental Financial Advisory Board (a Federal advisory committee) to evaluate the financial test proposed in 1991 as one means of complying with the requirements for financial assurance for closure and post-closure under RCRA Subtitle C. Specifically, EPA has asked the Board, ''Should EPA adopt the financial test proposed in 1991 for hazardous waste, or have advancements in financial analysis provided better potential tests in the

meantime?'' The Agency received a report from the Board in January, 2006 and will evaluate the report before deciding how to proceed with the 1991 proposed rulemaking.

Timetable:

Action	Date	FR Cite
NPRM Original	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 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@epa.gov

RIN: 2050–AC71

3242. 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	09/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4778;

Agency Contact: Kiana Sarraf, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 22202
Phone: 703 308–8489
Fax: 703 308–0514
Email: sarraf.kiana@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@epa.gov

RIN: 2050–AF06

3243. LAND DISPOSAL RESTRICTIONS: 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: 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.

EPA is developing a proposed rule to remove this container prohibition because macroencapsulation technologies have evolved into suitable disposal nonleachable technologies. 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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4743; Action is of equivalent regulatory stringency. States and Tribes will not be required to adopt.

Agency Contact: Juan Parra, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703 308–0478
Fax: 703 308–8433
Email: parra.juan@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@epa.gov

RIN: 2050–AF12

3244. HAZARDOUS WASTE MANIFEST REVISIONS—STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6926; PL 105–277

CFR Citation: 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline: None

Abstract: This action is aimed at continuing the development of regulatory standards and procedures that will govern the initiation, signing, transmittal, and retention of hazardous waste manifests using electronic documents and systems. EPA proposed electronic manifest standards in May 2001, as part of a more general manifest revision action that also addressed standardizing the paper manifest form's data elements and procedures for its use across all states. The Manifest Form Revisions was decoupled from action on the electronic manifest, and the Final Form Revisions Rule was published on March 4, 2005. The May 2001 proposed rule included: (1) electronic file formats for the manifest data elements; (2) electronic signature options; and (3) computer security controls aimed at ensuring data integrity and reliable systems. Subsequently in May 2004, a stakeholder meeting collected additional stakeholder views on the future direction of the electronic manifest. Based on the record developed for the proposed standards and the additional views from stakeholders at the May 2004 meeting, EPA is considering final action on the proposed standards.

However, since the publication of the proposed rule in 2001, EPA has found that there is a fairly broad consensus in favor of the development of a national e-manifest system by EPA. EPA is now considering the option of developing a national system, but EPA's ability to pursue this option will depend on new funding being authorized or on new authority for EPA to collect user fees.

Timetable:

Action	Date	FR Cite
NPRM	05/22/01	66 FR 28240
Notice of Public Meeting	04/01/04	69 FR 17145
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 3147.1; Split from RIN 2050-AE21.; EPA Docket information: EPA-HQ-RCRA-2001-0032

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; 56221 Waste Treatment and Disposal; 483 Water Transportation

URL For More Information: www.epa.gov/epaoswer/hazwaste/gener/manifest/

Agency Contact: Rich LaShier, Environmental Protection Agency, Solid Waste and Emergency Response, 5304W, Washington, DC 20460
Phone: 703 308–8796
Fax: 703 308–0514
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: 703 308–0514
Email: groce.bryan@epamail.epa.gov

RIN: 2050–AG20

3245. EXPANDING THE COMPARABLE FUELS EXCLUSION UNDER RCRA

Priority: Other Significant

Legal Authority: RCRA 4004

CFR Citation: 40 CFR 261.38

Legal Deadline: None

Abstract: EPA currently excludes specific industrial wastes, also known as comparable fuels, from the Resource Conservation and Recovery Act (RCRA) when they are used for energy production and do not contain hazardous constituent levels that exceed those found in a typical benchmark fuel that facilities would otherwise use. Using such wastes as fuel saves energy by reducing the amount of hazardous waste that would otherwise be treated and disposed, promotes energy production from a domestic, renewable source, and reduces use of fossil fuels. With an interest in supplementing the nation's energy supplies and to ensure that energy sources are managed only to the degree necessary to protect human health and the environment, EPA, as part of the Resource Conservation Challenge, is examining the effectiveness of the current comparable fuel program and considering whether other industrial wastes could be safely used as fuel as well.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4977;

Agency Contact: Mary Jackson, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703 308–8453
Fax: 703 308–8433
Email: jackson.mary@epa.gov

Hugh Davis, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703 306–0206
Fax: 703 308–8433

EPA—Resource Conservation and Recovery Act (RCRA) — Long-Term Actions

Email: davis.hugh@epa.gov

RIN: 2050–AG24

3246. ● NESHAP FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS

Priority: Other Significant

Legal Authority: 42 USC 6924; 42 USC 6925; 42 USC 7412; 42 USC 7414

CFR Citation: 40 CFR 63; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

Legal Deadline: None

Abstract: Section 112 of the CAA requires that EPA establish NESHAP for the control of hazardous air pollutants (HAP) for both new and existing major sources. The CAA requires the NESHAP to reflect the maximum degree of reduction in emissions of HAP that is achievable. This level of control is commonly referred to as MACT (for Maximum Achievable Control Technology). EPA published NESHAP for hazardous waste combustors on April 20, 2004, and we published the final rule on October 12, 2005. Following promulgation of the hazardous waste combustor final rule, the Administrator received four petitions for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act from the Ash Grove Cement Company, the Cement Kiln Recycling Coalition, the Coalition for Responsible Waste Incineration, and the Sierra Club. Under this section of the CAA, the Administrator is to initiate reconsideration proceedings if the petitioner can show that it was impracticable to raise an objection to a rule within the public comment period or that the grounds for the objection arose after the public comment period. Among these petitions for reconsideration, EPA is being asked to reconsider approximately twenty aspects of the final rule. This workgroup will engage in a rulemaking process to address those issues for which EPA decides to grant reconsideration.

Timetable:

Action	Date	FR Cite
NPRM	03/23/06	71 FR 14665
Administrative Stay	03/23/06	71 R 14655
NPRM	To Be	Determined
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5047;

Agency Contact: Frank Behan, Environmental Protection Agency, Solid Waste and Emergency Response, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 703 308–8476
Fax: 703 308–8433
Email: behan.frank@epamail.epa.gov

RIN: 2050–AG29

Environmental Protection Agency (EPA) — Completed Actions
Resource Conservation and Recovery Act (RCRA)

3247. RCRA BURDEN REDUCTION INITIATIVE

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Final Action	04/04/06	71 FR 16862

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Elaine Eby
Phone: 703 308–8449
Fax: 703 308–8605
Email: eby.elaine@epa.gov

RIN: 2050–AE50

3248. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO PETROLEUM CONTAMINATED MEDIA AND DEBRIS FROM UNDERGROUND STORAGE TANKS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Suspended	03/01/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sammy Ng
Phone: 703 603–7166
Email: ng.sammy@epamail.epa.gov

RIN: 2050–AD69

3249. HAZARDOUS WASTE GENERATOR PROGRAM EVALUATION

Priority: Other Significant

CFR Citation: 40 CFR 261; 40 CFR 262

Completed:

Reason	Date	FR Cite
Withdrawn	02/22/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jim OLeary
Phone: 703 308–8827
Email: oleary.jim@epamail.epa.gov

RIN: 2050–AG25

3250. ● NESHAP FOR HAZARDOUS WASTE COMBUSTORS (AMENDMENTS)

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: None

Abstract: EPA issued a rule to clarify the NESHAP for hazardous waste combustors rule signed October 12, 2005. In the October 12, 2005 rule, EPA inadvertently included three new or

EPA—Resource Conservation and Recovery Act (RCRA) — Completed Actions

revised bag leak detection system requirements for some hazardous waste combustors—incinerators, cement kilns, and lightweight aggregate kilns—among implementation requirements taking effect on December 12, 2005, rather than the intended compliance date of three years after promulgation—October 14, 2008. The provisions establish more stringent requirements for these hazardous waste combustor sources which cannot readily be complied with on short notice and are inextricably tied to the revised emissions standards (which also take effect in 2008).

Timetable:

Action	Date	FR Cite
NPRM	12/19/05	70 FR 75096
Direct Final Action	12/19/05	70 FR 75042

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 3333.1; EPA publication information: Direct Final Action - http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-19/a24198.htm; Split from RIN 2050-AE01. For information on the Phase I portion of this effort, see SAN 4418, RIN 2050-AE79.; EPA Docket information: OAR-2004-0022

URL For More Information: www.epa.gov/hwcmact/

Agency Contact: Frank Behan, Environmental Protection Agency, Solid Waste and Emergency Response, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 703 308–8476
Fax: 703 308–8433
Email: behan.frank@epamail.epa.gov

Shiva Garg, Environmental Protection Agency, Solid Waste and Emergency Response, 5302W, Washington, DC 20460
Phone: 703 308–8459
Fax: 703 308–8433
Email: garg.shiva@epa.gov

RIN: 2050–AG30

Environmental Protection Agency (EPA) — Proposed Rule Stage
Oil Pollution Act (OPA)

3251. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE, 40 CFR PART 112

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: EPA will propose to amend 40 CFR part 112, which includes the Spill Prevention, Control, and Countermeasure (SPCC) rule promulgated under the authority of the Clean Water Act. The proposed rule may include a variety of issues associated with the July 2002 SPCC final rule. Specific decisions on the scope of the rulemaking will be determined after the final rule associated with the Notices of Data Availability has been completed and in relation to EPA guidance.

Timetable:

Action	Date	FR Cite
Notice Clarifying Certain Issues	05/25/04	69 FR 29728
NPRM 1 yr Compliance Extension	06/17/04	69 FR 34014
Final 18 months Compliance Extension	08/11/04	69 FR 48794
NODA re certain facilities	09/20/04	69 FR 56184
NODA re oil–filled and process equipment	09/20/04	69 FR 56182
NPRM	03/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 2634.2; Split from RIN 2050-AC62.

Agency Contact: Hugo Fleischman, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1968
Fax: 202 564–2625
Email: fleischman.hugo@epa.gov

RIN: 2050–AG16

Environmental Protection Agency (EPA) — Final Rule Stage
Oil Pollution Act (OPA)

3252. OIL POLLUTION PREVENTION; SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) REQUIREMENTS—AMENDMENTS

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: On September 20, 2004, the Environmental Protection Agency (EPA or the Agency) issued two Notices of Data Availability (NODAs) concerning certain facilities and oil-filled and process equipment. Based on its review of the information received from the NODAs, EPA proposed to amend the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements to reduce the regulatory burden for certain facilities by: providing an option that would allow owners/operators of facilities that store less than 10,000 gallons of oil and meet other qualifying criteria to self-certify their SPCC Plans, in lieu of review and certification by a Professional Engineer; providing an alternative to the secondary containment requirement, without requiring a determination of impracticability, for facilities that have certain types of oil-filled equipment; defining and providing an exemption for motive power containers; and exempting airport mobile refuelers from the specifically sized secondary

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containment requirements for bulk storage containers. In addition, the Agency also proposed to remove and reserve certain SPCC requirements for animal fats and vegetable oils and proposed a separate extension of the compliance dates for farms (see 70 FR 73524, December 12, 2005). In proposing these changes, EPA is significantly reducing the burden imposed on the regulated community in complying with the SPCC requirements, while maintaining protection of human health and the environment. EPA has also requested comments on the potential scope of future rulemaking.

Timetable:

Action	Date	FR Cite
NODA re certain facilities	09/20/04	69 FR 56184
NODA re oil–filled and process equipment	09/20/04	69 FR 56182
NPRM	12/12/05	70 FR 73524
Final Action	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 2634.3; Split from RIN 2050-AG16.

Agency Contact: Vanessa Rodriguez, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–7913
Fax: 202 564–2625
Email: rodriguez.vanessa@epa.gov

RIN: 2050–AG23

Environmental Protection Agency (EPA) — Completed Actions
Oil Pollution Act (OPA)

3253. ● SPCC—EXTENSION OF COMPLIANCE DATES

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: EPA is extending the dates by which facilities must prepare or amend Spill Prevention, Control, and Countermeasure Plans (SPCC Plans), and implement those Plans. This action would allow the Agency time to promulgate revisions to the July 17, 2002 final SPCC rule before owners and operators are required to meet requirements of that rule related to preparing or amending, and implementing SPCC Plans. The compliance dates are being changed from February 17, 2006 to October 31, 2007.

Timetable:

Action	Date	FR Cite
NPRM	12/12/05	70 FR 73524
Final Action	02/17/06	71 FR 8462

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 2634.4; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2005/December/Day-12/w23917.htm; Split from RIN 2050-AG23. Split from RIN 2050-AG16.; EPA Docket information: EPA-HQ-OPA-2005-0003

Agency Contact: Vanessa Rodriguez, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–7913
Fax: 202 564–2625
Email: rodriguez.vanessa@epa.gov

RIN: 2050–AG28

Environmental Protection Agency (EPA) — Proposed Rule Stage
Comprehensive Environmental Response, Compensation and Liability Act

3254. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9605

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
Final Pools Prairie	09/17/99	64 FR 50459
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

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Action	Date	FR Cite
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 1	04/30/03	68 FR 23094
Final 35 (adds 12 sites)	09/29/03	68 FR 55875
NPRM 40	03/08/04	69 FR 10646
Final 36	07/23/04	69 FR 43755
NPRM–Vieques	08/13/04	69 FR 50115
Final 37	09/23/04	69 FR 56949
NPRM 41	09/23/04	69 FR 56970
Final – Vieques	02/11/05	70 FR 7184
Final 38	04/27/05	70 FR 21644
NPRM 42	04/27/05	70 FR 21718
Final 39	09/14/05	70 FR 54286
NPRM 43	09/14/05	70 FR 54327
Final 40	05/00/06	
NPRM–44	05/00/06	
Final 41	10/00/06	
NPRM 45	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3439; EPA Docket information: SFUND-2005-0005

URL For More Information: www.epa.gov/superfund

Agency Contact: Terry Jeng, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 703 603–8852
Fax: 703 603–9104
Email: jeng.terry@epa.gov

Victoria Roden, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 703 603–8833
Fax: 703 603–9104
Email: vanroden.victoria@epa.gov

RIN: 2050–AD75

3255. NATIONAL CONTINGENCY PLAN REVISIONS TO ALIGN WITH THE NATIONAL RESPONSE PLAN

Priority: Other Significant

Legal Authority: 42 USC 9601 et seq

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: The purpose of this regulation is to revise the National Contingency Plan (NCP) to align it with the National Response Plan (NRP), as required by the Department of Homeland Security. The purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants (see 40 CFR 300.1). The purpose of the NRP is to provide a common organizational structure and procedures for Federal departments and agencies to provide emergency and disaster assistance to State, tribal, and local governments for incidents of national significance. The NRP was developed by the Department of Homeland Security, in close consultation with federal (including EPA), State, tribal, local governments, first responder organizations, private sector preparedness and relief groups. Alignment of the NCP with the NRP will facilitate smooth integration of emergency response activities under the NCP with the NRP when both plans are activated. The NRP does not alter the existing authorities of Federal departments and agencies, but rather, establishes the coordinating structures, processes, and protocols required to integrate the authorities of various agencies into an all-hazard approach to incident management. EPA is making another minor revision to the NCP. The descriptions of Federal agency capabilities are being updated, and modifications are being made, where appropriate to reflect the new Department of Homeland Security organization.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4971;

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1965
Fax: 202 564–2625
Email: beasley.lynn@epa.gov

Jean Schumann, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1977
Fax: 202 564–2620
Email: schumann.jean@epa.gov

RIN: 2050–AG22

Environmental Protection Agency (EPA) Final Rule Stage

Comprehensive Environmental Response, Compensation and Liability Act

3256. 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

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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 proposed an RQ adjustment for the inorganic chemical manufacturing process waste (K178)(66 FR 58258, 11/20/01). The comment period for the proposed rule closed February 2, 2004. EPA is in the process of addressing the few comments received and going forward with the final rule.

Timetable:

Action	Date	FR Cite
NPRM	12/04/03	68 FR 67916
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3423;

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1965
Fax: 202 564–2625
Email: beasley.lynn@epa.gov

RIN: 2050–AE12

3257. ADMINISTRATIVE REPORTING EXEMPTION FOR CERTAIN AIR RELEASES OF NOX

Priority: Other Significant

Legal Authority: 42 USC 9603

CFR Citation: 40 CFR 302.6; 40 CFR 355.40

Legal Deadline: None

Abstract: The Agency is considering administratively exempting 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.

Timetable:

Action	Date	FR Cite
NPRM	10/04/05	70 FR 57813
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4736; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WASTE/2005/October/Day-04/f19872.htm;

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1965
Fax: 202 564–2625
Email: beasley.lynn@epa.gov

RIN: 2050–AF02

Environmental Protection Agency (EPA) — Long-Term Actions

Comprehensive Environmental Response, Compensation and Liability Act

3258. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES

Priority: Other Significant

Legal Authority: 42 USC 9602 to 9603

CFR Citation: 40 CFR 302 (Revision)

Legal Deadline: None

Abstract: The Agency is considering a proposal for 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	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4737;

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1965
Fax: 202 564–2625
Email: beasley.lynn@epa.gov

RIN: 2050–AF03

3259. REVISE 40 CFR PART 35 SUBPART O: COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS

Priority: Other Significant

Legal Authority: 42 USC 9604(a)–(j)

CFR Citation: 40 CFR 35 subpart O

Legal Deadline: None

Abstract: 40 CFR part 35 subpart O prescribes requirements for administering cooperative agreements (CAs) awarded to States, Indian tribes, and political subdivisions to conduct remedial actions, non-time-critical removal actions, pre-remedial activities, and other response activities authorized by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(a)-(j). In addition, subpart O prescribes requirements for the Superfund State Contract that is necessary whenever EPA or a political subdivision is the lead agency for a CERCLA remedial action. Subpart O was promulgated on 6/5/1990, and became effective on 7/5/1990. Since then, the Superfund program has demonstrated several process improvements which are not authorized under the current regulation. For example, the 16 Block Funding Reform pilots established during 1997-2000 generated at least 60 approved requests for deviations from subpart O and 40 CFR part 31. The planned revisions to subpart O will make it possible to use the process innovations tested in the pilot projects without having to obtain deviations. The revised rule will also update cross-references to other regulations which have changed, and eliminate references to obsolete forms and regulations.

EPA—Comprehensive Environmental Response, Compensation and Liability Act — Long-Term Actions

Timetable:

Action	Date	FR Cite
Interim Final	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4177;

Agency Contact: Angelo Carasea, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 703 603–8828
Fax: 703 603–9104
Email: carasea.angelo@epa.gov

Victoria Roden, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460
Phone: 703 603–8833
Fax: 703 603–9104
Email: vanroden.victoria@epa.gov

RIN: 2050–AE62

Environmental Protection Agency (EPA) — Completed Actions
Comprehensive Environmental Response, Compensation and Liability Act

3260. CRITERIA FOR THE DESIGNATION OF HAZARDOUS SUBSTANCES UNDER CERCLA SECTION 102(A)

Priority: Other Significant

CFR Citation: 40 CFR 302.4

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lynn Beasley
Phone: 202 564–1965
Fax: 202 564–2625
Email: beasley.lynn@epa.gov

RIN: 2050–AE63

3261. STANDARDS AND PRACTICES FOR CONDUCTING ALL APPROPRIATE INQUIRIES

Priority: Other Significant

CFR Citation: 40 CFR 312

Completed:

Reason	Date	FR Cite
NPRM	08/26/04	69 FR 52542
Final Action	11/01/05	70 FR 66070

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, Tribal

Agency Contact: Patricia Overmeyer
Phone: 202 566–2774
Fax: 202–566–2757
Email: overmeyer.patricia@epamail.epa.gov

Helen Keplinger
Phone: 202 564–4221
Fax: 202 229–3954
Email: keplinger.helen@epamail.epa.gov

RIN: 2050–AF04

Environmental Protection Agency (EPA) — Proposed Rule Stage
Clean Water Act (CWA)

3262. 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 on 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. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design and build environmentally sound vessels, to encourage 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 devices. Some of these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as hull coating leachate); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. The Phase II performance standards will be promulgated in five ''batches.'' Each batch will address several performance standards. 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	12/00/06	
Final Action	04/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN No. 4357;

URL For More Information:

EPA—Clean Water Act (CWA) — Proposed Rule Stage

http://www.epa.gov/waterscience/rules/unds

Agency Contact: Brian Rappoli, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1548
Fax: 202 566–1546
Email: rappoli.brian@epa.gov

Jonathan Amson, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1276
Fax: 202 566–1546
Email: amson.jonathan@epa.gov

RIN: 2040–AD39

3263. CONCENTRATED ANIMAL FEEDING OPERATION RULE

Priority: Substantive, Nonsignificant

Legal Authority: CWA 301, 304, 306, 307, 308, 402, 501

CFR Citation: 40 CFR Part 122 and 40 CFR Part 412

Legal Deadline: None

Abstract: This rulemaking is in response to the Second Circuit's February 28, 2005, decision in Waterkeeper Alliance vs. EPA, which vacated provisions in the Concentrated Animal Feeding Operations (CAFO) rule found at 40 CFR 412. Two vacatures from the case affect the 1) duty that all CAFOs need to apply for an NPDES permit, and 2) provisions that nutrient management plans (NMPs) need only be kept on-site. This proposed rule would remove the duty to apply for all CAFOs and replace it with a requirement for CAFOs to apply for a permit if they discharge or propose to discharge. The proposed rule also would establish a process to address the court's concerns that the information within NMPs be available for public comment, reviewed by the permit authority, and incorporated into the permit. It is EPA's intention to make only those changes necessary to address the issues raised by the court.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, State

Additional Information: SAN No. 4996;

Agency Contact: George Utting, Environmental Protection Agency, Water, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202 564–0744
Email: utting.george@epa.gov

Gregory Beatty, Environmental Protection Agency, Water, 1200 Pennsylvania Ave, NW, Washington, DC 20460
Phone: 202 564–0724
Email: beatty.gregory@epa.gov

RIN: 2040–AE80

3264. • WATER TRANSFERS RULE

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This proposed rulemaking addresses the question of whether the National Pollutant Discharge Elimination System (NPDES) permitting program under section 402 of the Clean Water Act (CWA) is applicable to water control facilities that merely convey or connect navigable waters. For purposes of this proposed action, the term ''water transfer'' refers to any activity that conveys or connects navigable waters (as that term is defined in the CWA) without subjecting the water to intervening industrial, municipal, or commercial use. This proposed rulemaking focuses exclusively on water transfers and is not relevant to whether any other activity is subject to the CWA permitting requirement.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State

Additional Information: SAN No. 5040;

Agency Contact: Jeremy Arling, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–2218
Fax: 202 564–6384
Email: arling.jeremy@epa.gov

Ryan Albert, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–0763
Fax: 202 564–6392
Email: albert.ryan@epa.gov

RIN: 2040–AE86

Environmental Protection Agency (EPA) — Final Rule Stage

Clean Water Act (CWA)

3265. 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 122; 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 and Safe Drinking Water Act. The proposal included 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, 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, International Standard Methods, and the Association of Official Analytical Chemists-International.

Timetable:

Action	Date	FR Cite
NPRM	04/06/04	69 FR 18166
NODA	02/16/05	70 FR 7909
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4540; EPA publication information: NPRM - www.epa.gov/fedrgst/EPA-WATER/2004/April/Day-06/w6427.html; 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).; EPA Docket information: OW-2003-0070

URL For More Information: www.epa.gov/waterscience/methods/

Agency Contact: Meghan Hessenauer, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1040
Fax: 202 566–1053
Email: hessenauer.meghan@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

3266. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3

Priority: Other Significant

Legal Authority: CWA 101, 304, 308, 401, 402, 510

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 would address existing facilities in the following industries if they meet the specified threshold levels: pulp and paper manufacturing facilities; chemicals and allied products manufacturing facilities; petroleum and coal products manufacturing facilities; primary metals manufacturing facilities: and any other existing facility not already subject to Phase 2 regulations. EPA will also consider 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 intake structures 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 trapped 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	11/24/04	69 FR 68444
NODA	11/25/05	70 FR 71057
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4543; EPA publication information: NPRM - http://www.epa.gov/EPA-WATER/2004/November/Day-24; Split from RIN 2040-AC34.EPA Docket information: OW-2004-0002

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

URL For More Information: www.epa.gov/waterscience/316b/

Agency Contact: Paul Shriner, Environmental Protection Agency, Water, 4303 T, Washington, DC 20460
Phone: 202 566–1076
Fax: 202 566–1053
Email: shriner.paul@epa.gov

Janet Goodwin, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1060
Fax: 202 566–1053
Email: goodwin.janet@epamail.epa.gov

RIN: 2040–AD70

EPA—Clean Water Act (CWA) — Final Rule Stage

3267. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR PEAK WET WEATHER DISCHARGES FROM MUNICIPAL WASTEWATER TREATMENT PLANTS SERVING SANITARY SEWER COLLECTION SYSTEMS POLICY

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311, 1318, 1342, 1361

CFR Citation: 40 CFR 122.41(m)

Legal Deadline: None

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. Based on a review of all the information received, EPA has no intention of finalizing the blending policy as proposed in November 2003. EPA will continue to review policy and regulatory options to manage this issue and look forward to working with Congress, communities, and citizens on effective and efficient approaches that protect communities and ensure compliance with the Clean Water Act.

Timetable:

Action	Date	FR Cite
1st Draft Policy	11/07/03	68 FR 63042
2nd Draft Policy	12/22/05	70 FR 76013
Final Policy	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4690; EPA publication information: 2nd Draft Policy - http://www.epa.gov/fedrgstr/EPA-WATER/2005/December/Day-22/w7696.htm; ; EPA Docket information: EPA-HQ-OW-2005-0523

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: 202 564–0040
Fax: 202 564–0742
Email: weiss.kevin@epa.gov

Mohammed Billah, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–0729
Fax: 202 564–0717
Email: billah.mohammed@epamail.epa.gov

RIN: 2040–AD87

3268. TEST PROCEDURES FOR THE ANALYSIS OF E. COLI, ENTEROCOCCI, FECAL COLIFORMS, AND SALMONELLA UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1345; 33 USC 1361(a)

CFR Citation: 40 CFR Section 136.3

Legal Deadline: None

Abstract: This regulatory action would amend the ''Guidelines Establishing Test Procedures for the Analysis of Pollutants'' under 40 CFR Part 136 to approve several microbiological methods for monitoring wastewater and biosolids for use by testing laboratories. The rule will include several analytical methods for monitoring E. coli and Enterococci in wastewater and several analytical methods for monitoring fecal coliforms and salmonella in biosolids. Test procedures in part 136 must be used in implementing the NPDES program.

Timetable:

Action	Date	FR Cite
NPRM	08/16/05	70 FR 48256
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4950; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2005/August/Day-16/w16195.htm; ; EPA Docket information: OW-2004-0014

URL For More Information: www.epa.gov/waterscience/methods

Agency Contact: Robin Oshiro, Environmental Protection Agency, Water, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202 566–1075
Fax: 202 566–1053
Email: oshiro.robin@epamail.epa.gov

RIN: 2040–AE68

3269. 2006 EFFLUENT GUIDELINES PROGRAM PLAN

Priority: Substantive, Nonsignificant

Legal Authority: CWA 301, 304, 306, 307

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, September 2, 2006.

Abstract: EPA publishes a final Effluent Guidelines Plan every other year after taking comment on a preliminary plan, as required by Section 304(m) of the Clean Water Act. This Federal Register notice presents EPA's Effluent Guidelines Program Plan for 2006. This notice also discusses EPA's annual review of effluent limitations guidelines and standards undertaken pursuant to sections 304(b), 304(g), and 307(b). EPA's 2006 Plan will identify guidelines that may be revised or new guidelines that may be developed, and will provide a schedule for such rulemaking.

EPA—Clean Water Act (CWA) — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/29/05	70 FR 51042
Final Plan	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4965; EPA publication information: NPRM - www.epa.gov/fedrgstr/EPA-WATER/2005/August/Day-29/w17032.htm; ; EPA Docket information: OW-2004-0032

URL For More Information: www.epa.gov/guide/plan.html

Agency Contact: Carey Johnston, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1014
Fax: 202 566–1053
Email: johnston.carey@epa.gov

Janet Goodwin, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1060
Email: goodwin.janet@epa.gov

RIN: 2040–AE76

3270. RULEMAKING ON DIRECT APPLICATION OF PESTICIDES TO WATERS OF THE UNITED STATES IN COMPLIANCE WITH FIFRA

Priority: Substantive, Nonsignificant

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 122.3

Legal Deadline: None

Abstract: EPA is working to codify its February 1, 2005, proposed rulemaking and interpretive statement entitled ''Application of Pesticides to Waters of the United States in Compliance with FIFRA.'' The proposed rulemaking and interpretive statement proposed to revise the NPDES permit program regulations to incorporate the substance of the interpretive statement, which clarifies when pesticides are applied to waters of the United States in compliance with FIFRA, an NPDES permit is not required in two circumstances: (1) The application of pesticides directly to waters of the United States in order to control pests. Examples of such applications include applications to control mosquito larvae, aquatic weeds, or other pests that are present in the waters of the United States. (2) The application of pesticides to control pests that are present over waters of the United States, including near such waters, that results in a portion of the pesticides being deposited to waters of the United States; for example, when insecticides are aerially applied to a forest canopy where waters of the United States may be present below the canopy or when pesticides are applied over, including near, water for control of adult mosquitoes or other pests.

Timetable:

Action	Date	FR Cite
NPRM	02/01/05	70 FR 5093
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Federalism: Undetermined

Additional Information: SAN No. 4995; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2005/February/Day-01/w1868.htm;

Agency Contact: Virginia Garelick, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–2316
Fax: 202 564–6384
Email: garelick.virginia@epa.gov

Allison Wiedeman, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–0901
Fax: 202 564–6384
Email: wiedeman.allison@epa.gov

RIN: 2040–AE79

3271. AMENDMENTS TO NPDES REGULATIONS FOR STORM WATER DISCHARGES FROM OIL/GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS, OR TRANSMISSION FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: CWA 402(p)

CFR Citation: 40 CFR 122.26

Legal Deadline: None

Abstract: On January 6, 2006, EPA published a notice of proposed rulemaking in the Federal Register (71 FR 894) to codify in the Agency's regulations changes to the Federal Water Pollution Control Act resulting from the Energy Policy Act of 2005. This proposed action would modify National Pollutant Discharge Elimination System regulations to provide that certain storm water discharges from field activities, including construction, associated with oil and gas exploration, production, processing, or treatment operations, or transmission facilities would be exempt from National Pollutant Discharge Elimination System permit requirements. In this action, EPA would also encourage voluntary application of best management practices for oil and gas field activities and operations to minimize the discharge of pollutants in storm water runoff and protect water quality. After reviewing public comments on the proposed rulemaking, EPA will promulgate a final rule.

Timetable:

Action	Date	FR Cite
NPRM	01/06/06	71 FR 894
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4979; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2006/January/Day-06/w36.htm; ; EPA Docket information: EPA-HQ-OW-2002-0068

Agency Contact: Jeff Smith, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–0652
Fax: 202 564–6431
Email: smith.jeff@epa.gov

Deborah Nagle, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–1185
Fax: 202 564–6431
Email: nagle.deborah@epa.gov

RIN: 2040–AE81

Environmental Protection Agency (EPA) — Long-Term Actions

Clean Water Act (CWA)

3272. 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 effectiveness and 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	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4526;

Sectors Affected: 3251 Basic Chemical Manufacturing; 325 Chemical Manufacturing; 3259 Other Chemical Product Manufacturing; 54 Professional, Scientific and Technical Services

URL For More Information: www.epa.gov/oilspill

Agency Contact: William Nichols, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1970
Fax: 202 564–2625
Email: nichols.nick@epa.gov

Leigh DeHaven, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1974
Fax: 202 564–2625
Email: dehaven.leigh@epa.gov

RIN: 2050–AE87

3273. 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 effluent guidelines review process under CWA section 304 (b) whether to proceed with the rulemaking or whether assistance to states will more appropriately address any concerns with discharges from these facilities.

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 No. 4370;

Sectors Affected: 3221 Pulp, Paper, and Paperboard Mills

URL For More Information: http://www.epa.gov/waterscience/pulppaper/reg.html

Agency Contact: Donald Anderson, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1021
Fax: 202 566–1053
Email: anderson.donaldf@epamail.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

3274. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

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 proposal would 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 not ensure that a particular water body would meet the State's 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, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3702;

Agency Contact: Robin Oshiro, Environmental Protection Agency, Water, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202 566–1075
Fax: 202 566–1053
Email: oshiro.robin@epamail.epa.gov

Richard Reding, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–2237
Fax: 202 566–1053
Email: reding.richard@epa.gov

RIN: 2040–AC75

3275. 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: EPA is considering preparation of a document that would highlight the flexibility already contained in some 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, Local, State, Tribal

Additional Information: SAN No. 3714;

URL For More Information: http://www.epa.gov/waterscience/methods

Agency Contact: Richard Reding, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–2237
Fax: 202 566–1053
Email: reding.richard@epa.gov

RIN: 2040–AC92

3276. TEST PROCEDURES: PERFORMANCE–BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314; 33 USC 1361(a)

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This action would establish 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 also discuss the format, content, quality assurance/quality control, and data validation requirements for use of test methods. It would also describe EPA's planned steps to provide additional information through 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 No. 3713; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/1997/March/Day-28/w7221.htm;

Agency Contact: Richard Reding, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–2237
Fax: 202 566–1053
Email: reding.richard@epa.gov

RIN: 2040–AC93

3277. 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

Legal Deadline: None

Abstract: The proposal would 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 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 No. 4049;

URL For More Information: http://www.epa.gov/waterscience/methods

Agency Contact: Robin Oshiro, Environmental Protection Agency, Water, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202 566–1075
Fax: 202 566–1053
Email: oshiro.robin@epamail.epa.gov

Richard Reding, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–2237
Fax: 202 566–1053
Email: reding.richard@epa.gov

RIN: 2040–AD09

3278. NPDES APPLICATIONS REVISIONS

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 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 modifying and streamlining existing permit application requirements. 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	04/00/08	
Final Action	04/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3786;

Agency Contact: Karen Metchis, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–0734
Fax: 202 564–9544
Email: metchis.karen@epamail.epa.gov

Tom Laverty, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–7974
Fax: 202 564–9544
Email: laverty.tom@epamail.epa.gov

RIN: 2040–AC84

3279. 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), capacity assurance, 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	09/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 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: 202 564–0040
Fax: 202 564–0742
Email: weiss.kevin@epa.gov

Jennifer Malloy, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–6392
Fax: 202 564–6392
Email: malloy.jennifer@epa.gov

RIN: 2040–AD02

3280. 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 to 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	12/00/07	
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 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: 202 566–1288
Fax: 202 566–1546
Email: redford.david@epamail.epa.gov

RIN: 2040–AD89

3281. 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; 40 CFR 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 one point source category and the general definitions 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 some long-term savings in the annual cost of printing these regulations. The point source category which would be recodified by this action is Petroleum Refining (part 419). The revisions would also expand the list of general definitions in section 401.11.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4822;

Agency Contact: Debra Nicoll, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1020
Fax: 202 566–1053
Email: nicoll.debra@epa.gov

RIN: 2040–AE61

3282. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR AIRPORT DEICING OPERATIONS

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

Unfunded Mandates: Undetermined

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from airport deicing operations. Based on preliminary study and on public comments, discharges from deicing operations have the potential to cause fish kills, algae blooms, and contamination to surface or ground waters. A likely source of pollutants is aircraft deicing fluid (ADF) that is not properly recaptured, re-used or treated before discharge. Deicing agents typically contain glycols and additives. There is great disparity among airports in terms of wastewater treatment and also in terms of discharge permits. Based on preliminary estimates, airports annually discharge approximately 21 million gallons of ADF. Early estimates of potential reductions from treatment technology and from pollution prevention practices indicate that those discharges could be lowered to 4 million gallons. Effluent guidelines for these operations would apply only to wastewaters that are considered point source discharges. Discharges that are non-point sources would not be subject to any potential effluent guidelines.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4948; EPA Docket information: OW-2004-0038

URL For More Information: www.epa.gov/waterscience/guide/airport

Agency Contact: Eric Strassler, Environmental Protection Agency, Water, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202 566–1026
Fax: 202 566–1053
Email: strassler.eric@epamail.epa.gov

RIN: 2040–AE69

3283. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR DRINKING WATER SUPPLY AND TREATMENT

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

Unfunded Mandates: Undetermined

Legal Authority: CWA 301, 304, 306, 307, 308, 402, 501

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from drinking water treatment plants. Based on preliminary study and on public comments, discharges from drinking water facilities have the potential to discharge significant quantities of conventional and toxic pollutants, including metals, chlorine, and salts. Some of the sources of these pollutants are treatment sludges and reverse osmosis reject wastewaters. The preliminary data is not conclusive, and additional study and analysis of treatability is necessary to determine whether pollutant reductions are technologically feasible and economically achievable. The early steps of regulatory development, especially gathering additional discharge data, will be critical to better-informed decisions on how to proceed. EPA is preparing to conduct a study of a representative sample of the industry, along with wastewater sampling of facilities representing different size categories and treatment technologies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4949; EPA Docket information: OW-2004-0035

URL For More Information: http://www.epa.gov/waterscience/guide/dw/index.htm

Agency Contact: Tom Born, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1001
Fax: 202 566–1054
Email: born.tom@epamail.epa.gov

RIN: 2040–AE74

3284. NEW/REVISED AMBIENT WATER QUALITY CRITERIA (AWQC) FOR RECREATIONAL WATERS

Priority: Substantive, Nonsignificant

Legal Authority: CWA 304(a)(9)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, October 5, 2005.

Abstract: The results of four fresh water (Great Lakes) epidemiology studies and companion rapid fecal indicator validation studies will be analyzed and evaluated whether to be used in establishing the criteria recommended for certain fresh waters designated for primary contact recreation.

Timetable:

Action	Date	FR Cite
Draft Guidance	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 4967;

Agency Contact: Stephen Schaub, Environmental Protection Agency, Water, 4304T, Washington, DC 20460
Phone: 202 566–1126
Fax: 202 566–1126
Email: stephen.schaub@epa.gov

RIN: 2040–AE77

3285. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE VINYL CHLORIDE AND CHLOR–ALKALI POINT SOURCE CATEGORIES

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 1311 et seq.

CFR Citation: 40 CFR 414 (Rev) and 40 CFR 415 (Rev)

Legal Deadline: None

Abstract: EPA is considering possible revision of the existing effluent guidelines and standards for vinyl chloride manufacturing and chlor-alkali manufacturing. Currently, wastewater discharges from vinyl chloride manufacturing are subject to the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Point Source Category (40 CFR Part 414), and wastewater discharges from chlor-alkali manufacturing are subject to the Inorganic Chemicals Point Source Category (40 CFR Part 415). Based on preliminary study, discharges from vinyl chloride and chlor-alkali manufacturing might contain significant quantities of toxic pollutants, including dioxin, and in the 2004 Effluent Guidelines Program Plan, EPA identified these two industrial sectors as candidates for possible regulatory revision. In a 2004 study (see Section 6 of http://www.epa.gov/ost/guide/304m/tsd.pdf), EPA found that vinyl chloride and chlor-alkali manufacturing are often located at the same site. The background study includes an industrial profile, a listing of the targeted facilities, information on the manufacturing processes, information on dioxin generation, and limited information on ways to reduce toxic dioxin discharges. Preliminary estimates of the scope of the rulemaking are for 50 to 60 facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/00/08	
Final Action	03/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4980;

Agency Contact: Samantha Lewis, Environmental Protection Agency, Water, 4303 T, Washington, DC 20460
Phone: 202 566–1058
Fax: 202 566–1053
Email: lewis.samantha@epa.gov

Paul Shriner, Environmental Protection Agency, Water, 4303 T, Washington, DC 20460
Phone: 202 566–1076
Fax: 202 566–1053
Email: shriner.paul@epa.gov

RIN: 2040–AE82

Environmental Protection Agency (EPA) — Completed Actions

Clean Water Act (CWA)

3286. EFFLUENT GUIDELINES FOR THE IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY (REVISION)

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 420

Completed:

Reason	Date	FR Cite
NPRM	08/10/05	70 FR 46459
Final Action	12/13/05	70 FR 73618

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Elwood Forsht
Phone: 202 566–1025
Email: forsht.elwood@epamail.epa.gov

RIN: 2040–AE78

3287. ● CONCENTRATED ANIMAL FEEDING OPERATIONS—COMPLIANCE DATES

Priority: Substantive, Nonsignificant. Major under 5 USC 801.

Legal Authority: CWA 301, 304, 306, 307, 308, 402, 501

CFR Citation: 40 CFR 122 and 40 CFR 412

Legal Deadline: None

Abstract: While EPA is currently making revisions to the 2003 CAFO regulations in light of the 2005 Second Circuit Court of Appeals in Waterkeeper Alliance et al. v. EPA, 399 F.3d 486, this separate, expedited rule is necessary in order to: 1) ensure that permit application deadlines are subsequent to final rule revisions; and 2) make the permit application and the nutrient management plan (NMP) due dates coincidental in response to the Court's decision. Revisions to other portions of the 2003 CAFO regulations consistent with Court's decisions will appear in a notice of proposed rulemaking planned for publication and public comment in mid 2006. This final rule extends the deadlines established in the 2003 CAFO rule. The 2003 rule requires facilities newly defined as CAFOs, as of April 14, 2003, to seek permit coverage by February 13, 2006, and facilities that have become defined as CAFOs due to operational changes after April 14, 2003, to seek permit coverage by April 13, 2006. This rule extends those deadlines for newly defined CAFOs to July 31, 2007. EPA is also revising the deadline by which CAFOs are required to develop and implement nutrient management plans from December 21, 2006 to July 31, 2007.

Timetable:

Action	Date	FR Cite
NPRM	12/21/05	70 FR 75771
Final Action	02/10/06	71 FR 6978

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4996.1; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2005/December/Day-21/w24303.htm; Split from RIN 2040-AE80.; EPA Docket information: EPA-HQ-OW-2005-0036

Agency Contact: George Utting, Environmental Protection Agency, Water, 1200 Pennsylvania Ave, Washington, DC 20460
Phone: 202 564–0744
Email: utting.george@epa.gov

Gregory Beatty, Environmental Protection Agency, Water, 1200 Pennsylvania Ave, NW, Washington, DC 20460
Phone: 202 564–0724
Email: beatty.gregory@epa.gov

RIN: 2040–AE85

Environmental Protection Agency (EPA) — Proposed Rule Stage

Safe Drinking Water Act (SDWA)

3288. 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 USC 300g–1(b)

CFR Citation: 00 CFR None

Legal Deadline: Other, Statutory, August 6, 2008, SDWA requires regulatory determinations every 5 years. Last round was made in August 2003.

Abstract: The 1996 amendments to the Safe Drinking Water Act (SDWA) require EPA to publish a list of non-regulated contaminants every 5 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 was published on February 22, 2005 (70 FR 9017). In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the second CCL and determine whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). In order to make a determination of whether 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	10/00/06	
Final Notice	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4821;

URL For More Information: www.epa.gov/safewater/ccl/index.html

EPA—Safe Drinking Water Act (SDWA) — Proposed Rule Stage

Agency Contact: Wynne Miller, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–4887
Fax: 202 564–3760
Email: miller.wynne@epa.gov

Thomas Carpenter, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–4885
Fax: 202 564–3760
Email: carpenter.thomas@epa.gov

RIN: 2040–AE60

3289. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR LEAD AND COPPER: SHORT–TERM REGULATORY REVISIONS AND CLARIFICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: SDWA: 42 USC sec 300f et seq

CFR Citation: 40 CFR 141, 40 CFR 142

Legal Deadline: None

Abstract: This action is minor as it makes minor additions and clarifications to an existing regulation. EPA undertook several activities in 2004 to determine whether a national problem exists related to elevated drinking water lead levels comparable to that in the District of Columbia. This evaluation, while it did not reveal a national problem comparable to D.C., highlighted areas for improvement and clarification to the existing lead and copper rule and associated guidance materials. Several short-term actions will be initiated in 2005 and completed during the 2005-2006 time frame. EPA also identified several regulatory changes that will be considered as part of identifying more comprehensive changes to the rule. These considerations are longer-term as they require additional data collection, research, analysis, and stakeholder involvement to support decisions. These longer-term regulatory changes will be examined by a separate workgroup under an additional regulatory action. This action addresses the regulatory revisions to be completed in the 2005-2006 time frame. Regulatory changes to be addressed include clarifications about sample collection; clarifications to definitions for monitoring and compliance periods; modifications regarding public water system notification to their state of treatment changes prior to the change; revisions to language related to criteria for reduced monitoring; revisions to language regarding consideration of lead service line replacement for compliance purposes; revisions to language related to flushing guidance; and additional requirements for consumer notification of lead monitoring results.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
Final Action	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN No. 4981;

URL For More Information: http://www.epa.gov/safewater/lcmr/implement.html

Agency Contact: Jeffrey Kempic, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–4880
Email: kempic.jeffrey@epa.gov

RIN: 2040–AE83

Environmental Protection Agency (EPA) — Final Rule Stage
Safe Drinking Water Act (SDWA)

3290. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUND WATER 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–1SDWA 1412 (b)(8); 42 USC 300j–4 SDWA 1445

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Other, Statutory, August 11, 2006, Settlement agreement.

Abstract: EPA proposed a targeted risk-based regulatory strategy for all public water systems served by ground water in May of 2000. The proposed requirements provide a meaningful opportunity to reduce public health risk for a significant number of people served by ground water 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 ground water 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 source water, 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. The final rule will establish a risk-based strategy as was described in the proposed (May 2000) rulemaking. However, the proposed design has been improved in the draft final rule to provide greater flexibility for states and systems implementing the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/10/00	65 FR 30194
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 2340; EPA publication information: NPRM - http://www.epa.gov/safewater/gwr.html; Statutory deadline for final rule: Not later than the Administrator promulgates a Stage II rulemaking for disinfection byproducts (currently scheduled for July 2005).

EPA—Safe Drinking Water Act (SDWA) — Final Rule Stage

Sectors Affected: 22131 Water Supply and Irrigation Systems

URL For More Information: http://www.epa.gov/ogwdw/gwr.html

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@epa.gov

RIN: 2040–AA97

3291. 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: Final, Statutory, August 6, 2004, 5 years after UCMR 1.

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 final 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 analyses to permit a second round of monitoring, and to approve the analytical methods needed to perform this monitoring.

Timetable:

Action	Date	FR Cite
NPRM	08/22/05	70 FR 49093
Final Action	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4770; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2005/August/Day-22/w16385.htm; ; EPA Docket information: EPA-HQ-OW-2004-0001

URL For More Information: http://www.epa.gov/ogwdw/ucmr/

Agency Contact: Dave Munch, Environmental Protection Agency, Water, MS 140, Cincinatti, OH 45268
Phone: 513 569–7843
Email: munch.dave@epa.gov

Dan Hautman, Environmental Protection Agency, Water, MS 140, Cincinatti, OH 45268
Phone: 513 569–7274
Email: hautman.dan@epa.gov

RIN: 2040–AD93

Environmental Protection Agency (EPA) — Long-Term Actions

Safe Drinking Water Act (SDWA)

3292. 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

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: 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.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM original	07/18/91	56 FR 33050
Notice99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN No. 2281; EPA publication information: NPRM - http://www.epa.gov/ogwdw/radon/proposal.html; EPA Docket information: EPA-HQ-OW-2003-0041

Sectors Affected: 22131 Water Supply and Irrigation Systems

URL For More Information: http://www.epa.gov/ogwdw/radon.html

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

Eric Burneson, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5250
Fax: 202 564–3760
Email: burneson.eric@epa.gov

RIN: 2040–AA94

3293. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB

Priority: Substantive, Nonsignificant

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, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN No. 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

3294. 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 ground water 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. Presently, the Water program is collecting and analyzing research information on occurrence, health effects, method sensitivity, and treatment effectiveness.

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 No. 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@epa.gov

RIN: 2040–AD54

3295. 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 1989. On July 18, 2003, EPA published a Federal Register (68FR42907) 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 to strengthen 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, stakeholders meetings, and proposed and final rules.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	
Final Action	12/00/10	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4775;

URL For More Information: www.epa.gov/safewater/tcr/tcr.html

Agency Contact: Kenneth Rotert, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5280
Fax: 202 564–3767
Email: rotert.kenneth@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

3296. 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 5 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 may consider those contaminants in the regulatory determinations for 2007.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
Final Action	08/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4745;

Agency Contact: Thomas Carpenter, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–4885
Fax: 202 564–3760
Email: carpenter.thomas@epa.gov

Yvette Selby, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5245
Fax: 202 564–3760
Email: selby-mohamadu.yvette@epa.gov

RIN: 2040–AD99

3297. 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 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 No. 4236;

Agency Contact: Denny Cruz, Environmental Protection Agency, Water, 4606M, Washington, DC 20460
Phone: 202 564–3879
Fax: 202 564–3756
Email: cruz.denny@epa.gov

Marilyn Ginsberg, Environmental Protection Agency, Water, 4606M, Washington, DC 20460
Phone: 202 564–3881
Fax: 202 564–3756
Email: ginsberg.marilyn@epa.gov

RIN: 2040–AD40

3298. DRINKING WATER REGULATIONS FOR AIRCRAFT PUBLIC WATER SYSTEM

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

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: The action is to tailor drinking water rule requirements to the unique characteristics of aircraft to ensure that the water passengers drink while on an airplane is safe. This action is necessary because aircraft public water systems are very different from traditional public water systems. Aircraft fly to multiple destinations throughout the course of any given day and may board water from different sources along the way. Depending on the quality of the water that is boarded from these multiple sources and the care used to board the water, contamination could be introduced. This increases the vulnerability of the aircraft's water system to contamination when compared to a typical public water system. In the United States water loaded aboard passenger aircraft comes from public water systems. The water provided by public water systems that are regulated by state and federal authorities is among the safest in the world; however, a significant percentage of passenger aircraft travel includes international destinations. These aircraft may board water from foreign sources which are not subject to EPA drinking water standards. Therefore, this action also will address the boarding of foreign water by U.S. aircraft.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

Additional Information: SAN No. 4966;

URL For More Information: http://www.epa.gov/safewater/airlinewater/index2.html

Agency Contact: Rick Naylor, Environmental Protection Agency, Water, 4606M, Washington, DC 20460
Phone: 202 564–3847
Fax: 202 564–3847
Email: naylor.richard@epa.gov

RIN: 2040–AE84

Environmental Protection Agency (EPA) — Completed Actions

Safe Drinking Water Act (SDWA)

3299. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 141 to 142; 40 CFR 9

Completed:

Reason	Date	FR Cite
NPRM	08/11/03	68 FR 47639
Final Action	01/05/06	71 FR 654

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Dan Schmelling
Phone: 202 564–1781
Fax: 202 564–3767
Email: schmelling.dan@epa.gov

Sean Conley
Phone: 202 564–5281
Fax: 202 564–3767
Email: conley.sean@epa.gov

RIN: 2040–AD37

3300. NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 2 DISINFECTION BYPRODUCTS RULE

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 141–142; 40 CFR 9

Completed:

Reason	Date	FR Cite
NPRM	08/18/03	68 FR 49548
Final Action	01/04/06	71 FR 388

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Tom Grubbs
Phone: 202 564–5262
Fax: 202 564–3767
Email: grubbs.thomas@epa.gov

Stig Regli
Phone: 202 564–5270
Fax: 202 564–3767
Email: regli.stig@epa.gov

RIN: 2040–AD38

Environmental Protection Agency (EPA) — Long-Term Actions

Shore Protection Act (SPA)

3301. 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 to prevent, 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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local

Additional Information: SAN No. 2820;

Agency Contact: David Redford, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1288
Fax: 202 566–1546
Email: redford.david@epamail.epa.gov

RIN: 2040–AB85

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