



Semiannual Regulatory Agenda



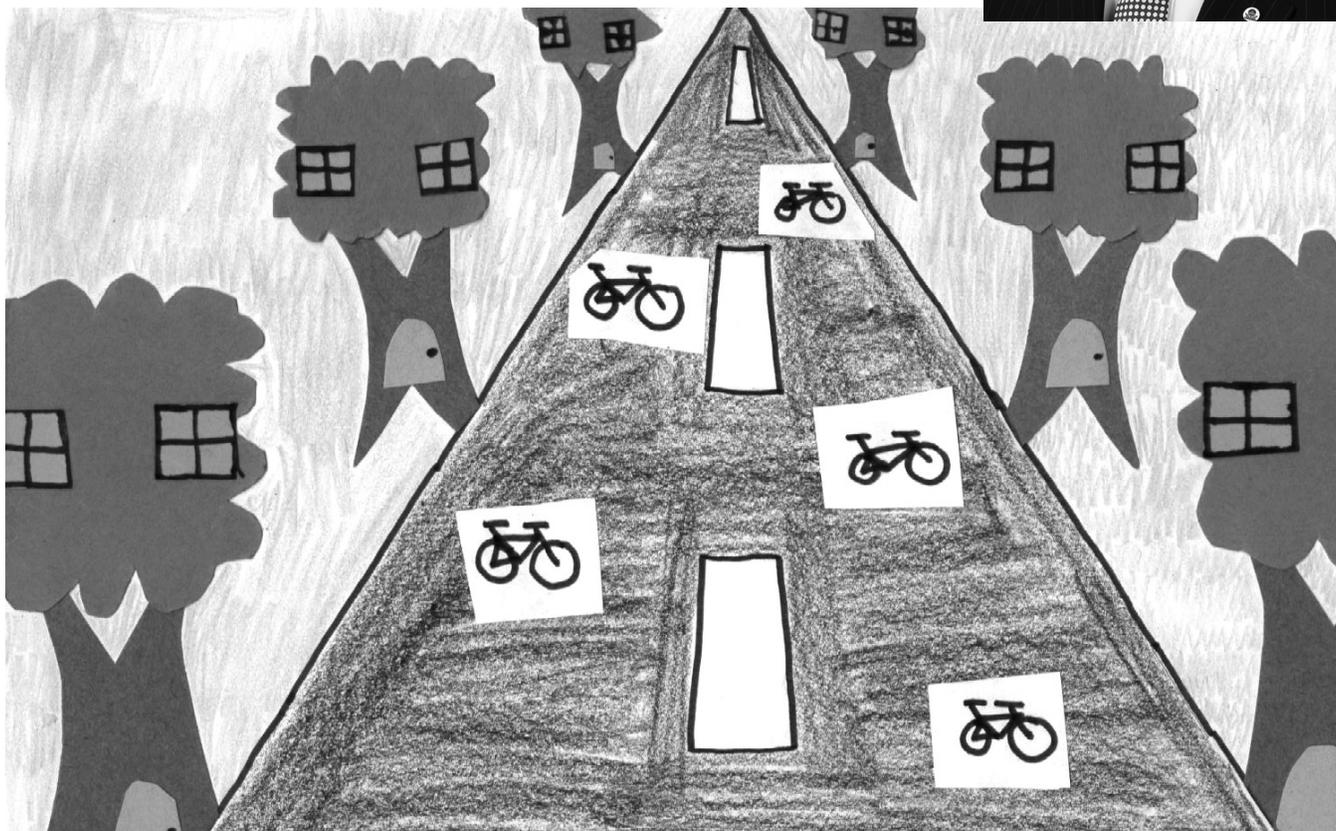
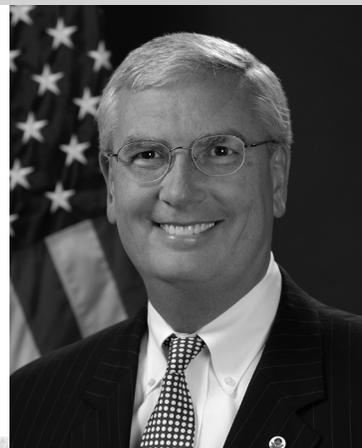
SPRING 2008

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Semiannual Regulatory Agenda

“America is shifting to a “green culture” – where all of our citizens understand that environmental responsibility is everyone’s responsibility. By equipping Americans with environmental information, EPA is helping the public pass down a cleaner, healthier world.”

— Administrator, Stephen L. Johnson



United States Environmental Protection Agency
Office of Policy, Economics and Innovation
EPA-230-Z-08-001

Spring 2008 Artwork Theme: “Our World is Changing Fast—Show Us
What it Should Look Like in Twenty Years!”
Cover art created by Alexander Englander, grade 12
Inside cover page art created by Marisa Kataoka, age 13

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL 8540-3]

Spring 2008 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the E-Agenda) at www.reginfo.gov (and also at www.regulations.gov) 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.

Definitions:

“E-Agenda,” “online regulatory agenda,” and “semiannual regulatory agenda” all refer to the same comprehensive collection of information that used to be published in the **Federal Register**, but which now are only available through an online database.

“Regulatory Flexibility Agenda” refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities.

This will continue to be published in the **Federal Register** because of a requirement of the Regulatory Flexibility Act.

“Unified Regulatory Agenda” refers to the collection of all agencies’ agendas with an introduction prepared by the Regulatory Information Service Center.

“Regulatory Agenda preamble” refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the E-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 the semiannual regulatory agenda please contact: Phil Schwartz (schwartz.philip@epa.gov; 202-564-6564) or Caryn Muellerleile (muellerleile.caryn@epa.gov; 202-564-2855); if you have general questions about the Regulatory Flexibility Agenda, contact Joan Rogers (rogers.joanb@epa.gov; 202-564-6568). If you have questions about EPA’s Action Development Process, you may contact Caryn, Joan, or Phil.

TO BE PLACED ON THE AGENDA MAILING LIST: If you would like to receive an e-mail with a link to new semiannual regulatory agendas as soon as they are published, please send an e-mail message with your name and address to: nscep@bps-lmit.com and put “E-Regulatory Agenda: Electronic Copy” in the subject line.

If you would like to receive a hard copy of the semiannual agenda about 2 to 3 months after publication, until October 1, call 800-490-9198 or send an e-mail with your name and complete address to: nscep@bps-lmit.com and put “Regulatory Agenda Hard Copy” in the subject line. After September 30, call 202-564-6564, or e-mail your request to schwartz.philip@epa.gov. There is no charge for a single copy of the agenda.

SUPPLEMENTARY INFORMATION:

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A. Map of Regulatory Agenda Information

Part of Agenda	Online locations	Federal Register Location
Semiannual Regulatory Agenda (The E-Agenda; the online Agenda); 330 entries, which include the expanded Regulatory Flexibility Agenda (8 entries; 25 data fields/entry)	www.reginfo.gov/ , www.regulations.gov/ , and http://www.epa.gov/lawsregs/search/regagenda.html	Not in FR
Semiannual Regulatory Flexibility Agenda (8 entries; 9 data fields/entry)	www.reginfo.gov/ , www.regulations.gov/ , and http://www.epa.gov/lawsregs/search/regagenda.html	Part XII of today’s issue

B. 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

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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 problem solving. 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 2008 regulatory plan (<http://www.epa.gov/lawsregs/search/regagenda.html>).

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: 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), 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use; 66 FR 28355; May 22, 2001).

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

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. We urge you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the **Federal Register** (FR).

Information on submitting comments to the rulemaking docket is provided in each of our Notices of Proposed Rulemaking (NPRMs), and we always accept comments through the [regulations.gov](http://www.regulations.gov) e-docket. 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 nonregulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems, and we stress this point most strongly in all of our training programs for rule and policy developers. Democracy gives real power to individual citizens, but with that power comes responsibility. We urge you to become involved in EPA's rule and policymaking process. For more information about public involvement in EPA activities, please visit www.epa.gov/publicinvolvement.

D. What Actions Are Included in the E-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations and certain major policy documents in the E-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 Flexibility Agenda normally includes:
 - Actions that are likely to have a significant economic impact on a substantial number of small entities, and
 - Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act. We have three rules scheduled for 610 review in 2008.

E. How Is the E-Agenda Organized?

You can now choose how both the www.reginfo.gov and www.regulations.gov versions of the E-Agenda are organized. Current choices include: EPA subagency; stage of rulemaking, explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

- Stages of rulemaking include:
1. Prerulemaking—Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings

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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 prerogative 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 Actions—This section includes rulemakings for which the next scheduled regulatory action is after April 2009.
5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 2007 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.

F. What Information Is in the Regulatory Flexibility Agenda and the E-Agenda?

Regulatory Flexibility Agenda entries include:

Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, Contact Person.

E-Agenda entries include:

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 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 USC 801.”

Legal Authority: The sections of the United States Code (USC), Public Law (PL), Executive Order (EO), 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.

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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 online 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 Regulation 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.

G. What Tools for Finding More About EPA Rules and Policies Are Available at EPA.gov, Regulations.gov, and Reginfo.gov?

1. Public Dockets

When EPA publishes either an Advanced Notice of Proposed Rulemaking (ANPRM) or a 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 economic impacts on a substantial number of small entities and for various nonrulemaking 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. If there is a docket on a particular action, information about the location will be in that action's agenda entry. All of EPA's electronic dockets are housed at www.regulations.gov.

2. Subject Matter EPA Web sites

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

3. Regulatory Agenda Web sites

If you have access to the Internet, you can use the E-Agenda databases and their accompanying search engines at www.reginfo.gov/public/do/AgendaMain and www.regulations.gov. You may also download a PDF copy of EPA's regulatory agenda book at: <http://www.epa.gov/lawsregs/search/regagenda.html>.

4. Agenda Indexes

The first five indexes (610 Reviews, Regulatory Flexibility Analysis Required, Small Entity Impact but Regulatory Flexibility Analysis not Required, Affect on Government Levels, and Federalism Implications) that used to be published along with the Agenda will no longer appear in the **Federal Register**. You can find these indexes at <http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda> in the second box in the right hand column. You can also create them by using the

E-Agenda search function at <http://www.reginfo.gov/public/do/eAgendaSearch>. EPA's Web site at <http://www.epa.gov/lawsregs/search/regagenda.html> also contains indexes for specific categories of regulatory actions, such as actions that require a Regulatory Flexibility Analysis or actions that may affect State, local, or tribal governments.

There is a Subject Matter Index, based on the Federal Register Thesaurus of Indexing Terms, in the online E-Agenda at <http://www.reginfo.gov/public/do/eAgendaMain>.

5. Listservers

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

- Air
- Water
- Wastes and emergency response
- Pesticides
- Toxic substances
- Right-to-know and toxic release inventory
- Environmental impacts
- Endangered species
- Meetings
- The Science Advisory Board
- Daily full-text notices with page numbers, and
- General information.

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

H. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

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. EPA has three rules scheduled for 610 review in 2008.

Rule Being Reviewed	RIN	Docket ID
VOC Regulation for Architectural Coatings (Section 610 Review)	2060-AP09	EPA-HQ-OAR-2008-0205
Control of Emissions of Air Pollution From Nonroad Diesel Engines (Section 610 Review)	2060-AO82	EPA-HQ-OAR-2008-0206

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Rule Being Reviewed	RIN	Docket ID
National Primary Drinking Water Regulations: Stage I Disinfectant/Disinfection By-Products Rule (Section 610 Review)	2040-AE97	EPA-HQ-OW-2008-0226

EPA has established an official public docket for each of these 610 Reviews under a docket identification (ID) number as indicated above. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available; e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air or Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744. Unless otherwise indicated, please direct your comments to the identified Docket ID number for the specific 610 Review item. For these 610 Reviews, please DO NOT submit CBI or information that is otherwise protected by statute. You may submit comments using one of the following methods:

1. *Electronically.* Go directly to www.regulations.gov and find "Advanced Docket Search." Enter the appropriate Docket ID number. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. If you do submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made

available in EPA's electronic public docket.

2. *By Mail.* Send your comments, identified by the appropriate Docket ID number, to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Docket # _____, 1200 Pennsylvania Avenue NW., Washington, DC 20460.
3. *By Hand Delivery or Courier.* Deliver your comments, identified by the appropriate Docket ID number, to: EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744. Such deliveries are only accepted during the Docket's normal hours of operation as identified above. For more information on EPA's docket center, please visit <http://www.epa.gov/epahome/dockets.htm>.

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

I. What Other 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/SBREFEA (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/SBREFEA, please visit the RFA/SBREFEA Web site at <http://www.epa.gov/sbrefa/>.

For a list of the rules under development for which a Regulatory Flexibility Analysis will be required and for a list of rules under development that may affect small entities, but not significantly affect a substantial number of them, go to: <http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda> and select the appropriate index in the second box in the right hand column.

J. 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. In an effort to further enhance our rulemaking process, EPA is now providing online information as soon as the agency begins the development of a new rule. You may access monthly Action Initiation Lists (AILs) at: <http://www.epa.gov/lawsregs/search/ail.html>. They describe those actions that were approved for commencement during a given month.

Dated: March 13, 2008.

Louise P. Wise,
Deputy Associate Administrator,
Office of Policy, Economics, and Innovation.

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GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2747	SAN No. 5225 Authorize Additional Emergency Procurement Procedures	2030-AA97

GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2748	SAN No. 3580 Incorporation of Class Deviations Into EPAAR	2030-AA37
2749	SAN No. 5121 Age Discrimination Regulations—EPA-Assisted Programs—Age Discrimination Act of 1975	2090-AA37

GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2750	SAN No. 3240 Public Information and Confidentiality Regulations	2025-AA02
2751	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest	2030-AA67

GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2752	SAN No. 4904 Security Requirements for Toxic Substances Control Act Confidential Business Information Access for Contractors	2030-AA88
2753	SAN No. 4903 Award Term Contracting	2030-AA89
2754	SAN No. 4931 Accessibility Standards for Contract Deliverables (Section 508)	2030-AA90
2755	SAN No. 5067 A Revision to the Budget Period Limitation for Research Grants and Cooperative Agreements	2080-AA12
2756	SAN No. 4056 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements	2090-AA38

CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2757	SAN No. 5111 Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide	2060-AO19
2758	SAN No. 5163 Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide	2060-AO48
2759	SAN No. 5168 New Source Performance Standards (NSPS) Review Strategy	2060-AO60
2760	SAN No. 5254 Control of Emissions of Air Pollution From Nonroad Diesel Engines (Section 610 Review)	2060-AO82
2761	SAN No. 5196 Risk and Technology Review Phase II Group 3	2060-AO97
2762	SAN No. 5255 VOC Regulation for Architectural Coatings (Section 610 Review)	2060-AP09
2763	SAN 5265; Do Greenhouse Gases Under the Clean Air Act	2060-AP12

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2764	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings)	2060-AF72
2765	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins-Amendments	2060-AH47
2766	SAN No. 3380 NSPS: SOCM—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60	2060-AE94
2767	SAN No. 4309 National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments	2060-AI62

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

Sequence Number	Title	Regulation Identifier Number
2768	SAN No. 5231 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments	2050-AG43
2769	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems	2060-AJ86
2770	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
2771	SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations	2060-AM09
2772	SAN No. 4874 NESHAP: Area Source Standards for Miscellaneous Chemical Manufacturing	2060-AM19
2773	SAN No. 4884 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers	2060-AM44
2774	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
2775	SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment	2060-AM84
2776	SAN No. 4699.2 Implementing Periodic Monitoring in Federal and State Operating Permit Programs	2060-AN00
2777	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
2778	SAN No. 4988 NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments	2060-AN33
2779	SAN No. 4866.1 NESHAP: Site Remediation Amendments—Response to Litigation	2060-AN36
2780	SAN No. 5015 NESHAP: Area Source Standards—Chemical Preparations Industry	2060-AN46
2781	SAN No. 5016 NESHAP: Area Source Standards—Paint and Allied Products Manufacturing	2060-AN47
2782	SAN No. 5017 Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.	2060-AN48
2783	SAN No. 5052 Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances	2060-AN58
2784	SAN No. 5025 Revisions to the Definition of Potential To Emit (PTE)	2060-AN65
2785	SAN No. 5059 Review of the National Ambient Air Quality Standards for Lead	2060-AN83
2786	SAN No. 5079 Title V Rulemaking To Clarify Certain Provisions of the Operating Permit Rules in Response to CAAA Committee Recommendations Ready for Program Office Approval	2060-AN93
2787	SAN No. 5080 Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska	2060-AN94
2788	SAN No. 5095 NESHAP: Mercury Cell Chlor-Alkali Plants—Amendments	2060-AN99
2789	SAN No. 5071 Hospital/Medical/Infectious Waste Incineration Units—Response to Remand	2060-AO04
2790	SAN No. 4891.1 NESHAP: Miscellaneous Organic Chemical Manufacturing—Amendments	2060-AO07
2791	SAN No. 5115 Air Quality Index Reporting and Significant Harm Level for PM _{2.5}	2060-AO11
2792	SAN No. 5105 Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines	2060-AO12
2793	SAN No. 5122 NESHAP: Ferroalloys Production—Area Source Standards	2060-AO13
2794	SAN No. 4585.1 NESHAP: Portland Cement Notice of Reconsideration	2060-AO15
2795	SAN No. 5131 Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of Family of Hydrofluoropolyethers (HFPEs) and HFE-347pc-f	2060-AO17
2796	SAN No. 5116 Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK)	2060-AO23
2797	SAN No. 5135 NESHAP—Area Source Standards—Nine Metal Fabrication and Finishing Source Categories (12 SICs, 23 NAICS Codes)	2060-AO27
2798	SAN No. 5129 Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder	2060-AO38
2799	SAN No. 5145 Review of New Source Performance Standards—Nonmetallic Minerals	2060-AO41
2800	SAN No. 5143 Review of New Source Performance Standards—Portland Cement	2060-AO42
2801	SAN No. 5142 Review of New Source Performance Standards (Subpart UUU)—Mineral Dryers/Calciners	2060-AO43
2802	SAN No. 5155 Measurement of PM 2.5 and PM 10 Emissions by Dilution Sampling	2060-AO50
2803	SAN No. 5144 Standards of Performance for Coal Preparation Plants: Amendments	2060-AO57
2804	SAN No. 5147 Amend Methods 201a and 202 of 40 CFR 51 Appendix M To Improve Measurement of Fine PM ...	2060-AO58
2805	SAN No. 5174 Clarification of Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institutional Steam Generating Units	2060-AO61
2806	SAN No. 5185 Plywood and Composite Wood Products (PCWP) NESHAP—Amendments To Address “No Emission Reduction” MACT Floors	2060-AO66
2807	SAN No. 5186 Pulp and Paper Sector Model Rule	2060-AO67
2808	SAN No. 5151 Protection of Stratospheric Ozone: Labeling of Products Using HCFCs	2060-AO68
2809	SAN No. 5153 Adoption of International NO _x Standard for Aircraft Engines	2060-AO70
2810	SAN No. 5166 Opportunity To Provide Feedback to the Agency on Emissions Standards for Stationary Diesel Engines	2060-AO73
2811	SAN No. 5224 Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export	2060-AO76

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

Sequence Number	Title	Regulation Identifier Number
2812	SAN No. 5234 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009	2060-AO77
2813	SAN No. 5235 Protection of Stratospheric Ozone: The 2009 Critical Use Exemption From the Phaseout of Methyl Bromide	2060-AO78
2814	SAN No. 5242 Regulation To Establish Mandatory Reporting of Greenhouse Gases From Upstream Fuel and Chemical Producers and Importers and Downstream Emitters	2060-AO79
2815	SAN No. 5250 Renewable Fuels Standard Program	2060-AO81
2816	SAN No. 5035.1 NSPS for Equipment Leaks; Amendments	2060-AO90
2817	SAN No. 5093.2 Risk Technology Phase II Group 2A	2060-AO91
2818	SAN No. 5093.3 Risk Technology Phase II Group 2B	2060-AO92
2819	SAN No. 5189 NESHAP: Area Source Standards for Nonferrous and Copper Foundries	2060-AO93
2820	SAN No. 5191 NESHAP: Area Source Standards—Asphalt Roofing Manufacture	2060-AO94
2821	SAN No. 5193 Proposed Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard: Anti-Backsliding Provisions on Section 185 Penalty Fees Under Former 1-Hour Ozone Standard	2060-AO95
2822	SAN No. 5194 Proposed Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standards: Revisions for Subpart 1 Areas and 1-Hour Contingency Measures	2060-AO96
2823	SAN No. 5201 NESHAP: Area Source Standards—Prepared (Animal) Feed Materials	2060-AO98
2824	SAN No. 5216 Prevention of Air Pollution Emergency Episodes	2060-AP00
2825	SAN No. 5226 Consumer and Commercial Products, Group IV: CTG's in Lieu of Regulations for Misc. Metal Products Coatings, Plastic Parts, Auto & Light Duty Truck Assembly Coatings, & Fiberglass Boat Mfg. Materials	2060-AP01
2826	SAN No. 5227 Consumer and Commercial Products: National VOC Emission Standards for Miscellaneous Industrial Adhesives and Sealants	2060-AP02
2827	SAN No. 5230 NESHAP: Area Source Standards—Aluminum Foundries	2060-AP04
2828	SAN No. 5232 NESHAP: Reinforced Plastic Composites Production Rule Amendments	2060-AP05
2829	SAN No. 5233 New Source Performance Standards for Grain Elevators—Amendments	2060-AP06
2830	SAN No. 5236 Reconsideration of Halogenated Solvent Cleaning Final Residual Risk Rule	2060-AP07

CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2831	SAN No. 4070 Revisions to the General Conformity Regulations	2060-AH93
2832	SAN No. 3975 Review of New Sources and Modifications in Indian Country	2060-AH37
2833	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements ...	2060-AH23
2834	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline	2060-AJ82
2835	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	2060-AK26
2836	SAN No. 5161 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana, Sulfur Dioxide (SO ₂) Area	2008-AA01
2837	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	2009-AA00
2838	SAN No. 5047 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis and Response to Petitions for Reconsideration) ..	2050-AG29
2839	SAN No. 4793 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation and Project Netting	2060-AL75
2840	SAN No. 4809 Control of Emissions of Air Pollution From New Motor Vehicles: On-Board Diagnostic Requirements for Heavy-Duty Engines & Vehicles Above 14,000 Pounds & In-Use, Not-To-Exceed Emission Standard Testing	2060-AL92
2841	SAN No. 4830 Alternative Work Practice for Leak Detection and Repair	2060-AL98
2842	SAN No. 4871 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder	2060-AM06
2843	SAN No. 4846 NESHAP & NSPS for Municipal Solid Waste Landfills—Amendments	2060-AM08
2844	SAN No. 4882 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment	2060-AM34
2845	SAN No. 4886 NESHAP: Area Source Standards—Plating and Polishing	2060-AM37
2846	SAN No. 4885 Flexible Air Permit Rule	2060-AM45
2847	SAN No. 4900 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels	2060-AM46
2848	SAN No. 4918 Protection of Stratospheric Ozone: Listing of Substitutes in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program	2060-AM54

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

Sequence Number	Title	Regulation Identifier Number
2849	SAN No. 4940 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Re-consideration of Inclusion of Fugitive Emissions	2060-AM91
2850	SAN No. 4960 Response to Petition for Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport	2060-AN12
2851	SAN No. 4970 Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments	2060-AN17
2852	SAN No. 4951 Revisions to Air Emissions Reporting Requirements	2060-AN20
2853	SAN No. 4794.2 Prevention of Significant Deterioration and Nonattainment New Source Review: Emission In-creases for Electric Generating Units	2060-AN28
2854	SAN No. 5011 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before De-cember 9, 2004	2060-AN43
2855	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
2856	SAN No. 5029 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule	2060-AN68
2857	SAN No. 5036 Petroleum Refineries—New Source Performance Standards (NSPS)—Subpart J	2060-AN72
2858	SAN No. 5045 Revision to Definition of Volatile Organic Compounds—Exclusion of Compounds	2060-AN75
2859	SAN No. 5055 National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing: Amendments	2060-AN80
2860	SAN No. 4752.2 Final Rule for Implementation of the New Source Review (NSR) Program for PM2.5	2060-AN86
2861	SAN No. 5100 Prevention of Significant Deterioration: Refinement To Increment Modeling Procedures	2060-AO02
2862	SAN No. 5106 National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations—Amendment	2060-AO03
2863	SAN No. 5126 Risk and Technology Review for Group 1: Polymers & Resins I; Polymers & Resins II, Acetal Res-ins, and Hydrogen Fluoride	2060-AO16
2864	SAN No. 5068 Prevention of Significant Deterioration for PM2.5—Increments, Significant Impact Levels and Sig-nificant Monitoring Concentrations	2060-AO24
2865	SAN No. 5114 Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radio-nuclides, Subparts H and I	2060-AO31
2866	SAN No. 5124 Fuel Economy Regulations for Automobiles: Technical Amendments and Corrections	2060-AO36
2867	SAN No. 5140 Method 207—Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources	2060-AO39
2868	SAN No. 5157 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2008	2060-AO44
2869	SAN No. 5146 Addition of Method 208, Protocol for the Source Testing, Analysis, and Reporting of VOC Emis-sions From Hot Mix Asphalt Plant Dryers	2060-AO51
2870	SAN No. 5156 National Emission Standards for Hazardous Air Pollutants: Appendix A—Test Methods; Amend-ments to Method 301	2060-AO53
2871	SAN No. 5093.1 Petroleum Refinery Residual Risk Standards	2060-AO55
2872	SAN No. 5180 Federal Plan Requirements for Large Municipal Waste Combustors Constructed On or Before September 20, 1994	2060-AO63
2873	SAN No. 5154 Regulation of Fuels and Fuel Additives: Alternative Quality Assurance Requirements for Ultra-Low Sulfur Diesel	2060-AO71
2874	SAN No. 4119 Performance Specification 16—Specifications and Test Procedures for Predictive Emission Moni-toring Systems in Stationary Sources	2060-AO74
2875	SAN No. 4907.1 National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution; Amendments—Area Source Standard	2060-AO84
2876	SAN No. 5203 Control of Emissions of Air Pollution From Snowmobiles	2060-AO88
2877	SAN No. 5202 NESHAP: Organic Liquid Distribution (Non-Gasoline); Amendments	2060-AO99
2878	SAN No. 5237 Standards of Performance for New Stationary Sources, Test Method 2H—Amendment	2060-AP08
2879	SAN 4161.1. Update of Continuous Instrumental Test Methods: Technical Amendments	2060-AP13

CLEAN AIR ACT (CAA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2880	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas	2060-AH01

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

Sequence Number	Title	Regulation Identifier Number
2881	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	2060-AK54
2882	SAN No. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines—Petition To Delist	2060-AK73
2883	SAN No. 4782 Petition To Delist Hazardous Air Pollutant: 4,4'-Methylene Diphenyl Diisocyanate	2060-AK84
2884	SAN No. 4689 Section 126 Rule Withdrawal Provision	2060-AK41
2885	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations	2060-AI03
2886	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
2887	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions	2060-AH31
2888	SAN No. 4266 Review of the National Ambient Air Quality Standards for Carbon Monoxide	2060-AI43
2889	SAN No. 4348 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule	2060-AI97
2890	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives	2060-AJ61
2891	SAN No. 4722 California Gasoline Technical Correction	2060-AK56
2892	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition	2060-AK69
2893	SAN No. 4796 Section 126 Rule: Withdrawal of Findings for Sources in Michigan	2060-AL83
2894	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
2895	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	2060-AL94
2896	SAN No. 4849 Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)	2060-AM20
2897	SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants	2060-AM49
2898	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	2060-AM55
2899	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
2900	SAN No. 4908 NESHAP: General Provisions (Once In Always In)—Amendments	2060-AM75
2901	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments	2060-AM87
2902	SAN No. 4757.1 Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks & Heavy Duty Vehicles	2060-AN01
2903	SAN No. 4993 Optional Chassis Certification for Diesel Vehicles	2060-AN39
2904	SAN No. 5043 Defect Reporting for On-Highway Motor Vehicles and Engines	2060-AN73
2905	SAN No. 5093 Risk and Technology Review Phase II Group 2	2060-AN85
2906	SAN No. 4697.1 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries	2060-AN87
2907	SAN No. 5094 Clean Air Mercury Rule: Federal Plan	2060-AN98
2908	SAN No. 5120 Response to Request for Reconsideration of Final Air Emission MACT Rules for Large Municipal Waste Combustors (MWCs)	2060-AO18
2909	SAN No. 5137 Protection of Stratospheric Ozone: Reserving Pre-2005 Stocks of Methyl Bromide for Critical Use Growers	2060-AO29
2910	SAN No. 5169 Review of the National Ambient Air Quality Standards for Particulate Matter	2060-AO47
2911	SAN No. 5175 NESHAP: Aviation Gasoline Distribution MACT Standards	2060-AO62
2912	SAN No. 5170 Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur	2060-AO72
2913	SAN No. 5206 Protection of the Stratospheric Ozone: Motor Vehicle Air Conditioning System Servicing	2060-AO75

CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2914	SAN No. 5047.1 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors: Amendments	2050-AG35
2915	SAN No. 4873 NESHAP: Area Source Standards—Clay Ceramics Manufacturing, Glass Manufacturing and Secondary Nonferrous Metals Processing	2060-AM12
2916	SAN No. 4859 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization	2060-AM14

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

Sequence Number	Title	Regulation Identifier Number
2917	SAN No. 4879 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries	2060-AM36
2918	SAN No. 4889 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing—Area Source	2060-AM71
2919	SAN No. 4907 NESHAP: Gasoline Distribution Area Source Standards	2060-AM74
2920	SAN No. 4915 Standards of Performance for Stationary Spark Ignited Internal Combustion Engines and Area Source NESHAP for RICE	2060-AM81
2921	SAN No. 4927 NESHAP: Iron and Steel Foundries; Amendments	2060-AM85
2922	SAN No. 4969 Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program and the NOx Budget Trading Program	2060-AN16
2923	SAN No. 4978 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations—Area Sources (Includes Autobody, Paint Stripping, and Misc. Coating Plastic Parts)	2060-AN21
2924	SAN No. 5008 Review of the National Ambient Air Quality Standards for Ozone	2060-AN24
2925	SAN No. 4625.4 Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification	2060-AN26
2926	SAN No. 4910.1 NESHAP: Organic Liquid Distribution (Non-Gasoline); Litigation Amendments	2060-AN37
2927	SAN No. 5020 Action on Petition To List Diesel Exhaust as a Hazardous Air Pollutant	2060-AN49
2928	SAN No. 5014 NESHAP: Area Source Standards—Reciprocating Internal Combustion Engines	2060-AN62
2929	SAN No. 5030 National Volatile Organic Compound Emission Standards for Aerosol Coatings	2060-AN69
2930	SAN No. 5035 New Source Performance Standards (NSPS): Equipment Leaks—Subparts VV & GGG	2060-AN71
2931	SAN No. 5057 Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU)	2060-AN82
2932	SAN No. 5076 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reasonable Possibility in Recordkeeping	2060-AN88
2933	SAN No. 4839.6 Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact	2060-AO05
2934	SAN No. 5130 Change in Regulatory Deadline for Rulemaking To Address the Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder	2060-AO26
2935	SAN No. 5136 Protection of Stratospheric Ozone: Extension of Global Lab and Analytical Use Exemption for Essential Class I Ozone Depleting Substances	2060-AO28
2936	SAN No. 5138 Protection of the Stratospheric Ozone: The 2008 Critical Use Exemption From the Phaseout of Methyl Bromide	2060-AO30
2937	SAN No. 5065 Protection of Stratospheric Ozone: Revision of Refrigerant Recycling and Recovery Equipment Standards	2060-AO32
2938	SAN No. 5125 Nonroad Diesel Technical Amendments	2060-AO37
2939	SAN No. 5165 Revisions to Consolidated Federal Air Rule	2060-AO45
2940	SAN No. 5152 Public Notification of Upcoming Revisions to State Implementation Plans	2060-AO49
2941	SAN No. 5150 National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Corrections	2060-AO52
2942	SAN No. 5164 Rulemaking To Address Greenhouse Gas Emissions From Motor Vehicles	2060-AO56
2943	SAN No. 5167 Interpretation of the National Ambient Air Quality Standards for PM2.5—Correcting and Simplifying Amendment	2060-AO59
2944	SAN No. 5181 National Emissions Standards for Asbestos—Amendments (Withdrawn)	2060-AO64
2945	SAN No. 5149 In-Use Testing for Heavy-Duty Diesel Engines and Vehicles	2060-AO69
2946	SAN No. 4839.7 Final 8-Hour Ozone National Ambient Air Quality Designations for Early Action Compact Areas ..	2060-AO83
2947	SAN No. 5012.1 Acrylic/Modacrylic Fibers, Chemical Manufacturing: Chromium Compounds, Flexible Foam Fabrication and Foam Prod, Carbon Black Prod, Lead Acid Battery Mfg. Wood Preserving; Amendments	2060-AO85
2948	SAN No. 5030.1 National Volatile Organic Compound Emission Standards for Aerosol Coatings—Amendments	2060-AO86
2949	SAN No. 5188 Approval of Louisiana’s Petition To Relax the Summer Gasoline Volatility Standard for the Grant Parish Area	2060-AO87
2950	SAN No. 5209 Control of Hazardous Air Pollutants From Mobile Sources: Early Credit Technology Requirement Revision	2060-AO89
2951	SAN No. 5229 Findings of Failure To Submit Related to Section 110(a)(2) SIP Submittals	2060-AP03

EPA**ATOMIC ENERGY ACT (AEA)—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2952	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste	2060-AH63
2953	SAN No. 4003 Technical Change to Dose Methodology	2060-AH90

ATOMIC ENERGY ACT (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2954	SAN No. 4964 Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada	2060-AN15

NOISE CONTROL ACT (NCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2955	SAN No. 5102 Revision of Hearing-Protector Regulations	2060-AO25

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

Sequence Number	Title	Regulation Identifier Number
2956	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials	2070-AD30
2957	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	2015-AA00
2958	SAN No. 5031 Pesticides; Expansion of Crop Grouping Program	2070-AJ28
2959	SAN No. 5050 Pesticide Agricultural Container Recycling Program	2070-AJ29
2960	SAN No. 5223 Pesticides; Revisions to Pesticide Container/Containment Rule	2070-AJ37

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

Sequence Number	Title	Regulation Identifier Number
2961	SAN No. 4728 Endocrine Disruptor Screening Program (EDSP); Policy and Procedures for Initial Screening	2070-AD61
2962	SAN No. 3222 Groundwater and Pesticide Management Plan Rule	2070-AC46

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

Sequence Number	Title	Regulation Identifier Number
2963	SAN No. 4027 Pesticides; Tolerance Processing Fees	2070-AJ23
2964	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes	2070-AD49
2965	SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants	2070-AD55
2966	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	2070-AD56
2967	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products	2070-AD14
2968	SAN No. 5007 Pesticides; Competency Standards for Occupational Users	2070-AJ20
2969	SAN No. 5006 Pesticides; Agricultural Worker Protection Standard Revisions	2070-AJ22
2970	SAN No. 4985 Pesticides; Determination of Status of Prions as Pests	2070-AJ26
2971	SAN No. 5005 Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)	2070-AJ27

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

Sequence Number	Title	Regulation Identifier Number
2972	SAN No. 5082 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)	2070-AJ32

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

Sequence Number	Title	Regulation Identifier Number
2973	SAN No. 5101 Plant-Incorporated Protectant—Fusion Proteins (PIP-FPs)	2070-AJ33

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2974	SAN No. 5187 Test Rule; Nonylphenol (NP) and Its Ethoxylates (NPE)	2070-AJ34

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2975	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders	2070-AB27
2976	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals	2070-AD16
2977	SAN No. 2150.2 Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption for Disposal	2050-AG42
2978	SAN No. 4512 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture	2070-AD48

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2979	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban	2070-AC21
2980	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers	2070-AD58
2981	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules	2070-AB11
2982	SAN No. 1923 Follow-Up Rules on Existing Chemicals	2070-AA58
2983	SAN No. 4176 Voluntary High Production Volume (HPV) Chemical Challenge Program	2070-AD25
2984	SAN No. 3493.1 Testing Agreement for Perfluorooctanoic Acid (PFOA)	2070-AJ06
2985	SAN No. 3493.4 Testing Agreement for Diethanolamine	2070-AJ09
2986	SAN No. 4984 Clarification on TSCA Inventory Status of Activated Phosphors	2070-AJ21
2987	SAN No. 5058 Nanoscale Materials Under TSCA	2070-AJ30
2988	SAN No. 1923.1 Significant New Use Rule for Chloranil	2070-AJ31

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

Sequence Number	Title	Regulation Identifier Number
2989	SAN No. 3148 Asbestos Model Accreditation Plan Revisions	2070-AC51
2990	SAN No. 4376 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule	2070-AC64
2991	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances	2070-AA59

EPA

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

Sequence Number	Title	Regulation Identifier Number
2992	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	2070-AB79
2993	SAN No. 3493 Testing for Existing Chemicals (Overview Entry for Future Needs)	2070-AB94
2994	SAN No. 4876 Voluntary Children's Chemical Evaluation Program (VCCEP)	2070-AC27
2995	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs)	2070-AC76
2996	SAN No. 3882 Test Rule; Certain Metals	2070-AD10
2997	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives	2070-AD28
2998	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity	2070-AD44
2999	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules	2070-AB08
3000	SAN No. 3528 Refractory Ceramic Fibers (RCFs)	2070-AC37
3001	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	2070-AD53
3002	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
3003	SAN No. 4878 TSCA Inventory Nomenclature for Enzymes and Proteins	2070-AJ04
3004	SAN No. 3493.2 Testing Agreement for Aryl Phosphates (ITC List 2)	2070-AJ07
3005	SAN No. 3493.3 Test Rule; Brominated Flame Retardants (BFRs)	2070-AJ08
3006	SAN No. 3493.5 Testing Agreement for Hydrogen Fluoride	2070-AJ10
3007	SAN No. 3493.7 Testing Agreement for Phthalic Anhydride	2070-AJ11
3008	SAN No. 3493.6 Testing Agreement for Maleic Anhydride	2070-AJ13
3009	SAN No. 4975 Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA	2070-AJ15
3010	SAN No. 5238 Significant New Use Rule for Elemental Mercury in Flow Meters, Manometers, and Pyrometers	2070-AJ36
3011	SAN 2150; Ac Polychlorinated Biphenyls (PCBs); Petitions Seeking a Manufacturing (Import) Exemption for Use ..	2070-AJ39

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3012	SAN No. 3557 Lead-Based Paint; Amendments for Renovation, Repair, and Painting	2070-AC83
3013	SAN No. 4597 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues	2070-AD52

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

Sequence Number	Title	Regulation Identifier Number
3014	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

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

Sequence Number	Title	Regulation Identifier Number
3015	SAN No. 3215 Emergency Planning and Community Right-To-Know Act: Amendments to Parts 355 and 370	2050-AE17
3016	SAN No. 5207 Toxic Chemical Release Reporting Using Revised 2007 North American Industry Classification System (NAICS) Codes	2025-AA22

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

Sequence Number	Title	Regulation Identifier Number
3017	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation	2025-AA11

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

Sequence Number	Title	Regulation Identifier Number
3018	SAN No. 2425.4 TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory	2025-AA16
3019	SAN No. 2425.1 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals	2025-AA17
3020	SAN No. 2425.3 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals	2025-AA19
3021	SAN No. 3215.1 Emergency Planning and Community Right-To-Know Act: Amendments and Streamlining Rule ...	2050-AG40

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

Sequence Number	Title	Regulation Identifier Number
3022	SAN No. 4606 Revisions to the Requirements for Transboundary Shipments of Wastes Destined for Recovery Between the U.S. and Other OECD Countries and for Export Shipments of Spent Lead Acid Batteries	2050-AE93
3023	SAN No. 2647 RCRA Subtitle C Financial Test Criteria Regulatory Determination	2050-AC71
3024	SAN No. 5070 Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts	2050-AG34
3025	SAN No. 5127 Amendment to the Universal Waste Rule: Addition of Pharmaceuticals	2050-AG39

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

Sequence Number	Title	Regulation Identifier Number
3026	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials	2050-AE23
3027	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	2050-AE51
3028	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
3029	SAN No. 4920 Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories	2050-AG18
3030	SAN No. 4977 Expanding the Comparable Fuels Exclusion Under RCRA	2050-AG24
3031	SAN No. 4670.1 Definition of Solid Wastes Revisions	2050-AG31

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

Sequence Number	Title	Regulation Identifier Number
3032	SAN No. 3856 Management of Cement Kiln Dust (CKD)	2050-AE34
3033	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers	2050-AE81
3034	SAN No. 4735 RCRA Smarter Waste Reporting	2050-AF01
3035	SAN No. 3147.1 Hazardous Waste Manifest Revisions—Standards and Procedures for Electronic Manifests	2050-AG20
3036	SAN No. 5128 Waste Management System; Testing and Monitoring Activities; Methods Innovation Rule; Correction	2050-AG38
3037	SAN No. 4828 RCRA Incentives for Performance Track Members	2090-AA34

EPA**RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
3038	SAN No. 4411 Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System To Produce Synthesis Gas	2050-AE78

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

Sequence Number	Title	Regulation Identifier Number
3039	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites	2050-AD75

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

Sequence Number	Title	Regulation Identifier Number
3040	SAN No. 5117 CERCLA/EPCRA Notification Requirements and the Agricultural Sector	2050-AG37

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

Sequence Number	Title	Regulation Identifier Number
3041	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities	2050-AF03
3042	SAN No. 4971 National Contingency Plan Revisions To Align With the National Response Plan	2050-AG22

CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3043	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	2050-AE87
3044	SAN No. 4746 Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters	2040-AD89
3045	SAN No. 4948 Effluent Limitations Guidelines and Standards for Airport Deicing Operations	2040-AE69
3046	SAN No. 5119 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category	2040-AE91
3047	SAN No. 5162 NPDES General Permits for Discharges Incidental to the Normal Operations of a Vessel	2040-AE93
3048	SAN No. 5210 Criteria and Standards for Cooling Water Intake Structures—Phase II Remand	2040-AE95

CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3049	SAN No. 4996 Concentrated Animal Feeding Operation Rule	2040-AE80
3050	SAN No. 5040 Water Transfers Rule	2040-AE86
3051	SAN No. 5098 Implementation Guidance for Mercury Water Quality Criteria	2040-AE87
3052	SAN No. 5064 2008 Effluent Guidelines Program Plan	2040-AE89
3053	SAN No. 5205 Revisions to the Clean Water Act Regulatory Definition of "Discharge of Dredged Material"	2040-AE96
3054	SAN No. 2634.2 Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule	2050-AG16

EPA

CLEAN WATER ACT (CWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3055	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures	2040-AC93
3056	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
3057	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II	2040-AD39
3058	SAN No. 3786 NPDES Applications Revisions	2040-AC84
3059	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
3060	SAN No. 4690 NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy	2040-AD87
3061	SAN No. 4822 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines	2040-AE61
3062	SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters	2040-AE77
3063	SAN No. 4980 Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process	2040-AE82
3064	SAN No. 3663.1 Availability of and Procedures for Removal Credits	2040-AE88

CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3065	SAN No. 4949 Effluent Limitations Guidelines and Standards for Drinking Water Supply and Treatment	2040-AE74
3066	SAN No. 4996.3 Supplemental Notice for CAFO Rule Regarding Terms of the Nutrient Management Plan	2040-AE94

SAFE DRINKING WATER ACT (SDWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3067	SAN No. 5258 National Primary Drinking Water Regulations: Stage I Disinfectant and Disinfection By-Products Rule (Section 610 Review)	2040-AE97

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3068	SAN No. 4966 Drinking Water Regulations for Aircraft Public Water System	2040-AE84
3069	SAN No. 5066 Second 6 Year Review of Existing National Primary Drinking Water Regulations	2040-AE90
3070	SAN No. 5211 Minimum Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO2) Geologic Sequestration (GS) Wells	2040-AE98

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3071	SAN No. 4821 Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List	2040-AE60

EPA

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

Sequence Number	Title	Regulation Identifier Number
3072	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040-AA94
3073	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb	2040-AC13
3074	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	2040-AD54
3075	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues	2040-AD94
3076	SAN No. 4745 Drinking Water Contaminant Candidate List 3	2040-AD99
3077	SAN No. 4236 Underground Injection Control: Update of State Programs	2040-AD40

SHORE PROTECTION ACT (SPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3078	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations	2040-AB85

Environmental Protection Agency (EPA)

Proposed Rule Stage

General

2747. • AUTHORIZE ADDITIONAL EMERGENCY PROCUREMENT PROCEDURES

Priority: Info./Admin./Other

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: The Federal Acquisition Regulation (FAR) restricts EPA's ability to make certain emergency procurements in a timely matter. EPA has the power under the CERCLA to take necessary procurement actions to respond to emergencies. The EPA Acquisition Regulation (EPAAR) will be

revised after the approval of OFPP is obtained for exercising this emergency procurement authority under CERCLA. No one is being regulated by this action. There are no other alternatives to address the problem.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5225;

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RIN: 2030-AA97

Environmental Protection Agency (EPA)

Final Rule Stage

General

2748. INCORPORATION OF CLASS DEVIATIONS INTO EPAAR

Priority: Info./Admin./Other

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	07/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3580;

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EPA—General

Final Rule Stage

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RIN: 2030-AA37

2749. AGE DISCRIMINATION REGULATIONS—EPA-ASSISTED PROGRAMS—AGE DISCRIMINATION ACT OF 1975

Priority: Other Significant
Legal Authority: 42 USC 6101 et seq
CFR Citation: 40 CFR 7.10 to 7.180
Legal Deadline: None
Abstract: The Age Discrimination Act of 1975 prohibits discrimination based on age in programs or activities that receive Federal financial assistance, and requires Federal agencies to issue regulations implementing the Act. Recipients are aware of this prohibition and are already in compliance with this requirement. This amendment will add Age as a protected classification to EPA's nondiscrimination regulations (40 CFR Part 7), which already prohibit

discrimination based on race, color, national origin, sex or handicap in EPA-assisted programs or activities pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Section 13 of the Federal Water Pollution Control Act of 1972. The 1975 Age Discrimination Act uses the same prohibitory language as Title VI and Section 504. Promulgating this amendment will bring EPA in line with other Federal agencies that have already issued age discrimination regulations—such as U. S. Department of Justice (DOJ) and the U.S. Department of Health and Human Services (HHS). HHS is responsible for approving age discrimination regulations before they are published, and has already approved EPA's proposed amendment.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5121;

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RIN: 2090-AA37

Environmental Protection Agency (EPA)

Long-Term Actions

General

2750. 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; EPA publication information: NPRM 1- Withdrawn 12/21/2000;

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RIN: 2025-AA02

2751. 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

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Long-Term Actions

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	06/00/09	
Final Action	12/00/09	

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

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RIN: 2030-AA67

Environmental Protection Agency (EPA)

Completed Actions

General

2752. SECURITY REQUIREMENTS FOR TOXIC SUBSTANCES CONTROL ACT CONFIDENTIAL BUSINESS INFORMATION ACCESS FOR CONTRACTORS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 1552; 48 CFR 1535

Completed:

Reason	Date	FR Cite
Withdrawn	03/04/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 2030-AA88

2753. AWARD TERM CONTRACTING

Priority: Info./Admin./Other

CFR Citation: 48 CFR 1516; 48 CFR 1552

Completed:

Reason	Date	FR Cite
NPRM	10/04/07	72 FR 56708
Final Action	01/11/08	73 FR 1978

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2030-AA89

2754. ACCESSIBILITY STANDARDS FOR CONTRACT DELIVERABLES (SECTION 508)

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 1511; 48 CFR 1552

Completed:

Reason	Date	FR Cite
Withdrawn	03/04/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2030-AA90

2755. A REVISION TO THE BUDGET PERIOD LIMITATION FOR RESEARCH GRANTS AND COOPERATIVE AGREEMENTS

Priority: Info./Admin./Other

CFR Citation: 40 CFR 40.125-1(a) (Revision)

Completed:

Reason	Date	FR Cite
Direct Final Action	09/12/07	72 FR 52008

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2080-AA12

2756. UTILIZATION OF SMALL, MINORITY, AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS

Priority: Other Significant

CFR Citation: 40 CFR 33

Completed:

Reason	Date	FR Cite
Final Action	03/26/08	73 FR 15904

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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EPA—General

Completed Actions

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Related RIN: Previously reported as 2020-AA39
RIN: 2090-AA38

**Environmental Protection Agency (EPA)
 Clean Air Act (CAA)**

Prerule Stage

2757. REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE

Priority: Economically Significant. Major under 5 USC 801.
Legal Authority: 42 USC 7408; 42 USC 7409
CFR Citation: 40 CFR 50
Legal Deadline: None

Abstract: The Clean Air Act Amendments of 1977 require EPA to review and, if appropriate, revise the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) periodically. On October 11, 1995, the EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO2). That action provided the Administrator's final determination, after careful evaluation of comments received on the October 1995 proposal, that revisions to neither the primary nor the secondary NAAQS for NO2 were appropriate at that time. On December 9, 2005, the EPA/ORD initiated the current periodic review of NO2 air quality criteria, the scientific basis for the NAAQS, with a call for information in the Federal Register. (This regulatory action is for the Agency's review of the primary NO2 NAAQS. Review of the secondary NO2 NAAQS will be part of a separate regulatory action combined with review of the sulfur dioxide NAAQS.) As part of the review process, the Agency will prepare an Integrated Review Plan, an Integrated Science Assessment, and a Risk/Exposure Assessment. These documents will be reviewed by the public and by the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS. The final documents will reflect the input received through these reviews. An Advance Notice of Proposed Rulemaking (ANPRM) reflecting Agency views will then be

published. This ANPRM will also be reviewed by the public and by CASAC during a public comment period. Input received through these reviews will inform the development of a proposed rulemaking. The Administrator's proposal to retain or revise the NO2 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
ANPRM	12/00/08	
NPRM	05/00/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5111; EPA Docket information: EPA-HQ-OAR-2006-0922

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RIN: 2060-AO19

2758. REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR SULFUR DIOXIDE

Priority: Economically Significant. Major under 5 USC 801.
Legal Authority: 42 USC 7408; 42 USC 7409
CFR Citation: 40 CFR 50

Legal Deadline: None

Abstract: The Clean Air Act Amendments of 1977 require EPA to review and, if appropriate, revise air quality criteria primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) periodically. On May 22, 1996, the EPA published a final decision under section 109(d)(1) that revisions of the primary and secondary NAAQS for sulfur dioxide (SO2) were not appropriate at that time, aside from several minor technical changes. That action provided the Administrator's final determination, after careful evaluation of comments received on the November 1994 proposal, that significant revisions to the primary and the secondary NAAQS for SO2 would not be made at that time. In 2006, the EPA/ORD initiated the current periodic review of SO2 air quality criteria, the scientific basis for the NAAQS, with a call for information in the Federal Register. (This regulatory action is for the Agency's review of the primary SO2 NAAQS. Review of the secondary SO2 NAAQS will be part of a separate regulatory action combined with review of the secondary nitrogen dioxide NAAQS.) The EPA's ORD and OAR will prepare a plan for the primary SO2 NAAQS review, which will be an integrated plan for addressing policy-relevant scientific and technical issues and will include a schedule of the review. Subsequently, an Integrated Science Assessment (ISA) will be prepared by ORD. This document will be reviewed by the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS, and the public, and will reflect the input received through these reviews. Following completion of the ISA, OAR will prepare and publish an exposure/risk assessment, as appropriate, and an Advance Notice of Proposed Rulemaking (ANPRM), that will include a policy assessment

EPA—Clean Air Act (CAA)

Prerule Stage

reflecting the Agency's views, based on information in the ISA and the exposure/risk report. As the primary SO₂ NAAQS review is completed, the Administrator's proposal to retain or revise the SO₂ 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
ANPRM	03/00/09	
NPRM	07/00/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 5163; EPA Docket information: EPA-HQ-OAR-2007-0352**Agency Contact:** Michael Stewart, Environmental Protection Agency, Air and Radiation, C504-06, RTP, NC 27711

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RIN: 2060-AO48**2759. NEW SOURCE PERFORMANCE STANDARDS (NSPS) REVIEW STRATEGY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411; 42 USC 7429**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Clean Air Act (CAA) requires the Environmental Protection Agency (EPA) to review new source performance standards (NSPS) within a specified time frame following the initial promulgation of the standard and, if appropriate, revise the standard. The required review cycle varies depending on the applicable section of the CAA. The NSPS written to comply with section 111 of the CAA should

be reviewed every 8 years. The review time frame for NSPS written to comply with section 129 of the CAA should be reviewed every 5 years. This strategy outlines EPA's proposed procedure for fulfilling our statutory obligation to review and, if appropriate, revise the NSPS.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5168;**Agency Contact:** Robin Langdon, Environmental Protection Agency, Air and Radiation, D220B, RTP, NC 27711
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RIN: 2060-AO60**2760. ● CONTROL OF EMISSIONS OF AIR POLLUTION FROM NONROAD DIESEL ENGINES (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: On October 23, 1998 (63 FR 56967), EPA promulgated a regulation to reduce emissions of nitrogen oxides (NO_x), non-methane hydrocarbon (NMHC), and particulate matter (PM) from diesel and gasoline fueled engines used in highway trucks and buses and in nonroad equipment and vehicles. Nitrogen oxides are a significant contributor to urban ozone pollution (smog), acid rain, and particulate pollution. Particulates, including those emitted directly and secondary particulates formed in the atmosphere, have been associated with increased death and illness rates as well as impaired visibility. Non-Methane hydrocarbons also contribute to ozone pollution. Highway and nonroad engines and vehicles are very

significant contributors to these air-quality problems. Pursuant to Section 610 of the Regulatory Flexibility Act, EPA is now initiating a review of this rule to determine if it should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA will consider, and solicits comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by August 4, 2008. In submitting comments, please reference Docket ID number EPA-HQ-OAR-2008-0206, and follow the instructions provided in Section H of the preamble to this issue of the Regulatory Agenda. The results of EPA's review will be summarized in a report and placed in the rulemaking docket referenced above. This docket can be accessed at www.regulations.gov.

Timetable:

Action	Date	FR Cite
Final Rule	10/23/98	63 FR 56967
Begin Review	05/00/08	
End Comment Period	08/00/08	
End Review	12/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5254; EPA Docket information: EPA-HQ-OAR-2008-0206**Agency Contact:** Tom Eagles, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460

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RIN: 2060-AO82**2761. ● RISK AND TECHNOLOGY REVIEW PHASE II GROUP 3****Priority:** Other Significant**Legal Authority:** CAA sec 112 (f) and (d)(6)**CFR Citation:** Not Yet Determined

EPA—Clean Air Act (CAA)

Prerule Stage

Legal Deadline: None

Abstract: EPA is required to evaluate the risk remaining at facilities 8 years after they are required to comply with MACT air-toxic emission standards according to Section 112 (f)(2) of the Clean Air Act (CAA). EPA is also required to review and revise the MACT standards if needed every 8 years with regard to practices, processes and control technologies according to Section 112(d)(6) of the CAA. EPA will combine the remaining MACT source categories requiring residual risk and technology reviews into several groups to enable us to more closely meet statutory dates, raise and resolve programmatic issues, minimize resources by using available data and focusing on high risk sources, and provide consistent review and analysis. RTR Phase II originally included 34 MACT standards and 50 source categories, which was split into 2 groups. Group 2 was addressed in a previous action. This action focuses on RTR Phase II Group 3, which consists of 18 MACT standards (covering 20 source categories) with MACT compliance dates of 2002 and earlier. We will use available data including emissions from the most recent 2002 national emission inventory (NEI) and augment it with available site-specific data to assess the draft preliminary risks for each source category. Each MACT source category will be assessed for inhalation risks, including cancer risk and incidence, population cancer risk, and noncancer effects (chronic and acute). We also plan to evaluate multipathway risk associated with those source categories with significant levels of persistent and bioaccumulative HAP. We will follow the Benzene Policy to identify the source categories as low risk, acceptable risk, or unacceptable risk. We then plan to publish the emissions data and risk results in an ANPRM by May 2008 and solicit public comments and corrections, including better source data. We will then reassess the source categories based on the updated data. EPA will then evaluate the effectiveness and cost of additional risk reduction options and make acceptability and ample-margin-of-safety determinations. We anticipate that the source categories below will split into 2 to 3 proposal/promulgation packages. We intend to propose the first subset of source categories in a NPRM by January 2009, address public

comments, and promulgate the final action by January 2010. Where the need for additional controls is identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards. Portland Cement was removed from this group due to remand of the NESHAP and will be put into a later ANPRM in RTR Phase III.

The 17 MACT source categories and associated NAICS codes are listed below.

- Pulp and Paper Production, 3221
- Chrome Electroplating, 332813
- Flexible Polyurethane Foam, 326150
- Offsite Waste and Recovery Operations, 526
- Secondary Lead Smelters, 331452
- Wood Furniture Coatings, 337122
- Polycarbonates, 325199
- Acrylic/Modacrylic Fibers, 325222
- Phosphate Fertilizer Production, 325312
- Phosphoric Acid Manufacturing, 325312
- Primary Lead Smelting, 331419
- Publicly Owned Treatment Works, 221320
- Ferroalloys Production, 331112
- Steel Pickling—HCL Process, 331111
- Secondary Aluminum Production, 331314
- Wool Fiberglass Manufacturing, 327993
- Polyether Polyols Production, 325199

Timetable:

Action	Date	FR Cite
ANPRM	11/00/08	
NPRM	02/00/09	
Final Action	11/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5196;

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RIN: 2060-AO97

2762. • VOC REGULATION FOR ARCHITECTURAL COATINGS (SECTION 610 REVIEW)

Priority: Info./Admin./Other

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On September 11, 1998 (63 FR 48848), EPA promulgated a regulation to control volatile organic compound (VOC) emissions from architectural coatings. These coatings are applied to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs. Traditional VOC limitations, market-based approaches, and phased-in approaches were all included. This rule was based on the best possible understanding of the industry, and it afforded the flexibility to achieve the necessary emission reductions in the most sensible, cost-effective ways. Pursuant to Section 610 of the Regulatory Flexibility Act, EPA is now initiating a review of this rule to determine if it should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA will consider, and solicit comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. Comments must be received by August 4, 2008. In submitting comments, please reference Docket ID number EPA-HQ-OAR-2008-0205, and follow the instructions provided in Section H of the preamble to this issue of the Regulatory Agenda. The results of EPA's review will be summarized in a report and placed in the rulemaking docket referenced above. This docket can be accessed at www.regulations.gov.

EPA—Clean Air Act (CAA)

Prerule Stage

Timetable:

Action	Date	FR Cite
Final Rule	09/11/98	63 FR 48848
Begin Review	05/00/08	
End Comment Period	08/00/08	
End Review	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5255; EPA Docket information: EPA-HQ-OAR-2008-0205

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RIN: 2060-AP09

2763. ● GREENHOUSE GASES UNDER THE CLEAN AIR ACT

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This notice will solicit public input as EPA considers the specific effects of climate change and potential

regulation of greenhouse gas emissions from stationary and mobile sources under the Clean Air Act. As EPA has considered how best to respond to the Supreme Court's decision in *Massachusetts v. EPA*, as well as how to respond to petitions and comments received in rulemakings asking EPA to regulate greenhouse gas emissions from mobile and stationary sources, it has become clear that implementing the Supreme Court's decision could affect many sources beyond cars and trucks. In this advance notice, EPA will present and request comment on the best available science including specific and quantifiable effects of greenhouse gases relevant to making an endangerment finding and the implications of this finding with regard to the regulation of both mobile and stationary sources. This notice will also seek comment, relevant data, and questions about the implications of the possible regulation of stationary and mobile sources, particularly covering the various petitions, lawsuits and court deadlines before the Agency. These include the Agency response to the *Massachusetts v. EPA* decision, several mobile source petitions (on-road, non-road, marine and aviation), and several stationary source rulemakings (petroleum refineries, Portland cement, and power plant and

industrial boilers). Finally, the notice will also raise potential issues in the New Source Review program, including greenhouse gas thresholds and whether permitting authorities might need to define best available control technologies.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN 5265; Docket EPA-HQ-OAR-2008-0318

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RIN: 2060-AP12

Environmental Protection Agency (EPA)

Proposed Rule Stage

Clean Air Act (CAA)

2764. 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	07/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3649;

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RIN: 2060-AF72

2765. 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 506 (Revision); 40 CFR 63.1310 to 1335 (Revision)

Legal Deadline: None

Abstract: During the development of the National Emission Standard for

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Proposed Rule Stage

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 November 25, 1996 (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	12/00/08	

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

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RIN: 2060-AH47

2766. 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 app J to part 60; 40 CFR 63 app 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. In conjunction with the

rule development for the NSPS, amendments to appendix C to part 63 were proposed on June 30, 2004. The final rule will encompass the clarifications and revisions to subpart YYY, appendix J, and 40 CFR part 63 appendix C.

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
Supplemental NPRM	07/00/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3380;

EPA publication information:

Supplemental NPRM 2 -

[http://www.epa.gov/fedrgstr/EPA-](http://www.epa.gov/fedrgstr/EPA-AIR/1998/December/Day-09/a28472a.htm)

[AIR/1998/December/Day-](http://www.epa.gov/fedrgstr/EPA-AIR/1998/December/Day-09/a28472a.htm)

[09/a28472a.htm](http://www.epa.gov/fedrgstr/EPA-AIR/1998/December/Day-09/a28472a.htm); ; EPA Docket

information: EPA-HQ-OAR-2003-0191

Sectors Affected: 3251 Basic Chemical Manufacturing

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RIN: 2060-AE94

2767. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS AND ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59

Legal Deadline: None

Abstract: This action consists of amendments to the consumer products and the architectural and industrial

EPA—Clean Air Act (CAA)

Proposed Rule Stage

maintenance (AIM) coatings Part 59 VOC rules under Clean Air Act Section 183(e). Consistent with Clean Air Act Advisory Committee recommendations AQM2.3 and AQM2.4, these rules are being updated to align them with the model rules adopted by the Ozone Transport Commission. This action has also been requested by the Consumer Products industry and the Coatings industry to promote consistency in requirements nationwide. This action incorporates requirements that are already in force in several States. In addition, this action will subsume SAN 5009, Determining Emissions Reductions Achieved from Rules Limiting VOC Content of AIM Coatings.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	09/00/08	

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

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RIN: 2060-AI62

2768. • NESHA: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS; PM STANDARDS AMENDMENTS

Priority: Other Significant**Legal Authority:** 42 USC 7412; 42 USC 7414**CFR Citation:** 40 CFR 63 (Revision)**Legal Deadline:** None**Abstract:** On October 12, 2005, EPA promulgated national emission

standards for hazardous air pollutants from new and existing hazardous waste combustors. Subsequently, the Administrator received four petitions for reconsideration of the final rule. Two petitioners requested that EPA reconsider the particulate matter standard for new cement kilns. On March 23, 2006, EPA published a Federal Register notice granting the petitioners' request for reconsideration on that issue and proposing a revised particulate matter standard for kiln combustion emissions. In response to the proposed rule, two commenters requested that the Agency adopt an alternative measurement approach to show compliance with the particulate matter standard when a certain cement plant design is used.

The cement plant design at issue would use heat from the clinker cooler exhaust, in addition to kiln combustion gas that traditionally is used, to dry the incoming raw material feed to the kiln. Combining the clinker cooler and the kiln combustion exhausts, each of which are subject to a different particulate matter standard (i.e., 40 CFR part 63, subparts LLL and EEE, respectively), into a single gas stream presents a measurement issue that the Agency did not anticipate when promulgating the particulate matter standards. This rulemaking would not revise either of these particulate matter standards, but would provide a methodology to assess compliance with the particulate matter standards when a source elects to combine these exhaust streams.

The Agency is aware of only one new cement operation that currently proposes to use this configuration. However, we anticipate that additional facilities will use similar designs in the future because this kiln system design beneficially uses available hot clinker collier exhaust gases that would otherwise be vented to the atmosphere. In order to ensure a consistent approach to regulating similar facilities, the Agency believes that it is appropriate to address the compliance issues raised by this design through a single rulemaking rather than a series of separate alternative compliance demonstration requests.

Timetable:

Action	Date	FR Cite
NPRM	07/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 5231;**URL For More Information:**

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RIN: 2050-AG43

2769. 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: The PS-17 and QA Procedure 4 would apply to continuous parameter monitoring systems (CPMS) that are required under an applicable subpart to parts 60, 61, or 63. Therefore, this rulemaking would not require the installation or operation of additional CPMS. The specific types of CPMS covered by the proposed PS-17 and QA Procedure 4 are those that are used to measure and record temperature, pressure, liquid flow rate, gas flow rate, mass flow rate, pH, or conductivity on a continuous basis. The proposed PS-17 establishes procedures and other requirements that will help to ensure that CPMS are properly selected, installed, and placed into operation. The proposed QA Procedure 4 specifies procedures that will help to ensure that CPMS provide quality data on an ongoing basis. The proposed amendments to QA Procedure 1, of 40 CFR 60, appendix F, add provisions to address CEMS that are used to monitor multiple pollutants and are subject to

EPA—Clean Air Act (CAA)

Proposed Rule Stage

PS-9 or PS-15. The amendments to 40 CFR 63, subpart A, ensure consistency among the proposed PS-17, QA Procedure 4, and the General Provisions to part 63. The amendments to section 63.996(c) of 40 CFR 63, subpart SS, ensure consistency among PS-17, QA Procedure 4, and the monitoring requirements of subpart SS.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	

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

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RIN: 2060-AJ86

2770. PERFORMANCE-BASED MEASUREMENT SYSTEM FOR FUELS: CRITERIA FOR SELF-QUALIFYING ALTERNATIVE TEST METHODS; DESCRIPTION OF OPTIONAL STATISTICAL QUALITY CONTROL MEASURES

Priority: Other Significant

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: Transportation fuels (like gasoline and diesel fuel) are regulated by EPA under the Clean Air Act to control the emissions that result when they are burned in engines, and also to protect engines' emission control equipment. Fuels regulations require measurement of various of the fuels' properties, and prescribe "designated"

analytical methods for that purpose. This regulation is intended to provide a way for regulated parties to self-qualify alternatives to the designated measurement methods that may be cheaper, quicker, simpler, more amenable to automation, or otherwise preferable. The regulation will also prescribe a minimum level of statistical quality control for all fuels test methods, designated or alternative. The regulations should quicken the adoption of new measurement technologies by removing the need for multiple method-specific rulemakings, but to do so in a way that will not degrade the performance of the overall measurement system. 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	07/00/08	

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 Petroleum Products

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RIN: 2060-AK03

2771. PROTECTION OF STRATOSPHERIC OZONE: AMENDMENTS TO THE SECTION 608 LEAK REPAIR REGULATIONS

Priority: Other Significant. 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	07/00/08	
Final Action	03/00/09	

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

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RIN: 2060-AM09

EPA—Clean Air Act (CAA)

Proposed Rule Stage

2772. NESHAP: AREA SOURCE STANDARDS FOR MISCELLANEOUS CHEMICAL MANUFACTURING**Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Judicial, December 15, 2008, One of ten area source category standards to be promulgated by 12/15/2008 as per 3/31/2006 order.**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from area sources in pursuant to Clean Air Act section 112(c)(3) for the chemical manufacturing industry. The rule will cover the manufacturing of industrial organic chemicals, inorganic chemicals, pharmaceuticals, pesticides, inorganic pigments, synthetic rubber, and plastic materials. These source categories were listed for regulation under the Urban Air Toxic Strategy to address HAP emissions from area sources.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	01/00/09	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

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Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143-01, RTP, NC 27711
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Email: hustvedt.ken@epa.gov**RIN:** 2060-AM19**2773. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** CAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Judicial, December 15, 2007, 12 of 10 area source categories to be promulgated by 12/15/07.**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. Both industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories.**Timetable:**

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

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:**

Undetermined

Additional Information: SAN No. 4884; EPA Docket information: EPA-HQ-OAR-2006-0790**Agency Contact:** Jim Eddinger, Environmental Protection Agency, Air and Radiation, C439-01, RTP, NC 27711

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RIN: 2060-AM44**2774. 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 60; 40 CFR 61; 40 CFR 63**Legal Deadline:** None**Abstract:** This project is part of a four-pronged approach to improve emissions monitoring in air regulations. The purpose of this project is to identify and update existing regulations with poor or no emissions monitoring provisions. More specifically, the purpose of this project is to review Parts 60, 61, and 63 regulations where the emissions monitoring provisions are deemed inadequate to provide a reasonable assurance of compliance. An ANPRM was published asking for comments on updating existing regulations with poor or no emissions monitoring provisions. A response to comments document has been prepared. In addition, a database including the initial review of the emissions monitoring provisions' inadequacies of Parts 60, 61, and 63 rules has been completed.**Timetable:**

Action	Date	FR Cite
ANPRM	02/16/05	70 FR 7905
NPRM	10/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4699.1; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/February/Day-16/a2995.htm>; Split from RIN 2060-AK29; EPA Docket information: EPA-HQ-OAR-2003-0180**Agency Contact:** Tom Driscoll, Environmental Protection Agency, Air and Radiation, D243-05, RTP, NC 27711

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AM63

2775. NESHAP: DEFENSE LAND SYSTEMS AND MISCELLANEOUS EQUIPMENT

Priority: Substantive, Nonsignificant
Legal Authority: CAA 112
CFR Citation: 40 CFR 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 that 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	10/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4926;

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RIN: 2060-AM84

2776. IMPLEMENTING PERIODIC MONITORING IN FEDERAL AND STATE OPERATING PERMIT PROGRAMS

Priority: Economically Significant. Major under 5 USC 801.
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 4-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.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	

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.

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RIN: 2060-AN00

2777. PROTECTION OF STRATOSPHERIC OZONE: REVISION TO LISTING OF CARBON DIOXIDE TOTAL FLOODING FIRE EXTINGUISHING SYSTEMS RESTRICTING USE TO ONLY UNOCCUPIED AREAS

Priority: Other Significant
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

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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	09/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4991;

URL For More Information:

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RIN: 2060-AN30

2778. NESHAP: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4701 et seq

CFR Citation: 40 CFR 63.210 to 217

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 ensures 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	03/00/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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

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RIN: 2060-AN33

2779. 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	02/00/09	

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: EPA-HQ-OAR-2002-0021

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RIN: 2060-AN36

2780. NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY

Priority: Other Significant

Legal Authority: Clean Air Act 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

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	01/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5015

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RIN: 2060-AN46

EPA—Clean Air Act (CAA)

Proposed Rule Stage

2781. NESHAP: AREA SOURCE STANDARDS—PAINT AND ALLIED PRODUCTS MANUFACTURING

Priority: Other Significant

Legal Authority: Clean Air Act 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the Paint and Allied Products manufacturing 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	12/00/08	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5016;

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RIN: 2060–AN47

2782. PROTECTION OF STRATOSPHERIC OZONE: AMENDING REQUIREMENTS TO IMPORT OZONE-DEPLETING SUBSTANCES FOR DESTRUCTION IN THE U.S.

Priority: Other Significant

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 into the U.S. This will

further reduce the amount of substances that could otherwise harm the ozone layer.

Timetable:

Action	Date	FR Cite
NPRM	09/00/08	
Final Action	03/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5017; EPA Docket information: EPA-HQ-OAR-2006-0130

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

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RIN: 2060–AN48

2783. PROTECTION OF STRATOSPHERIC OZONE: BAN ON THE SALE OR DISTRIBUTION OF PRE-CHARGED APPLIANCES

Priority: Other Significant

Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 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 appliances pre-charged with HCFCs after the phaseout of production and importation of bulk substances. Similar concerns resulted in the banning the imports of refrigeration appliances pre-charged with CFCs after the 1996 phaseout of production and import of bulk substances. Therefore, EPA is propose regulations to ban the imports of HCFC pre-charged products under the provisions within Title VI of CAAA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	
Final Action	04/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5052; EPA Docket information: EPA-HQ-OAR-2007-0163

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

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RIN: 2060–AN58

2784. REVISIONS TO THE DEFINITION OF POTENTIAL TO EMIT (PTE)

Priority: Other Significant

Legal Authority: 42 USC 7401; 42 USC 7412; 42 USC 7414; 42 USC 7416; 42 USC 7601

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

Legal Deadline: None

Abstract: This rulemaking rule would revise the definition of the term “potential to emit” (PTE) used in numerous regulations to determine the applicability of major source requirements. The regulatory amendments will address enforceability issues raised in court decisions by the D.C. Circuit regarding the types of limitations allowed to be used in a source’s PTE calculations. We plan revisions to the definitions of PTE for three major source Act programs: (1) Major New Source Review (NSR) program, (2) the section 112 program that regulates Hazardous Air Pollutants (HAPs), and (3) the title V State operating permit programs. We also plan to amend regulations that were not part of the court cases challenging the definition of potential to emit (e.g., visibility rules and Federal operating permits program rules) in order to be consistent with other EPA regulations. In addition to addressing the issue of whether PTE limitations have to be federally enforceable, the revised definition of PTE would set forth the specific criteria a limitation must meet to be effective. Finally, the proposal would clarify that EPA now uses the term “federally enforceable” to refer only to the ability of the Federal government or citizens to enforce the

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requirement in federal courts, and not to the effectiveness of PTE limits as well.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5025;

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RIN: 2060-AN65

2785. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR LEAD

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, May 1, 2008, As per 5/14/2005 order. Final, Judicial, September 1, 2008, As per 5/14/2005 order.

Abstract: On October 5, 1978 the EPA promulgated primary and secondary National Ambient Air Quality Standards (NAAQS) for lead under section 109 of the Clean Air Act (43 FR 46258). Both primary (health based) and secondary (welfare) standards were set at a level of 1.5 µg/m³ 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 to 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 was released December 1, 2005. The EPA Office of Air Quality Planning and Standards prepared a draft Staff Paper for the Administrator, which included an initial evaluation of the key studies and scientific information contained in the AQCD and additional preliminary technical analyses. The AQCD and draft Staff Paper were reviewed by the Clean Air Scientific Advisory Committee (CASAC) and the public. A final Staff Paper was completed on November 1, 2007. An ANPRM was published in December 2007 outlining the results of the final risk assessment and giving consideration to the policy assessment. 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
ANPRM	12/17/07	72 FR 71488
NPRM	05/00/08	
Final Action	09/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 5059; EPA Docket information: EPA-HQ-OAR-2006-0735

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RIN: 2060-AN83

2786. TITLE V RULEMAKING TO CLARIFY CERTAIN PROVISIONS OF THE OPERATING PERMIT RULES IN RESPONSE TO CAAA COMMITTEE RECOMMENDATIONS READY FOR PROGRAM OFFICE APPROVAL

Priority: Substantive, Nonsignificant

Legal Authority: CAA

CFR Citation: 40 CFR 70; 40 CFR 71

Legal Deadline: None

Abstract: This action addresses three potential improvements to the regulations implementing the Clean Air Act's title V operating permits program. These improvements were recommended to EPA by a Task Force that recently reviewed the implementation and performance of the program. The 18 member Task Force was formed by the Clean Air Act Advisory Committee, with representatives from industry, environmental groups, and State and local agencies. The action will focus on three of the issues that the Task Force addressed as important, and will take into account their perspectives on how best to address them. The recommendations include: (1) clarifying the use of permit modification processes for administrative amendments and minor permit modifications, (2) the treatment of insignificant emission units (IEU's) in permits, and (3) alternatives to newspaper notices for public notice requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
Final Action	10/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5079;

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AN93

2787. REGULATION OF FUELS AND FUEL ADDITIVES: REVISED DEFINITION OF SUBSTANTIALLY SIMILAR RULE FOR ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: CAA 211

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This rule would revise EPA’s gasoline-engine emission regulations to allow the use of the latest version of ASTM technical standards for Alaska. Gasoline-powered engines in Alaska face special challenges. Extremely cold winter temperatures increase the risk that engines using typical gasoline blends will suffer from difficulty in cold starting. To address these unique circumstances, the new ASTM 4814-04 standards for gasoline include special subclasses for gasoline used in extremely cold conditions. The new parameters enhance vehicle cold start and warm-up performance by allowing slightly different volatility characteristics for gasoline. Current EPA regulations only allow the use of the older 1988 version of the ASTM gasoline standards, which do not address Alaska’s cold climate. This rulemaking is intended to adopt new specifications by changing the “Substantially Similar” definition to include the new standards in ASTM 4814-04 for Alaska only. This action is supported by automobile manufacturers and Alaska refiners.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5080;

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RIN: 2060-AN94

2788. NESHAP: MERCURY CELL CHLOR-ALKALI PLANTS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This rule was promulgated in 2003 in 40 CFR Part 63 subpart IIII (NESHAP) to require MACT for both major and area sources. The pollutant of concern is elemental mercury. At the time of the rule, 12 plants existed in the U.S. In 2003, NRDC submitted a petition for reconsideration requesting EPA to more accurately quantify the fugitive emissions of mercury from this industry and to set numerical standards, among other items. EPA granted NRDC’s petition for reconsideration and, in response to NRDC’s concerns, initiated a testing and monitoring study to evaluate and better characterize fugitive emissions from mercury cell chlor-alkali plants. The results of this study will improve EPA’s ability to predict mercury emissions from chlor-alkali plants and to evaluate the next steps in the reconsideration. Currently, there are only 8 plants operating in the US, with three plants expecting to close or convert by 2008. The Chlorine Industry, in its 2005 report to the Great Lakes Bi-National Toxic Strategy, reported that only 3 tons of mercury were unaccounted in 2005, significantly lower than the 65 tons reported as unaccounted in the preamble to the MACT rule in 2003.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5095;

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RIN: 2060-AN99

2789. HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATION UNITS—RESPONSE TO REMAND

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, November 15, 2008, As per 12/04/2007 modification of Consent Order. Final, Judicial, September 15, 2009, As per 12/04/2007 modification of Consent Order.

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 hospital/medical/infectious waste incineration units (HMIWI). Regulations for HMIWI were promulgated on September 15, 1997, and those standards have been adopted and fully implemented with all retrofits completed. However, these regulations were subsequently remanded by the Court on March 2, 1999. The fundamental issue leading to the remand was the approach and methodology used by EPA to develop the HMIWI regulations. In effect, the Court questioned whether the regulations developed by EPA reflected the actual emission performance of the best controlled similar unit for new HMIWI and the average of the best performing 12 percent of units for existing HMIWI, and remanded the regulations to EPA for further explanation of its reasoning in determining the minimum regulatory “floors” for new and existing HMIWI. On February 6, 2007, EPA published a proposal that responded to the

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questions raised in the Court's remand and also addressed the CAA section 129(a)(5) requirement that EPA review and, if necessary, revise standards developed under section 129 every 5 years. Recent Court decisions that impact the February 2007 proposal, as well as issues raised in the public comments regarding that proposal, necessitate a reproposal of responses to the questions raised in the Court's remand. The 5-year review will not be addressed in the reproposal. We note that implementation of these MACT standards has been highly effective, reducing emissions of the nine section 129 pollutants (particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium) by more than 95 percent, and has reduced dioxin/furan and mercury emissions by more than 99 percent since 1995. Additionally, the number of operational units has dropped significantly since promulgation in 1997 from 2,400 units to approximately 80 units today.

Timetable:

Action	Date	FR Cite
Original NPRM	02/06/07	72 FR 5510
Reproposal	12/00/08	
Final Action	10/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5071;

EPA publication information: Original NPRM—

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/February/Day-06/a1617.htm>;

NPRM is a reproposal of remand response; EPA Docket information:

EPA-HQ-OAR-2006-0534

URL For More Information:

www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html

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RIN: 2060-AO04

2790. NESHAP: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: A final rule for this source category was published on November 10, 2003. Several parties petitioned the rule. Final amendments to address issues raised by the petitioners were published on July 14, 2006. This action will correct several errors in the final amendments. Also, this action will propose an alternative control option for wastewater treatment tanks operated under negative pressure. Because the rule references the Hazardous Organic NESHAP rulemaking (HON), the change will be made to the wastewater standards in the HON.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	03/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4891.1; Split from RIN 2060-AM43.

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RIN: 2060-AO07

2791. AIR QUALITY INDEX REPORTING AND SIGNIFICANT HARM LEVEL FOR PM2.5

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 58.50; 40 CFR 58 app G; 40 CFR 51.150 subpart H

Legal Deadline: None

Abstract: On July 23, 1999, EPA adopted revisions to the uniform air quality index used by States for daily air quality reporting to the general public in accordance with section 319 of the Clean Air Act (Act). These changes included the addition of the following elements: a new category described as “unhealthy for sensitive groups”; two new requirements, 1) to report a pollutant-specific sensitive group statement when the index is above 100, 2) to use specific colors if the index is reported in a color format; new breakpoints for the ozone (O3) sub-index in terms of 8-hour average O3 concentrations; a new sub-index for fine particulate matter (PM2.5); and conforming changes to the sub-indices for coarse particulate matter (PM10), carbon monoxide (CO), and sulfur dioxide (SO2). In addition, EPA changed the name of the index from the Pollutant Standards Index to the Air Quality Index (AQI). The revisions enhance the communication of pollutant-specific health effects information to members of sensitive groups, including precautionary actions that can be taken by individuals to reduce exposures of concern. The revisions also enhance the usefulness of the AQI with regard to other programs that provide air quality information and related health information to the general public, including State and local real-time air quality data mapping and community action programs.

In 2006, EPA promulgated a revised national ambient air quality standard (NAAQS) for PM2.5 levels of 35 ug/m3, 24-hour average. The purpose of this rulemaking is to make revisions to the AQI sub-index for PM2.5 to be consistent with the new daily standard. It is important to make this revision expeditiously to allow members of the public, especially members of sensitive groups, to take exposure reduction measures when PM2.5 levels are forecasted to be high. State and local air agencies are encouraging EPA to make the revisions as soon as possible.

EPA has never set a Significant Harm Level (SHL) for PM2.5. There are SHLs for sulfur dioxide, ozone, carbon monoxide, PM10 and nitrogen dioxide. Designated areas must have contingency plans in place to prevent

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ever reaching this level. There is not currently an SHL for PM2.5. The SHL is typically the same concentration as the 500 level of the AQI. So along with revising the AQI for PM2.5, we will also set an SHL for PM2.5.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5115; EPA Docket information: EPA-HQ-OAR-2007-0195

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RIN: 2060-AO11

2792. COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS; RESPONSE TO REMAND OF NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60; 40 CFR 62

Legal Deadline: None

Abstract: This action will propose EPA's response to the remand of the Commercial and Industrial Solid Waste Incineration (CISWI) New Source Performance Standards and Emission Guidelines under section 129 of the CAA, and this action will include revised definitions in accordance with the recent vacatur of the CISWI Definitions Rule. This action also will propose several other amendments to the standards. We are considering covering the following types of units located at commercial or industrial facilities that currently are not covered under CISWI: Units with waste heat

recovery, units that burn more than 30 percent municipal solid waste at commercial/industrial facilities, and cyclonic burn barrels. We also will clarify provisions regarding air curtain incinerators, the exemption for chemical recovery units, the exemption for spent sulfuric acid production, startup and shutdown, and the definition of clean wood waste. Finally, in response to the voluntary remand of the CISWI rules, we will examine and revise as appropriate the methodology for developing the MACT floors and emission limits.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5105;

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RIN: 2060-AO12

2793. NESHAP: FERROALLOYS PRODUCTION—AREA SOURCE STANDARDS

Priority: Other Significant

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, December 15, 2008.

Abstract: Section 112 (k) of the Clean Air Act requires the development of standards for area sources that 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 ferroalloys production as an area source category. Pollutants emitted include mostly metallic HAP such as manganese, nickel, chromium

compounds, as well as polycyclic aromatic hydrocarbons (PAH) such as benzoanthracene and benzopyrene. Ferroalloys are alloys of iron in which one or more chemical elements are added into molten metal, usually in steelmaking. Worldwide, the principal ferroalloys are those of chromium, manganese, and silicon. Ferroalloys are also made with boron, titanium, cobalt, columbium, molybdenum, nickel, vanadium etc. Although calcium carbide and silicon metal are not ferroalloys, they are included in the proposed ferroalloys source category because each is manufactured using virtually the same equipment and processes as ferroalloys. This source category is currently regulated under both the new source performance standards (NSPS) and the national emissions standards for hazardous air pollutants (NESHAP) for major sources. There are six area source facilities in the U.S. An informal information collection request was sent out to the facilities that use electric arc furnaces for production in July 2006.

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: State

Additional Information: SAN No. 5122;

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RIN: 2060-AO13

2794. NESHAP: PORTLAND CEMENT NOTICE OF RECONSIDERATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.1340 to 63.1359

Legal Deadline: Final, Judicial, December 20, 2007, Litigation stayed

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until 12/20/07—date we indicated to court we would complete the reconsideration. May request extension from court.

Abstract: On December 20, 2006, we published final amendments to the Portland Cement NESHAP. These amendments were in response to a remand by the D.C. Circuit Court of portions of the final rule published in 1999. At the same time as the final amendments were published, we also published a notice of reconsideration of the final new source limits for mercury and total hydrocarbons (a surrogate for non-dioxin organic HAP), and a reconsideration of the ban on the use of certain mercury containing fly ash in both new and existing kilns. We took this action because there are still substantive technical issues and there was not sufficient opportunity for public comment on parts of the final action. In addition to the reconsiderations published in the notice, we subsequently agreed to reconsider the decision not to regulate HCL, and the existing source standards for mercury and total hydrocarbons.

We stated in the notice that we would complete reconsideration by December 20, 2007. However, this date has been moved back due to the extensive data gathering and analysis now involved. As part of this effort, we are requesting that four cement facilities that have wet scrubbers for SO2 control perform inlet and outlet testing for speciated mercury emissions and submit the test data to EPA to be used in the reconsideration for the new source mercury standard. Due to the impacts of the decision of the D.C. Circuit Court on the Brick Manufacturing NESHAP, we also performed significant additional data gathering on information on cement kiln mercury and total hydrocarbon inputs and emissions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	
Final Action	10/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Tribal

Additional Information: SAN No. 4585.1; Split from RIN 2060-AJ78.; EPA Docket information: EPA-HQ-OAR-2002-0051

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RIN: 2060-AO15

2795. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF FAMILY OF HYDROFLUOROPOLYETHERS (HFPEs) AND HFE-347PC-F

Priority: Substantive, Nonsignificant

Legal Authority: CAA Title I

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

Abstract: This is a deregulatory action to exclude this family of HFPE's and also HFE-347pc-f from the list of volatile organic compounds (VOCs) on the basis that, as a precursor, these compounds make a negligible contribution to the formation of tropospheric ozone. These compounds have the potential for use as refrigerants because they are not stratospheric ozone depleters. This action will remove the necessity to control these particular HFPE's and HFE-347pc-f as VOCs in State Implementation Plans for attaining the ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5131;

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RIN: 2060-AO17

2796. RECONSIDERATION OF STATIONARY COMBUSTION TURBINE NSPS (SUBPART KKKK)

Priority: Substantive, Nonsignificant

Legal Authority: CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is granting reconsideration on several relatively minor issues in the recently finalized stationary combustion turbine NSPS rule, subpart KKKK. The final rule does not require NOx continuous emission monitors (CEMS), but many new turbines will be required to install CEMS due to other regulatory programs. The credible evidence rule requires that units with CEMS demonstrate continuous compliance. Issues under reconsideration include if EPA should add a detailed methodology for units with CEMS to determine and report compliance under all situations. EPA will also be proposing to clarify that new and reconstruction shall be determined by looking only at the stationary combustion turbine engine itself.

Any changes that result from the reconsideration are not anticipated to result in additional controls being required or an increase in compliance costs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5116;

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AO23

2797. NESHAP—AREA SOURCE STANDARDS—NINE METAL FABRICATION AND FINISHING SOURCE CATEGORIES (12 SICs, 23 NAICS CODES)

Priority: Substantive, Nonsignificant
Legal Authority: CAA 112(k)
CFR Citation: 40 CFR 63
Legal Deadline: Final, Judicial, June 15, 2008, Court ordered deadline.
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 that 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 equivalent to generally available control technology (GACT). The following nine (9) metal fabrication and finishing area source categories were identified from the 1990 HAP inventory as contributing to the 33 urban HAP emissions (Cd, Cr, Mn, Ni, Pb): (1) Electrical and Electronic Equipment Finishing Operations (SIC’s 3699, 3621), (2) Fabricated Metal Products (SIC 3499), (3) Fabricated Plate Work (Boiler Shops) (SIC 3443), (4) Fabricated Structural Metal Manufacturing (SIC 3441), (5) Heating Equipment, except Electric (SIC 3433), (6) Industrial Machinery and Equipment: Finishing Operations (SIC’s 3531, 3533, 3561), (7) Iron and Steel Forging (SIC 3462), (8) Primary Metal Products Manufacturing (SIC 3399), and (9) Valves and Pipe Fittings (SIC 3494). These 9 industry sectors have common and similar metal fabrication and finishing processes: dry abrasive blasting, Dry machining/grinding, painting, and welding.

Timetable:

Action	Date	FR Cite
NPRM	04/03/08	73 FR 18333
NPRM Comment Period End	05/05/08	
Final Action	06/00/08	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: Businesses
Government Levels Affected: None
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RIN: 2060-AO27

2798. CONTROL OF EMISSIONS FROM NEW MARINE COMPRESSION-IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER

Priority: Other Significant
Legal Authority: CAA
CFR Citation: 40 CFR 1042
Legal Deadline: None
Abstract: Emissions from Category 3 marine engines (greater than 30 liters per cylinder) 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 marine diesel engines on ships flagged in the United States. This rulemaking will consider new standards for oxides of nitrogen and particulate matter. Technologies under consideration include aftertreatment devices and the use of distillate or low sulfur fuel. This rule will consider whether it is appropriate to apply these standards to foreign flagged vessels that use U.S. ports.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/07	72 FR 69521
NPRM	12/00/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: Businesses

Government Levels Affected: Federal
Additional Information: SAN No. 5129; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-07/a23556.htm>; EPA Docket information: EPA-HQ-OAR-2007-0121
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2799. REVIEW OF NEW SOURCE PERFORMANCE STANDARDS—NONMETALLIC MINERALS

Priority: Other Significant
Legal Authority: CAA
CFR Citation: Not Yet Determined
Legal Deadline: NPRM, Judicial, April 16, 2008, As per 11/16/2006 Consent Decree. Final, Judicial, April 16, 2009, As per 11/16/2006 Consent Decree.
Abstract: Section 111(b)(1)(B) of the Clean Air Act mandates that EPA review and if appropriate revise existing NSPS at least every 8 years. The NSPS was initially promulgated on August 1, 1985. The NSPS was reviewed in the mid-1990’s. Final revisions for that review were promulgated on June 9, 1997. On October 2006, EPA entered into a consent decree with the Sierra Club and other environmental groups. The decree requires proposal of any further revisions by April 2008 and final revisions promulgated on April 2009.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	04/00/09	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: SAN No. 5145;

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Proposed Rule Stage

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**2800. REVIEW OF NEW SOURCE
PERFORMANCE STANDARDS—
PORTLAND CEMENT**

Priority: Substantive, Nonsignificant

Legal Authority: CAA 111

CFR Citation: 40 CFR 60 subpart F

Legal Deadline: NPRM, Judicial, May
31, 2008, Court ordered deadline.
Final, Judicial, May 31, 2009, Court
ordered deadline.

Abstract: New Source Performance
Standards (NSPS) regulate criteria
pollutants from new stationary sources.
The Portland Cement NSPS were
originally promulgated in 1971, and
last reviewed in 1988. Section 111 of
the Clean Air Act requires that NSPS
be reviewed every 8 years, and revised
as appropriate, so the review is
overdue. The Sierra Club filed a lawsuit
to compel us to perform this review.
We have agreed to review the NSPS
and propose any appropriate changes
by May 31, 2008, and to promulgate
the final changes by May 31, 2009.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	
Final Action	06/00/09	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5143;

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RIN: 2060-AO42

**2801. REVIEW OF NEW SOURCE
PERFORMANCE STANDARDS
(SUBPART UUU)—MINERAL
DRYERS/CALCINERS**

Priority: Substantive, Nonsignificant

Legal Authority: CAA

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: Section 111(b) (1)(B) of the
Clean Air Act mandates that EPA
review and, if appropriate, revise
existing NSPS at least every 8 years.
This NSPS was proposed on April 23,
1986 and promulgated on September
28, 1992. There have been no prior
reviews of this NSPS. One focus of the
review will be the applicability of this
NSPS to various industries including
the foundry sand reclamation
dryers/calciners and coolers. Emission
control data for the mineral
dryers/calciners that have been subject
to this NSPS will be reviewed to
determine if the NSPS emission limits
are appropriate. Also, applicability
determinations will be reviewed to
ascertain if changes in the standard are
needed. Also, input will be obtained
from various stakeholders to obtain
determine their recommendations on
revisions to the standards.

Timetable:

Action	Date	FR Cite
NPRM	08/00/08	

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5142;

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RIN: 2060-AO43

**2802. MEASUREMENT OF PM 2.5 AND
PM 10 EMISSIONS BY DILUTION
SAMPLING**

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This regulation describes the
performance specifications and
procedures for the measurement of
particulate matter with an aerodynamic
size cut of both 10 microns and 2.5
microns using a dilution air technique
to cause the formation of condensable
particulate matter. States which are in
non-attainment to the national ambient
air quality standards may need to test
with this method to determine what
contribution specific sources cause to
the particulate matter burden. The use
of dilution sampling was recommended
by EPA's Science Advisory Board. They
believe that the dilution process
simulates the formation process that
occurs for particles in the ambient air.
A cyclonic separator is used to separate
the particulate matter into size cuts at
10 and 2.5 microns. The sample gas
is then diluted and the condensable
particles are formed and removed by
filtration. These procedures are
somewhat more complicated and costly
but provide lower potential for artifact
formation. Testing will be performed by
the large sources electric utilities,
municipal incinerators, cement
manufacturing, etc. in areas that do not
meet the ambient air standards of the
national ambient air quality standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/09	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5155;

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AO50

2803. STANDARDS OF PERFORMANCE FOR COAL PREPARATION PLANTS: AMENDMENTS

Priority: Other Significant
Legal Authority: CAA 111
CFR Citation: 40 CFR 60, subpart Y
Legal Deadline: NPRM, Judicial, April 16, 2008, As per 11/16/2006 Consent Decree.
 Final, Judicial, April 16, 2009, As per 11/16/2006 Consent Decree.

Abstract: EPA entered into a consent decree to propose amendments to the coal preparation (subpart Y) new source performance standard (NSPS) by April 16, 2008. The consent decree date for final action is April 16, 2009. Subpart Y was last reviewed in 1989. EPA anticipates that the review will result in a tightening of the particulate emissions standard to reflect the performance of current control technologies and updated monitoring requirements. In addition, EPA anticipates setting work practice standards to control fugitive PM emissions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5144; EPA publication information: NPRM-No;

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RIN: 2060-AO57

2804. AMEND METHODS 201A AND 202 OF 40 CFR 51 APPENDIX M TO IMPROVE MEASUREMENT OF FINE PM

Priority: Substantive, Nonsignificant
Legal Authority: CAA
CFR Citation: 40 CFR 51 app M
Legal Deadline: None

Abstract: This action adds new procedures to two methods required in State Implementation Plans to measure fine PM or PM 2.5 with condensable emissions. Method 201a is amended to add procedures and equipment specifications for use of 2.5 micron size cut cyclone that may be used in conjunction with the current 10 micron size cut cyclone or alone if only PM2.5 is to be measured.

Method 202 is amended to add procedures and equipment specifications to be followed when the measurement of fine PM that includes condensable emissions is required. These amendments improve the accuracy and precision of current version of Method 202.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 5147;

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RIN: 2060-AO58

2805. CLARIFICATION OF RECONSIDERATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ELECTRIC UTILITY, INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL STEAM GENERATING UNITS

Priority: Substantive, Nonsignificant
Legal Authority: CAA 111
CFR Citation: 40 CFR 60
Legal Deadline: NPRM, Judicial, May 30, 2008.
 Final, Judicial, November 28, 2008.

Abstract: The amendments will address minor issues that have recently come to the agency's attention and clarify the regulatory text to be consistent with the intent (as described in the response to comments document) of the final action of the "Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institution Steam Generating Units" that was signed on 13 June 2007. Amendments include clarifying that both utility and industrial steam generating units burning low sulfur oil are exempt from continuously monitoring opacity, adding monitoring requirements for subpart D units complying with the optional 30 day SO2 standard, clarifying control device monitoring requirements for new utility units that do not install PM CEMS, and clarifying requirements for industrial sources burning coke oven gas. The amendments will not change the cost of the rule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5174;

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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2806. PLYWOOD AND COMPOSITE WOOD PRODUCTS (PCWP) NESHAP—AMENDMENTS TO ADDRESS “NO EMISSION REDUCTION” MACT FLOORS

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

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Court (i.e., the U.S. Court of Appeals for the District of Columbia Circuit) ordered EPA to re-evaluate the MACT floor for certain PCWP process unit groups. These proposed amendments will make available for public review and comment EPA’s evaluation and decisions regarding PCWP process unit groups that had “no emission reduction” MACT floors in the final rule. (See Table 1 to the preamble of the July 30, 2004 final rule (69 FR 45949) for a list that identifies those process unit groups.)

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	10/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5185;

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RIN: 2060-AO66

2807. PULP AND PAPER SECTOR MODEL RULE

Priority: Substantive, Nonsignificant

Legal Authority: State implementation plans

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The 2004 National Academy of Sciences’ (NAS) report recommended that EPA begin conducting integrated assessments that consider multiple pollutants (ozone and PM2.5 precursors, hazardous air pollutants, and other chemicals that may be of concern) and multiple effects (health, ecosystem, visibility) to set standards and develop planning and control strategies. In response to this recommendation, EPA’s Office of Air Quality Planning and Standards (OAQPS) identified the pulp and paper sector as the candidate industry for its first multi-pollutant, sector- based strategy pilot because of the sector’s potential for both SO2 and NOx emissions reductions, the sector’s regulatory and compliance complexities and related timing, and the sector’s interest in participating in such an approach.

The pulp and paper sector strategy approach will include developing guidance in the form of a model rule for states to consider adopting. If a state adopts the rule, facilities would have the option of voluntarily opting in with binding commitments for a specified time period. The program would have a clause that would allow the rule to be reviewed and reopened in light of circumstances that could not be ignored (i.e., reauthorization of the Clean Air Act). The framework would focus on larger SO2 emissions reductions from bigger facilities in problem areas and would also reflect possible emissions reduction requirements, baselines and source monitoring requirements. Facilities opting into the program would be afforded some regulatory flexibilities and a period of regulatory certainty.

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5186;

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RIN: 2060-AO67

2808. PROTECTION OF STRATOSPHERIC OZONE: LABELING OF PRODUCTS USING HCFCs

Priority: Other Significant

Legal Authority: 42 USC 7601

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This action will require a warning statement be placed on containers or products made with or that contain a class II ozone depleting substance (ODS) in accordance with Section 611 of the Clean Air Act. Similarly, a rule was promulgated in 1993 requiring a warning statement for all class I and II containers and products of class I substances. A warning statement will help consumers choose products that do not contain a class II ODS, which will result in protecting the stratosphere and ultimately protecting the environment and human health.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5151;

URL For More Information:

www.epa.gov/ozone/title6/labeling/index.html

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EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060–AO68

2809. ADOPTION OF INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES

Priority: Other Significant
Legal Authority: 42 USC 7571
CFR Citation: 40 CFR 87 (Revision)
Legal Deadline: None

Abstract: This rulemaking would amend the existing United States regulations governing the exhaust emissions from new commercial aircraft gas turbine engines. This action would adopt standards equivalent to the NOx standards of the United Nations International Civil Aviation Organization (ICAO), and thereby bring the United States emission standards into alignment with the internationally adopted standards. These NOx standards were adopted by ICAO in 2005, and the implementation of the standards is to begin in January 2008. The proposed rule would establish consistency between United States and international requirements. This action is necessary to ensure that domestic commercial aircraft meet the current international standards, and thus, the public can be assured they are receiving the air quality benefits of the international standards.

Timetable:

Action	Date	FR Cite
NPRM	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5153;

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RIN: 2060–AO70

2810. OPPORTUNITY TO PROVIDE FEEDBACK TO THE AGENCY ON EMISSIONS STANDARDS FOR STATIONARY DIESEL ENGINES

Priority: Other Significant
Legal Authority: Not Yet Determined
CFR Citation: Not Yet Determined
Legal Deadline: None

Abstract: The purpose of this ANPRM was to solicit comment on several issues concerning options EPA can pursue through Federal rulemaking under Clean Air Act authorities to reduce emissions from existing stationary diesel engines, generally and specifically from larger, older diesel engines such as:

- i. Location of engines
- ii. Which engines to control
- iii. Appropriate controls for those engines
- iv. Recordkeeping and reporting requirements.

The comments from this ANPRM will be addressed in a NPRM and Final in the future.

Timetable:

Action	Date	FR Cite
ANPRM	01/24/08	73 FR 4136
ANPRM Comment Period End	02/25/08	
NPRM	02/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5166; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/January/Day-24/a1118.htm>; EPA Docket information: EPA-HQ-OAR-2007-0995

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RIN: 2060–AO73

2811. ● PROTECTION OF STRATOSPHERIC OZONE: ADJUSTMENTS TO THE ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT, AND EXPORT

Priority: Other Significant
Legal Authority: 42 USC 7414, 7601, 7671 to 7671q
CFR Citation: 40 CFR 82 subpart A
Legal Deadline: None

Abstract: Through this action, EPA seeks to adjust the allowance system that controls the U.S. consumption and production of ozone-depleting substances (ODSs) known as hydrochlorofluorocarbons (HCFCs) to lower the amount of available allowances. While much less destructive to stratospheric ozone than chlorofluorocarbons (CFCs), HCFCs contribute to ozone depletion and alternatives are generally available. The HCFC allowance system is part of EPA’s program to reduce the emissions of ODSs to protect the stratospheric ozone layer. Protection of the stratospheric ozone layer helps reduce rates of skin cancer and cataracts. The U.S. is obligated under the Montreal Protocol on Substances that Deplete the Ozone Layer to limit HCFC consumption and production in a stepwise fashion achieving specific levels by specific dates. The first major reduction occurred January 1, 2004. This rulemaking concerns the next major milestone, a reduction to 75 percent below the production and consumption baselines beginning January 1, 2010.

Timetable:

Action	Date	FR Cite
NPRM	07/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5224;

URL For More Information: www.epa.gov/ozone/title6/phaseout/classtwo.html

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RIN: 2060–AO76

EPA—Clean Air Act (CAA)

Proposed Rule Stage

2812. • PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2009**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671 to 7671g; 42 USC 7414; 42 USC 7601**CFR Citation:** 40 CFR 82**Legal Deadline:** None

Abstract: EPA is seeking to allocate essential use allowances for import and production of Class I stratospheric ozone depleting substances for calendar year 2009. Essential use allowances enable a person to obtain newly produced or imported controlled Class I ozone depleting substances under the essential use exemption to the regulatory phaseout of these chemicals, 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	07/00/08	
Final Action	12/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5234;**URL For More Information:**

www.epa.gov/ozone/title6/exemptions/essential.html

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Email: brennan.ross@epamail.epa.gov**RIN:** 2060-AO77**2813. • PROTECTION OF STRATOSPHERIC OZONE: THE 2009 CRITICAL USE EXEMPTION FROM THE PHASEOUT OF METHYL BROMIDE****Priority:** Other Significant**Legal Authority:** 42 USC 7671c(d)(6)**CFR Citation:** 40 CFR 82**Legal Deadline:** None

Abstract: EPA is authorizing uses that will qualify for the 2009 critical use exemption from the phaseout of methyl bromide. This action also authorizes the amount of methyl bromide that may be produced, imported, or supplied from inventory for those uses in 2009. EPA takes this action under the authority of the Clean Air Act to reflect recent consensus Decisions taken by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at the 19th Meeting of the Parties.

Timetable:

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

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 5235; EPA Docket information: EPA-HQ-OAR-2008-0009

URL For More Information:

www.epa.gov/ozone/mbr

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Email: gatica.staci@epamail.epa.gov**RIN:** 2060-AO78**2814. • REGULATION TO ESTABLISH MANDATORY REPORTING OF GREENHOUSE GASES FROM UPSTREAM FUEL AND CHEMICAL PRODUCERS AND IMPORTERS AND DOWNSTREAM EMITTERS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** Clean Air Act secs 114 and 208**CFR Citation:** Not Yet Determined

Legal Deadline: NPRM, Statutory, September 26, 2008, FY08 Consolidated Appropriations directed EPA to publish a proposal 9 months after enactment.

Final, Statutory, June 26, 2009, FY08 Consolidated Appropriations directed EPA to publish final 18 months after enactment.

Abstract: This rulemaking would establish monitoring, reporting and recordkeeping requirements on facilities that produce, import or emit greenhouse gases above a specific threshold in order to inform future regulatory policy options related to greenhouse gases. The rulemaking responds to the legislative mandate to develop such a rule, which was contained in the FY08 Consolidated Appropriations Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5242;

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Email: harvey.reid@epamail.epa.gov**RIN:** 2060-AO79**2815. • RENEWABLE FUELS STANDARD PROGRAM****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** Undetermined**Legal Authority:** CAA 211(o)**CFR Citation:** 40 CFR 86, 40 CFR 80**Legal Deadline:** Final, Statutory, December 19, 2008.

Abstract: This action will implement certain provisions in Title II of the 2007 Energy Independence and Security Act that amend Section 211 (o) of the Clean Air Act. The new law sets a modified standard for renewable fuels increasing the national requirement to 9.0 billion gallons in 2008 and rising to 36 billion gallons by 2022. Of the latter total, 21 billion gallons is required to be

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obtained from cellulosic ethanol and other advanced biofuels. Starting in 2016, all of the increase in the RFS target must be met with advanced biofuels, defined as cellulosic ethanol and other biofuels derived from feedstock other than corn starch—with explicit standards for cellulosic biofuels and biomass-based diesel. Renewable fuels produced from new biorefineries will be required to reduce by at least 20 percent the life cycle greenhouse gas (GHG) emissions relative to life cycle emissions from gasoline and diesel.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

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

Additional Information: SAN No. 5250;

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RIN: 2060–AO81

2816. • NSPS FOR EQUIPMENT LEAKS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This rule amends the new source performance standards for equipment leaks in 40 CFR Part 60 subparts VV, VVa, GGG, and GGGa, which was signed by the Administrator October 31, 2007 and published November 16, 2007. We are preparing the amendments to address concerns raised in a petition for reconsideration from the American Chemistry Council

(ACC), American Petroleum Institute (API), and National Petrochemical Refiners Association (NPRA). Under this reconsideration we are amending 4 requirements: (1) The definition of process unit as it relates to the allocation of shared storage vessels, (2) the provisions for allocating shared storage vessels to process units, (3) connector monitoring for subpart VVa, and (4) the capital expenditure definition in subpart VVa.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5035.1; EPA publication information: NPRM; Split from RIN 2060-AN71.; EPA Docket information: EPA-HQ-OAR-2006-0699

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RIN: 2060–AO90

2817. • RISK TECHNOLOGY PHASE II GROUP 2A

Priority: Other Significant

Legal Authority: CAA 112(f)(2), 112(d)(6)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action is the Risk and Technology Review (RTR) Group 1 and its title is: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins (Epichlorohydrin Elastomers Production, Hypalon™ Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, and Styrene Butadiene Rubber and Latex Production); National Emission

Standards for Marine Vessel Loading Operations; National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production; National Emission Standards for Pharmaceuticals Production; and National Emission Standards for the Printing and Publishing Industry.

It will address both EPA’s obligation to conduct a residual risk review and to conduct a technology review. It includes eight source categories, each affected by one of four MACT standards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/08	
Final Action	01/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5093.2; Split from RIN 2060-AN85.

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RIN: 2060–AO91

2818. • RISK TECHNOLOGY PHASE II GROUP 2B

Priority: Other Significant

Legal Authority: CAA 112(f)(2), 112(d)(6)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: We intend to propose an NPRM in summer 2008 and promulgate the final action by December 2008 for the RTR Phase II Group 2 source categories listed below. Where the need for additional controls are identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards. The 3 MACT standards covering 3 source

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categories and the associated NAICS codes are listed below. These source categories were selected due to schedule deadlines, our confidence in the data (we started risk assessments for a few of these source categories and data were supplied directly by those facilities), and we anticipate these source categories require more time since preliminary assessment of residual risk for these source categories showed higher risk and possible multipathway concerns. The Primary Aluminum, Group IV Polymers and Resins, and Shipbuilding source categories have been moved from this package into a new group, Group 2C, with a later promulgation date.

Aerospace Manufacturing and Rework Facilities, 336411

Natural Gas Transmission and Storage, 486210

Oil and Natural Gas Production, 211

Timetable:

Action	Date	FR Cite
NPRM	06/00/08	
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5093.3; Split from RIN 2060-AN85.

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RIN: 2060-AO92

2819. • NESHAAP: AREA SOURCE STANDARDS FOR NONFERROUS AND COPPER FOUNDRIES

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

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 various area source categories emitting at least one of the urban HAPs. EPA eventually listed a total of 70 source categories that collectively account for at least 90 percent of the urban HAPs in urban areas. As such, EPA is required to subject these source categories to regulations issued under Section 112(d). Furthermore, EPA has received a court order requiring that the Agency complete the 112(k) mandate by certain dates. Specifically, the court order requires that EPA issue regulations affecting these two area source categories by June 15, 2009.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	
Final Action	07/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5189;

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RIN: 2060-AO93

2820. • NESHAAP: AREA SOURCE STANDARDS—ASPHALT ROOFING MANUFACTURE

Priority: Other Significant

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

Abstract: Section 112(k) of the Clean Air Act requires the development of standards for area sources that 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 asphalt roofing production as an area source category. The pollutant emitted from this category is polycyclic aromatic hydrocarbons (PAH). In asphalt roofing manufacturing, processed or modified asphalt (also called modified bitumen) is applied to a fibrous substrate (typically made of fiberglass or organic felt) to produce roofing shingles and other roofing products. This source category is currently regulated under both the new source performance standards (NSPS) and the national emission standards for hazardous air pollutants (NESHAAP) for major sources. There are approximately 90 area source facilities in the U.S.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	
Final Action	07/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5191;

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RIN: 2060-AO94

EPA—Clean Air Act (CAA)

Proposed Rule Stage

2821. • PROPOSED RULE TO IMPLEMENT THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD: ANTI-BACKSLIDING PROVISIONS ON SECTION 185 PENALTY FEES UNDER FORMER 1-HOUR OZONE STANDARD

Priority: Other Significant

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

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This rulemaking action revises the rule for implementation of the 8-hour ozone national ambient air quality standard (NAAQS) to address partial vacatur by the U.S. Circuit Court of Appeals for the District of Columbia Circuit. The revision addresses the Section 185 penalty fee requirements that apply as anti-backsliding measures under the now-revoked 1-hour ozone NAAQS. The section 185 penalty fee requirement would apply to areas that were classified as severe or extreme under the former 1-hour ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	
Final Action	09/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5193;

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RIN: 2060-AO95

2822. • PROPOSED RULE TO IMPLEMENT THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS: REVISIONS FOR SUBPART 1 AREAS AND 1-HOUR CONTINGENCY MEASURES

Priority: Other Significant

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

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This rulemaking action proposes revisions to the Phase 1 and Phase 2 rule for implementation of the 8-hour ozone national ambient air quality standard (NAAQS) to address partial vacatur by the U.S. Circuit Court of Appeals for the District of Columbia Circuit. The rulemaking would propose to do the following:

- Remove the provision that places some 8-hour ozone nonattainment areas under title I, part D, subpart 1 of the CAA;
- Remove the provision that places some 8-hour ozone nonattainment areas under title I, part D, subpart 1 of the CAA;

NAAQS:

- New source review;
 - CAA Section 185 penalty fees for severe and extreme areas that fail to attain the 1-hour standard by their attainment date; and
 - contingency measures for failure to attain the 1-hour standard or make reasonable progress toward attainment.
- The proposal also addresses:

- the classification system for nonattainment areas that the implementation rule originally covered under Clean Air Act (CAA) title I, part D, subpart 1; and
- contingency measures that apply as anti-backsliding measures under the now-revoked 1-hour standard.

Separate notice and comment rulemaking actions will address the section 185 penalty fee provision New Source Review Provisions as an anti-backsliding measure for the 1-hour ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	09/00/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5194;

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RIN: 2060-AO96

2823. • NESHAP: AREA SOURCE STANDARDS—PREPARED (ANIMAL FEED MATERIALS)

Priority: Other Significant

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

Abstract: This rule will regulate hazardous air pollutants (HAP) emissions from area sources in the Prepared Feed Materials industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources. The area source rule can require control levels that are equivalent to maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112 of the CAA. The legal basis for using GACT for area sources is discussed in the "National Air Toxics Program: The Integrated Urban Strategy" (64 FR 38706, July 19, 1999).

Timetable:

Action	Date	FR Cite
NPRM	09/00/08	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5201;

EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AO98

2824. • PREVENTION OF AIR POLLUTION EMERGENCY EPISODES

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA proposes to revise subpart H of 40 CFR part 51, which establishes the significant harm levels (SHL) for sulfur dioxide (SO₂), particulate matter (PM), carbon monoxide (CO), nitrogen oxide (NO₂), and ozone (O₃), as well as the requirements for that portion of State implementation plan requirements to address air pollution emergency episodes. The proposal includes the following: (1) A new significant harm level for fine particulate matter (PM_{2.5}), consistent with the July 18, 1997 revision of the addition of national ambient air quality standards (NAAQS) for particulate matter PM_{2.5}; (2) revisions to the emergency episode requirements to simplify the emergency episode classification system for air quality control regions; (3) distinction between the “classic” type of mounting emergency episodes (which are occurring less and less due to the improvement of air quality nationwide over the last 30 years), and the “catastrophic” emergency episode caused by a process or pollution control equipment malfunction at a single air pollution source; (4) revisions to address pollutant transport; and (5) removal of Appendix L (an example State emergency episode regulation) from the Code of Federal Regulations in lieu of a more comprehensive guidance document. Since many areas today that are subject to the current emergency episode requirements are very unlikely to experience these types

of episodes, EPA believes it is appropriate to update the emergency episode requirements to address current realities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5216; EPA publication information: NPRM-Date not available;

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RIN: 2060-AP00

2825. • CONSUMER AND COMMERCIAL PRODUCTS, GROUP IV: CTG’S IN LIEU OF REGULATIONS FOR MISC. METAL PRODUCTS COATINGS, PLASTIC PARTS, AUTO & LIGHT DUTY TRUCK ASSEMBLY COATINGS, & FIBERGLASS BOAT MFG. MATERIALS

Priority: Other Significant

Legal Authority: 42 USC183(e)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Judicial, September 30, 2008.

Abstract: This action would announce the Administrator’s determinations under section 183(e) for 4 categories of consumer and commercial products that Control Techniques Guidelines (CTG) are substantially as effective as national rules for these categories. These determinations are made based on considerations affecting VOC emission reductions in ozone non-attainment areas. The proposal would solicit comments on the proposed determinations and announce availability of draft CTGs for each of the product categories. The final notice would finalize the determinations and

announce availability of CTGs covering these categories.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5226;

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RIN: 2060-AP01

2826. • CONSUMER AND COMMERCIAL PRODUCTS: NATIONAL VOC EMISSION STANDARDS FOR MISCELLANEOUS INDUSTRIAL ADHESIVES AND SEALANTS

Priority: Other Significant

Legal Authority: CAA

CFR Citation: 40 CFR 59

Legal Deadline: Final, Judicial, September 30, 2008.

Abstract: This action would establish national VOC content standards for miscellaneous industrial adhesives under Group IV of section 183(e) of the Clean Air Act. The rule will impose VOC content limits on approximately 35 categories of adhesives and will apply to adhesive manufacturers, rather than users of these products. This rule will be based on the Ozone Transport Commission model rule for adhesives and sealants that has been adopted by northeast States.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

EPA—Clean Air Act (CAA)

Proposed Rule Stage

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RIN: 2060-AP02

2827. • NESHAP: AREA SOURCE STANDARDS—ALUMINUM FOUNDRIES

Priority: Other Significant

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2009, Court ordered deadline (area source standards).

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 various area source categories emitting at least one of the urban HAPs. EPA eventually listed a total of 70 source categories that collectively account for at least 90 percent of the urban HAPs in urban areas. As such, EPA is required to subject these source categories to regulations issued under Section 112(d). Furthermore, EPA has received a court order requiring that the Agency complete the 112(k) mandate by certain dates. Specifically, the court order requires that EPA issue a regulation affecting this area source category by June 15, 2009.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	
Final Action	07/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5230;

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RIN: 2060-AP04

2828. • NESHAP: REINFORCED PLASTIC COMPOSITES PRODUCTION RULE AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In 2003, EPA issued national emission standards for hazardous air pollutants for reinforced plastic composites production (40 CFR 63 subpart WWW). We issued amendments in 2005. Industry and States have asked for clarification regarding implementation of some rule requirements. This action will provide the needed clarifications and will afford an opportunity to propose and take public comment before taking final action on them.

Timetable:

Action	Date	FR Cite
NPRM	08/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5232;

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RIN: 2060-AP05

2829. • NEW SOURCE PERFORMANCE STANDARDS FOR GRAIN ELEVATORS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411; CAA 111; 15 USC 2005

CFR Citation: 40 CFR 60.300 (Revision)

Legal Deadline: None

Abstract: The New Source Performance Standard for Grain Elevators was promulgated in 1978 with the latest amendments made in 1984. Since that time there have been a number of changes in the technology used for storing and loading/unloading grain at elevators. Definitions in the current regulation do not fit some of the current technologies being used at elevators throughout the country. These definitional issues have come to the forefront most recently due to the increase in ethanol production that has lead to bumper crops of corn being grown, which has led to a need for increased grain storage. For these reasons a review/change of these definitions is necessary to ensure the appropriate standards are being applied consistently throughout the industry.

Timetable:

Action	Date	FR Cite
NPRM	08/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5233;

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

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RIN: 2060-AP06

2830. • RECONSIDERATION OF HALOGENATED SOLVENT CLEANING FINAL RESIDUAL RISK RULE**Priority:** Other Significant**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 1992 under Section

112(d) of the Clean Air Act. These standards are codified at 40 CFR Part 63, Subpart T. On May 3, 2007, EPA also promulgated amendments to the NESHAP standards as required by Sections 112(f) and 112(d)(6) of the Clean Air Act. Petitions have been filed requesting EPA to reconsider its emission standards under the May 3, 2007, final rule.

Timetable:

Action	Date	FR Cite
NPRM	07/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5236;

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RIN: 2060-AP07**Environmental Protection Agency (EPA)****Final Rule Stage****Clean Air Act (CAA)****2831. REVISIONS TO THE GENERAL CONFORMITY REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 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 that 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 that 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.

Timetable:

Action	Date	FR Cite
NPRM	01/08/08	73 FR 1402
NPRM Comment Period End	03/10/08	
Final Action	02/00/09	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal

Additional Information: SAN No. 4070;
 EPA publication information: NPRM -
<http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=620448219337+0+0&WAIAction=retrieve>;
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RIN: 2060-AH93**2832. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY****Priority:** Other Significant**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 throughout Indian Country and major stationary sources of air pollution in nonattainment areas in Indian country. The proposed Federal NSR rules 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, (4) existing major sources in nonattainment areas in Indian country undergoing minor modification, or (5) existing major sources in nonattainment areas in Indian Country undergoing major modification. The proposed rule would also 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. Pursuant to the Tribal Air Rule, eligible Indian Tribes may receive EPA authorization to develop and implement such programs, but these permitting programs would be implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization, to manage such programs. These rules would not impose any mandates on Tribal governments to implement NSR permitting programs. Tribal

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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	08/21/06	71 FR 48696
Final Action	03/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Tribal

Additional Information: SAN No. 3975; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-21/a6926.htm>; ; EPA Docket information: EPA-HQ-OAR-2003-0076

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RIN: 2060–AH37

2833. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

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

Abstract: This rulemaking adds a procedure 3 to appendix F of 40 CFR part 60. This action provides quality assurance specifications for continuous opacity monitor system (COMS) installed for compliance. States may cite this procedure for sources with installed COMS subject to compliance limitations.

Timetable:

Action	Date	FR Cite
NPRM	02/28/01	66 FR 12780
Final Action	02/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3958;

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RIN: 2060–AH23

2834. 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	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4604;

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RIN: 2060–AJ82

2835. 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 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. Provisions in this rule could include specific conditions on the use of nPB as a solvent, such as limiting the specific applications in which it may be used to those with low emissions and requiring exposure limits consistent with industry practices. Any conditions would be for the purpose of ensuring that nPB is used in a manner that is safe and environmentally protective. OSHA does not currently regulate nPB. If EPA establishes any

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use conditions in a final rule, we would revise our ruling to adopt whatever OSHA requires if OSHA later regulates the use of nPB.

Timetable:

Action	Date	FR Cite
NPRM 1	06/03/03	68 FR 33283
NPRM Correction	10/02/03	68 FR 56809
NPRM 2 – Adhesives	05/30/07	72 FR 30168
Final Action	09/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4599; EPA publication information: NPRM1 - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/June/Day-03/a13254.htm>; 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

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RIN: 2060-AK26

2836. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA, SULFUR DIOXIDE (SO₂) AREA

Priority: Info./Admin./Other

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 May 2, 2002 and May 23, 2003 we partially and limitedly approved and partially and limitedly disapproved Montana's SO₂ SIP for Billings/Laurel. EPA proposed a Federal Implementation Plan (FIP) on July 12, 2006 to cover those parts of the State's plan we disapproved. EPA's FIP will ensure that the Billings/Laurel area will attain and maintain the SO₂ NAAQS.

Timetable:

Action	Date	FR Cite
NPRM	07/12/06	71 FR 39259
Final Action	05/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5161; EPA publication information: NPRM Original - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-12/a6096.htm>; This action is merged with RIN 2008-AA00, SAN No. 4542; EPA Docket information: EPA-R08-OAR-2006-0098

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RIN: 2008-AA01

2837. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION

Priority: Substantive, Nonsignificant

Legal Authority: CAA 301(d)

CFR Citation: 49 CFR 123

Legal Deadline: None

Abstract: EPA is finalizing Federal Implementation Plans to regulate emissions from the Navajo Generating

Station and the Four Corners Power Plant. The plants were previously complying with emissions limits in the Arizona and New Mexico State Implementation Plans. However, EPA's promulgation of the Tribal Authority Rule clarified that State air quality regulations generally could not be extended to facilities located on the reservation. These FIPs establish federally enforceable emissions limitations for sulfur dioxide, nitrogen oxides, total particulate matter, and opacity, and a requirement for control measures for dust.

Timetable:

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48725
Notice	01/26/00	65 FR 4244
NPRM 2	09/12/06	71 FR 53639
Final Action	05/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Additional Information: SAN No. 4315; EPA publication information: NPRM 2 - <http://frwebgate4.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=62332828065+1+0+0&WAISAction=retrieve>; Formerly listed as RIN 2060-AI79; EPA Docket information: epa-r09-oar-2006-0185

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RIN: 2009-AA00

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2838. NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (SOLICITATION OF COMMENT ON LEGAL ANALYSIS AND RESPONSE TO PETITIONS FOR RECONSIDERATION)

Priority: Info./Admin./Other

Legal Authority: 42 USC 7412; 42 USC 7414

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, July 7, 2008, Litigation stay expires.

Abstract: EPA promulgated national emission standards for hazardous air pollutants for hazardous waste combustors on October 12, 2005. EPA subsequently granted reconsideration petitions relating to certain issues presented by the rule. Following the close of the comment period on the proposed reconsideration rule (see SAN 5047.1/RIN 2050-AG35), the United States Court of Appeals for the District of Columbia Circuit has issued several opinions construing section 112(d) of the Clean Air Act, and one of those opinions has called into question the legality of some of the standards for hazardous waste combustors. This notice discusses the standards that EPA promulgated in October 2005, and specifically identifies which standards EPA believes are consistent with the Clean Air Act and case law, and which standards are not and need to be re-examined through a subsequent rulemaking. With respect to those standards, this notice indicates the portions of the rationale upon which EPA intends to rely, and which portions EPA would no longer rely upon as a justification for the October 2005 standards.

In addition, following promulgation of the October 12, 2005 final rule, the EPA Administrator received four petitions for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act. Under this section of the Clean Air Act, the Administrator must 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. On March 23, 2006 and September 6, 2006, EPA granted reconsideration with respect to eight issues raised by the petitions. The

Agency will announce its final action regarding the issues raised in the petitions for reconsideration in this rule.

Timetable:

Action	Date	FR Cite
Preliminary Notice	09/27/07	72 FR 54875
Comment Period Extension	10/18/07	72 FR 59067
Final Action	07/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5047; EPA publication information: Preliminary Notice - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/September/Day-27/a19097.pdf>; See SAN 5047.1 (RIN 2050-AG35) for the original rulemaking efforts.; EPA Docket information: EPA-HQ-OAR-2004-0022

URL For More Information:

www.epa.gov/hwcmact/

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RIN: 2050-AG29

2839. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): DEBOTTLENECKING, AGGREGATION AND PROJECT NETTING

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 project will revise rules governing the major new source review (NSR) programs mandated by parts C and D of title I of the Clean Air Act (CAA). The new regulations will clarify and codify our policy of when multiple activities at a single major stationary source must be considered together for the purposes of determining major NSR applicability (“aggregation”). Also, 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”). Finally, we are clarifying how emissions decreases from a project may be included in the calculation to determine if a significant emissions increase will result from a project (“project netting”). When final, these rules will improve implementation of the program by articulating and codifying principles for determining major NSR applicability that we currently address through guidance only. These rule changes reflect the EPA’s consideration of the EPA’s 2002 Report to the President and its associated recommendations as well as discussions with various stakeholders including representatives of environmental groups, State and local governments, and industry.

Timetable:

Action	Date	FR Cite
NPRM	09/14/06	71 FR 54235
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 4793; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-14/a15248.htm>; ; EPA Docket information: EPA-HQ-OAR-2003-0064

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RIN: 2060-AL75

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2840. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MOTOR VEHICLES: ON-BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY-DUTY ENGINES & VEHICLES ABOVE 14,000 POUNDS & IN-USE, NOT-TO-EXCEED EMISSION STANDARD TESTING**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7671q**CFR Citation:** 40 CFR 86**Legal Deadline:** None

Abstract: EPA is establishing 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 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.

Timetable:

Action	Date	FR Cite
NPRM	01/24/07	72 FR 3200
Final Action	12/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4809; EPA Docket information: EPA-HQ-OAR-2005-0047

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RIN: 2060-AL92**2841. ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR****Priority:** Other Significant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60; 40 CFR 61; 40 CFR 63; 40 CFR 65

Legal Deadline: Other, Statutory, March 31, 2007, Thompson Report commitment date for proposal and 3/2007 for promulgation.

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 to 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	04/06/06	71 FR 17401
NPRM, Extension Comment Period	06/07/06	71 FR 32885
Final Action	09/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 4830; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/April/Day-06/a5005.htm>;

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RIN: 2060-AL98**2842. 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.**Legal Authority:** 42 USC 7522 to 7621**CFR Citation:** 40 CFR 92; 40 CFR 94**Legal Deadline:** None

Abstract: Locomotives and marine diesel engines are important contributors to our nation's air pollution today, accounting for about 20 percent of mobile source nitrogen oxides (NOx) emissions and about 25 percent of mobile source fine diesel particulate matter (PM 2.5) emissions. EPA is proposing a comprehensive program to significantly reduce emissions from locomotives and marine diesel engines. It would apply new exhaust emission standards and idle reduction requirements to diesel locomotives of all types—line-haul, switch, and passenger. It would also set new exhaust emission standards for all types of marine diesel engines below 30 liters per cylinder displacement. These include marine propulsion engines used on vessels from recreational and small fishing boats to super-yachts, tugs and Great Lakes freighters, and marine auxiliary engines ranging from small gensets to large generators on ocean-going vessels. We estimate PM reductions of 90 percent and NOx reductions of 80 percent from engines meeting these standards, compared to engines meeting the current standards. EPA has already taken steps to bring emissions levels from light-duty and heavy-duty highway, and nonroad diesel vehicles and engines to very low levels over the next decade, while the emission levels for locomotive and marine diesel engines remain at much higher levels—comparable to the emissions for highway trucks in the early 1990s. The additional PM2.5 and NOx emission reductions resulting from the proposed standards would assist states in attaining and maintaining the Ozone and the PM2.5 National Air Quality Standards both near term and in the decades to come. The proposed program includes a set of near-term emission standards for newly-built engines. These would phase in starting in 2009. The near-term program also contains more stringent emissions standards for existing locomotives. These would apply when the

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locomotive is remanufactured and would take effect as soon as certified remanufacture systems are available (as early as 2008), but no later than 2010 (2013 for Tier 2 locomotives). We are requesting comment on an alternative under consideration that would apply a similar remanufacture requirement to existing marine diesel engines installed in vessels currently in the fleet. We are also proposing long-term emissions standards for newly-built locomotives and marine diesel engines based on the application of high-efficiency catalytic aftertreatment technology. These standards would phase in beginning in 2015 for locomotives and 2014 for marine diesel engines. Finally, we are proposing revised testing, certification, and compliance provisions to better ensure emissions control in use. Entities potentially regulated by this action are those that manufacture, remanufacture and/or import locomotives and/or locomotive engines; and those that own and operate locomotives. This proposed action would also affect companies and persons that manufacture, sell, or import into the United States new marine compression-ignition engines, companies and persons that rebuild or maintain these engines, companies and persons that make vessels that use such engines, and the owners/operators of such vessels.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/04	69 FR 39276
NPRM	04/03/07	72 FR 15938
Final Action	05/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4871; EPA publication information: ANPRM - <http://www.epa.gov/fedrgrstr/EPA-AIR/2004/June/Day-29/a11294.pdf>; EPA Docket information: EPA-HQ-OAR-2003-0190

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RIN: 2060-AM06

2843. NESHAP & NSPS FOR MUNICIPAL SOLID WASTE LANDFILLS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7601

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.

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

Timetable:

Action	Date	FR Cite
NPRM	09/08/06	71 FR 53272
Final Action	06/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, Tribal

Additional Information: SAN No. 4846; EPA publication information: NPRM - <http://www.epa.gov/fedrgrstr/EPA-AIR/2006/September/Day-08/a7493.htm>; NPRM was published 09/08/2006 (71 FR 53272) as RIN 2060-

AJ41.; EPA Docket information: EPA-HQ-OAR-2003-0215

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Related RIN: Previously reported as 2060-AH13, Previously reported as 2060-AJ41

RIN: 2060-AM08

2844. CONTROL OF EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES AND EQUIPMENT

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7521 to 7601(a)

CFR Citation: 40 CFR 90; 40 CFR 91

Legal Deadline: NPRM, Statutory, December 1, 2004.

Final, Statutory, December 31, 2005.

Abstract: In this rulemaking, EPA is promulgating exhaust emission standards for new nonroad spark-ignition engines that will substantially reduce emissions from these engines. The standards would apply starting in 2009 for new marine spark-ignition engines, including first-time EPA standards for sterndrive and inboard engines. The standards would apply starting in 2011 and 2012 for different sizes of new land-based, spark-ignition engines at or below 19 kilowatts (kW), which is equivalent to about 25 horsepower. These small engines are used primarily in lawn and garden applications. We are also promulgating evaporative emission standards for vessels and equipment using any of these engines. Nationwide, these emission sources contribute to ozone, carbon monoxide (CO), and particulate matter (PM) nonattainment.

We estimate that by 2030, this rule would result in significantly reduced pollutant emissions from regulated engine and equipment sources, including estimated annual nationwide reductions of 631,000 tons of volatile organic hydrocarbon emissions, 98,200

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tons of NOx emissions, and 6,300 tons of direct particulate matter (PM2.5) emissions. These reductions correspond to significant reductions in the formation of ground-level ozone. We would also expect to see annual reductions of 2,690,000 tons of carbon monoxide emissions, with the greatest reductions in areas where there have been problems with individual exposures. The requirements in this rule will substantially benefit public health and welfare and the environment. We estimate that by 2030, the rule's emission reductions would annually prevent 450 PM-related premature deaths, approximately 500 hospitalizations, and 52,000 work days lost. The total estimated annual benefits of the rule in 2030 would be \$3.4 billion. Estimated costs in 2030 would be many times less at \$240 million.

Timetable:

Action	Date	FR Cite
NPRM Final Action	05/18/07 06/00/08	72 FR 28098

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: SAN No. 4882; EPA publication information: NPRM - <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/07-1998.pdf>; ; EPA Docket information: EPA-HQ-OAR-2004-0008

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RIN: 2060-AM34**2845. NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA 112**CFR Citation:** 40 CFR 63

Legal Deadline: Final, Judicial, June 15, 2008, One of ten area source category standards to be promulgated by 6/15/2008 as per 3/31/2006 order.

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 Final Action	03/14/08 06/00/08	73 FR 14125

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:**

Undetermined

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RIN: 2060-AM37**2846. FLEXIBLE AIR PERMIT RULE****Priority:** Other Significant**Legal Authority:** CAA Title V, Parts C & D**CFR Citation:** 40 CFR 70; 40 CFR 51; 40 CFR 52**Legal Deadline:** None

Abstract: This package revises our regulations governing State and Federal operating permit programs required by title V of the Act and the NSR programs required by parts C and D of title I of the Act. These final actions are based, in large part, on the lessons learned through EPA's pilot experience in which EPA worked closely with

States and sources to develop flexible air permitting approaches that provide greater operational flexibility and, at the same time, ensure environmental protection and compliance with applicable laws. In our pilot permits, increased flexibility is primarily achieved through advance approvals under NSR and alternative operating scenarios (AOSs). The revisions clarify how this can often be done in the existing regulatory framework of the operating permit programs. The revisions also add major NSR requirements for Green Groups, which allow future changes to occur within a group of emissions activities, provided that they are to meet "best available control technology" (BACT) or "lowest achievable emission rate" (LAER) and control requirements, as applicable, and are determined to comply with all relevant ambient requirements.

Timetable:

Action	Date	FR Cite
NPRM Final Action	09/12/07 12/00/08	72 FR 52206

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

Additional Information: SAN No. 4885; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/September/Day-12/a17418.htm>; ; EPA Docket information: EPA-HQ-OAR-2004-0087

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RIN: 2060-AM45**2847. PROTECTION OF STRATOSPHERIC OZONE: IMPORT PETITIONING REQUIREMENTS FOR HALON-1301 AIRCRAFT FIRE EXTINGUISHING VESSELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

Abstract: This rule will provide an exemption under the import petitioning

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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 40 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
NPRM	04/11/06	71 FR 18259
Direct Final Action	04/11/06	71 FR 18219
Withdrawal of DFRM	06/07/06	71 FR 32840
Final Action	08/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4900; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/April/Day-11/a3462.htm>; EPA Docket information: EPA-HQ-OAR-2005-0131

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

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2848. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES IN 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 proposes to list two new alternatives to ozone depleting substances in the motor vehicle air conditioning sector and outline the conditions necessary for their safe use. Our analysis indicates that these new alternatives have better energy efficiency and lower impacts on the environment than currently available systems. 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	09/21/06	71 FR 55140
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4918; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-21/a7967.html>; EPA Docket information: EPA-OAR-2004-0488

URL For More Information: www.epa.gov/ozone/snap/refrigerants/lists/mvacs.html

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RIN: 2060-AM54

2849. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): RECONSIDERATION OF INCLUSION OF FUGITIVE EMISSIONS

Priority: Other Significant

Legal Authority: CAA Title I

CFR Citation: 40 CFR 1 and 52

Legal Deadline: None

Abstract: On July 11, 2003, EPA received a petition for reconsideration on behalf of Newmont USA Limited, dba 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 will finalize their reconsideration of this issue arising from our final rules of December 31, 2002.

Timetable:

Action	Date	FR Cite
NPRM	11/13/07	72 FR 63850
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4940; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/November/Day-13/a22131.htm>; EPA Docket information: EPA-HQ-OAR-2004-0014

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EPA—Clean Air Act (CAA)

Final Rule Stage

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RIN: 2060-AM91

2850. 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: CAA 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	06/08/07	72 FR 31771
Final Action	05/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4960; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-08/a11036.htm>; EPA Docket information: EPA-HQ-OAR-2004-0439

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RIN: 2060-AN12

2851. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES, EMISSION GUIDELINES FOR EXISTING SOURCES, AND FEDERAL PLAN: SMALL MUNICIPAL WASTE COMBUSTORS: AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: CAA 111 and 129

CFR Citation: 40 CFR 60 subparts AAAA and BBBB; 40 CFR 62 subpart JJJ

Legal Deadline: None

Abstract: This rule would amend the final (December 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.

Timetable:

Action	Date	FR Cite
Direct Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4970; EPA Docket information: EPA-HQ-OAR-2005-0514

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RIN: 2060-AN17

2852. 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 will 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 final rule will resolve these differences.

Timetable:

Action	Date	FR Cite
NPRM	01/03/06	71 FR 69
Final Action	06/00/08	

EPA—Clean Air Act (CAA)

Final Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4951; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/January/Day-03/a24614.pdf>; EPA Docket information: EPA-HQ-OAR-2004-0489

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RIN: 2060-AN20

2853. PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW: EMISSION INCREASES FOR ELECTRIC GENERATING UNITS

Priority: Other Significant

Legal Authority: CAA 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 revise the 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). The existing emissions 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. The maximum hourly emissions test will be based either on maximum achieved or maximum achievable hourly emissions,

measured on an input or an output basis. One proposed option provides that the maximum hourly emissions increase test would be followed by the annual emissions increase test in the current rules.

Timetable:

Action	Date	FR Cite
NPRM	10/20/05	70 FR 61081
Supplemental NPRM	05/08/07	72 FR 26202
Notice of public hearing	06/07/07	72 FR 31491
Final Action	08/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4794.2; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/October/Day-20/a20983.htm>; Split from RIN 2060-AM95.; EPA Docket information: EPA-HQ-OAR-2005-0163

URL For More Information:

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RIN: 2060-AN28

2854. FEDERAL PLAN REQUIREMENTS FOR OTHER SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE DECEMBER 9, 2004

Priority: Substantive, Nonsignificant

Legal Authority: CAA 129 and 111(d)

CFR Citation: 40 CFR 62 (New)

Legal Deadline: Final, Statutory, December 16, 2007, The CAA requires promulgation of Federal plans within 2 years of promulgation of the corresponding emission guidelines.

Abstract: In this OSWI Federal plan rulemaking, EPA becomes an

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.

The proposed OSWI Federal plan has been held up while OGC determines the extent of changes required to settle the brick NESHAP lawsuit. It has been decided that the promulgated OSWI NSPS and EG will be vacated. The definition of an OSWI unit will be changed, no volume of waste incinerated will be set, and VSMWIs will no longer be one of the types of incinerators covered by OSWI. Sewage sludge incinerators will be one of the types of incinerators in the OSWI universe. The OSWI NSPS and EG will be repropoed and promulgated. The OSWI federal plan will be repropoed to reflect the changes to the NSPS and EG, then promulgated. No dates have been agreed upon. The litigant has not accepted EPA's proposed plan.

Timetable:

Action	Date	FR Cite
NPRM	12/18/06	71 FR 75816
Final Action	03/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5011; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/December/Day-18/f21285.htm>; Legal Deadline continued: Federal Plan must be promulgated 2 years after the final publication of the Emission Guidelines rule (December 16, 2005, 70 FR 74869, <http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day->

EPA—Clean Air Act (CAA)

Final Rule Stage

16/a23716.htm); EPA Docket information: EPA-HQ-OAR-2006-0364

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RIN: 2060-AN43

2855. 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: Other Significant

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

Timetable:

Action	Date	FR Cite
NPRM Final Action	06/23/06 03/00/09	71 FR 36042

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5022; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-23/a5620.htm>; EPA Docket information: EPA-HQ-OAR-2006-0318

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RIN: 2060-AN63

2856. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: SAFETEA-LU HOV FACILITIES RULE

Priority: Other Significant

Legal Authority: 23 USC 1121

CFR Citation: 40 CFR 86

Legal Deadline: NPRM, Judicial, March 2, 2008.

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 Final Action	05/24/07 01/00/09	72 FR 29102

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5029; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/May/Day-24/a9821.htm>; ; EPA Docket information: EPA-HQ-OAR-2005-0173

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RIN: 2060-AN68

2857. PETROLEUM REFINERIES—NEW SOURCE PERFORMANCE STANDARDS (NSPS)—SUBPART J

Priority: Economically Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

EPA—Clean Air Act (CAA)

Final Rule Stage

Legal Deadline: NPRM, Judicial, April 30, 2007, As per 7/2005 Consent Decree.

Final, Judicial, April 28, 2008, As per 7/2005 Consent Decree.

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	05/14/07	72 FR 27178
Extension of Public Comment Period	06/28/07	72 FR 35375
Final Action	05/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5036; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/May/Day-14/a8547.htm>; ; EPA Docket information: EPA-HQ-OAR-2007-0011

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RIN: 2060-AN72

2858. 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: EPA is adding two compounds (propylene carbonate and dimethyl carbonate) to the list of negligible reactive compounds in EPA's regulatory definition of VOC. Granting VOC exemption status to these compounds will remove a regulatory burden from industries that want to use these compounds and states will be relieved of the burden of controlling these compounds without adversely affecting air quality.

Timetable:

Action	Date	FR Cite
NPRM	10/01/07	72 FR 55717
Final Action	10/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 5045; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/October/Day-01/a19324.htm>; ; EPA Docket information: EPA-HQ-OAR-2006-0948

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RIN: 2060-AN75

2859. 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. Due to the recent Brick MACT Decision, this package was pulled back and we are having conversations with OGC to discuss how to move forward. Because of this decision, adding information into this final would be finalizing something that we did not propose earlier, thus OGC has advised us that we are going to have to repropose instead of going with the final amendments. This amendment affects 1 facility (Kodak) in New York. The original compliance date was May 22,2006 and the State granted the facility a 1 year extension to May 22, 2007. The facility has contacted the State of New York again and explained the situation with these amendments and they have agreed to give Kodak the necessary time to comply with the amendments once we issue them. The facility has also requested that the State contact the Regional Office (Region 2) to explain the situation to them, so that they are aware and will not enforce any compliance penalties. Thus, we are having to collect additional data from this one facility in order to set an emission limit. Due to needed review of the standard in light of the Brick MACT decision we have received OGC approval for the rule package in August 2007. We hope to send the package to OPEI in September and receive final clearance shortly after that. The state of New York is aware of the delay in the changes and has temporarily decided to not enforce the standard until we can make the needed changes.

Timetable:

Action	Date	FR Cite
NPRM	10/19/06	71 FR 61701
Reproposal	04/02/08	73 FR 17940
Final Action	06/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5055; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-19/a17224.htm>;

EPA—Clean Air Act (CAA)

Final Rule Stage

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RIN: 2060-AN80

2860. FINAL RULE FOR IMPLEMENTATION OF THE NEW SOURCE REVIEW (NSR) PROGRAM FOR PM2.5

Priority: Other Significant

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

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This rulemaking action is the final rule which lays out the provisions and requirements for implementation of the NSR program for particulate matter less than 2.5 microns in diameter (PM2.5). This rule would apply to new and modified major stationary sources of PM2.5. In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM2.5). 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, included 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. The proposed rule also included the New Source Review (NSR) provisions for implementing the PM2.5 program. In this final action, we have split the NSR provisions of the proposed rule as a separate package. This rule will address the applicability of NSR to precursors, Major Source Threshold and Significant Emissions Rate for PM2.5, preconstruction monitoring requirements, offset provisions and inter pollutant trading of offsets and finally the transition provisions.

Timetable:

Action	Date	FR Cite
NPRM Original	11/01/05	70 FR 65984
Final Action	05/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal,
Local, State, Tribal

Additional Information: SAN No. 4752.2; EPA publication information: NPRM Original - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/November/Day-01/a20455.pdf>; Split from RIN 2060-AK74.; EPA Docket information: EPA-HQ-OAR-2003-0062

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RIN: 2060-AN86

2861. PREVENTION OF SIGNIFICANT DETERIORATION: REFINEMENT TO INCREMENT MODELING PROCEDURES

Priority: Other Significant

Legal Authority: CAA Title I, Part C

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: Part C of title I of the Clean Air Act (CAA) contains the requirements for a component of the major New Source Review (NSR) program known as the Prevention of Significant Deterioration (PSD) program. This program sets forth procedures for the preconstruction review and permitting of new and modified major stationary sources of air pollution locating in areas meeting the National Ambient Air Quality Standards (NAAQS), i.e., "attainment" areas, or in areas for which there is insufficient information to classify an area as either attainment or nonattainment, i.e., "unclassifiable" areas. The applicability of the PSD

program to a particular source must be determined in advance of construction and is pollutant-specific.

The PSD program also established increments, which are maximum increases in ambient air concentrations allowed in a PSD area over a baseline concentration. These increments follow the three-tiered area classification system established by Congress in Section 163 of the CAA. Class I areas include certain national parks and wilderness areas that were designated by Congress as areas of special national concern, where the need to prevent air quality deterioration is the greatest. Class II areas are all areas not specifically designated in the CAA as Class I areas, and Class III areas are the ones originally designated as Class II, where higher levels of industrial development (and emission growth) are desired.

In this rulemaking, we will finalize refinements to several aspects of the method that may be used to calculate an increase in concentration for increment purposes. These refinements are intended to clarify how States and regulated sources may calculate increases in concentration for purposes of determining compliance with the PSD increments.

Timetable:

Action	Date	FR Cite
NPRM	06/06/07	72 FR 31372
Final Action	10/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State,
Tribal

Additional Information: SAN No. 5100; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-06/a10459.htm>; EPA Docket information: EPA-HQ-OAR-2006-0888

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RIN: 2060-AO02

2862. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SHIPBUILDING AND SHIP REPAIR (SURFACE COATING) OPERATIONS—AMENDMENT

Priority: Substantive, Nonsignificant
Legal Authority: CAA 112
CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, January 2, 2007, Compliance date for another MACT and this industry would be subject to if these amendments are not in place before then.

Abstract: On December 15, 1995, the EPA issued national emission standards for hazardous air pollutants (NESHAP) under Section 112 of the Clean Air Act for shipbuilding and ship repair (surface coating) operations. The NESHAP requires existing and new major sources to control emissions of hazardous air pollutants to the extent achievable by the use of maximum achievable control technology. This action is intended to more clearly state the distinction between and the definition of ship and pleasure craft. It is being issued in response to questions concerning whether yachts greater than 20 meters (78.7 feet) in length are ships and, therefore subject to the NESHAP or pleasure craft. This final action will revise the definitions of pleasure craft and ship and include size criteria to ensure that all activities intended to be subject to the NESHAP are in fact subject to it.

Timetable:

Action	Date	FR Cite
NPRM	12/29/06	71 FR 78392
Direct Final Action	12/29/06	71 FR 78369
Withdrawal of Direct Final	02/27/07	72 FR 8630
Final Action	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5106; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-29/a22428.htm>; ; EPA Docket information: EPA-HQ-OAR-2002-0093

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2863. RISK AND TECHNOLOGY REVIEW FOR GROUP 1: POLYMERS & RESINS I; POLYMERS & RESINS II, ACETAL RESINS, AND HYDROGEN FLUORIDE

Priority: Other Significant
Legal Authority: CAA112(f)(2); CAA 112(d)(6)
CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This action is called Risk and Technology Review (RTR) Group 1. It will address both EPA's obligation to conduct a residual risk review and to conduct a technology review. It includes eight source categories, each affected by one of four MACT standards. The eight source categories are: Polysulfide rubber manufacturing(P&R I MACT); ethylene propylene rubber manufacturing (P&R I MACT); butyl rubber manufacturing(P&R I MACT); neoprene manufacturing(P&R I MACT); epoxy resins manufacturing(P&R II MACT); non-nylon polyamides manufacturing(P&R II MACT); hydrogen fluoride manufacturing(GMACT); and acetal resins manufacturing(GMACT).

EPA is required to evaluate the risk remaining at facilities 8 years after they are required to comply with MACT air-toxic emission standards according to Section 112 (f)(2) of the Clean Air Act (CAA). EPA is also required to review and revise the MACT standards if needed every 8 years with regard to practices, processes and control technologies according to Section 112(d)(6) of the CAA.

Timetable:

Action	Date	FR Cite
NPRM	12/12/07	72 FR 70543
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5126; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-12/a24076.htm>; EPA Docket information: EPA-HQ-OAR-2007-0211

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RIN: 2060-AO16

2864. PREVENTION OF SIGNIFICANT DETERIORATION FOR PM2.5— INCREMENTS, SIGNIFICANT IMPACT LEVELS AND SIGNIFICANT MONITORING CONCENTRATIONS

Priority: Other Significant

Legal Authority: CAA

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: None

Abstract: Section 166 of the Clean Air Act authorizes the Environmental Protection Agency to establish regulations to prevent significant deterioration (PSD) of air quality due to emissions of any pollutant for which a NAAQS has been promulgated. The NAAQS for PM2.5 was promulgated in 1997. On November 1, 2005, EPA proposed regulations for the implementation of the PM2.5 program including the New Source Review (NSR) provisions. In that NPRM, we indicated that we would be proposing a separate rule for developing increments, Significant Impact Levels (SILs) and Significant Monitoring Concentrations (SMCs) to facilitate implementation of a PM2.5 PSD program. Increments are maximum allowable increases in ambient PM2.5 concentrations (PM2.5 increments) allowed in an area above the baseline concentration. SILs are a screening tool

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used by a major PSD source to determine if it needs to do a comprehensive increments analysis. If a source's impacts of PM_{2.5} emissions are less than the corresponding SIL, the source's impacts are considered to be de minimis and no further modeling analyses are required. Similarly, SMCs are a screening tool used by a major PSD source to determine if site specific ambient monitoring is necessary. In this final rule, we will finalize one of our 3 proposed options each for developing PM_{2.5} increment, SILs and SMCs. EPA's proposed increment options are the percent of NAAQS option, also known as the "safe harbor" approach, the "Equivalent Increment" approach and a variation of the second option that also considers the stringency of PM_{2.5} NAAQS. For SILs we would be seeking comments on 3 options—percent of increments option, emissions ratio of PM₁₀ option and NAAQS ratio of PM₁₀ option. For SMCs the 3 options would be Emissions Ratio option, NAAQS Ratio option and Lowest Detectable Concentration option.

Timetable:

Action	Date	FR Cite
NPRM	09/21/07	72 FR 54112
Final Action	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Additional Information: SAN No. 5068; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/September/Day-21/a18346.htm>; ; EPA Docket information: EPA-HQ-OAR-2005-0605

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RIN: 2060-AO24

2865. AMENDMENT OF DEFINITIONS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS POLLUTANTS FOR RADIONUCLIDES, SUBPARTS H AND I**Priority:** Substantive, Nonsignificant**Legal Authority:** CAA**CFR Citation:** 40 CFR 61.90(a); 40 CFR 61.101(a)**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. The current definition of "effective dose equivalent" refers to a method of calculation in International Commission on Radiological Protection (ICRP) publication no. 26. Removing this reference will prevent confusion if EPA incorporates newer ICRP methods for calculating effective dose equivalent in its compliance models.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 5114;

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RIN: 2060-AO31

2866. FUEL ECONOMY REGULATIONS FOR AUTOMOBILES: TECHNICAL AMENDMENTS AND CORRECTIONS**Priority:** Other Significant**Legal Authority:** 49 USC 32901 et seq**CFR Citation:** 40 CFR 600**Legal Deadline:** None

Abstract: This action amends and corrects portions of the Environmental Protection Agency's (EPA) existing fuel economy regulations, located at 40 CFR Part 600. There are two reasons for this action. First, some minor corrections

and amendments are needed to correct portions of EPA's final rule for fuel economy labeling requirements for cars and light trucks (71 FR 77872, December 27, 2006). Some typographical errors and errors of omission will be corrected. Second, the Department of Transportation finalized new average fuel economy standards for light trucks on April 6, 2006 (71 FR 77872). This rule amended the existing DOT regulations at 49 CFR parts 523, 533, and 537, by adding new definitions, setting new fuel economy standards for light trucks, and amending some reporting requirements. In order for DOT to execute its new requirements, DOT's regulations rely on EPA to reference the new definitions and collect the new information from automobile manufacturers, so that EPA can determine the new light truck average fuel economy targets. The new definitions include "medium duty passenger vehicle" and "footprint." Under the Energy Policy and Conservation Act (EPCA), EPA is required to calculate the average fuel economy of a manufacturer using methods it prescribes by regulation. (49 U.S.C. 32904(a)(1)(A)). EPA has conducted this activity for about 30 years and this rulemaking only updates the information the Agency will receive from the auto manufacturers. The changes adopted by DOT include a new requirement to determine the "footprint" for each model type of vehicle, so that target standards can be calculated. EPA must therefore collect "footprint" data from auto manufacturers, which includes measurements for front track width, rear track width, wheelbase and final sales of each model type. EPA's current regulations do not require manufacturers to submit this information, thus a minor amendment is needed to add this information collection. The DOT rule takes effect with 2008 model year trucks, which can begin to be produced as early as January 2, 2007, thus it is important that EPA begin collecting this new information as soon as possible. These changes do not change the existing EPA test procedures or calculation methods for average fuel economy.

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/08	

Regulatory Flexibility Analysis

Required: No

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Small Entities Affected: No
Government Levels Affected: None
Additional Information: SAN No. 5124;
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RIN: 2060-AO36

**2867. METHOD 207—PRE-SURVEY
 PROCEDURE FOR CORN
 WET-MILLING FACILITY EMISSION
 SOURCES**

Priority: Substantive, Nonsignificant
Legal Authority: CAA
CFR Citation: 40 CFR 51
Legal Deadline: None
Abstract: Method 207 will produce
 more accurate measurement of the mass
 of volatile organic carbon (VOC)
 emissions from corn wet-milling
 operations than any other current
 method for measuring VOC. The
 method will allow the EPA to make a
 more accurate assessment of whether
 corn wet-milling plants are major
 sources under the Federal programs for
 New Source Review and Prevention of
 Significant Deterioration. This method
 was developed by the Corn Refiners
 Association specifically for corn wet-
 milling plants as an alternative to
 existing EPA methods for measuring
 VOC. The Corn Refiners Association
 requested that EPA promulgate these
 methods to make them more widely
 available and acceptable for use in
 meeting various environmental
 regulations.

Timetable:

Action	Date	FR Cite
Direct Final Action	05/00/08	

**Regulatory Flexibility Analysis
 Required:** No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: SAN No. 5140;
 EPA Docket information: EPA-HQ-OAR-
 2007-0844

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RIN: 2060-AO39

**2868. PROTECTION OF
 STRATOSPHERIC OZONE:
 ALLOCATION OF ESSENTIAL USE
 ALLOWANCES FOR CALENDAR YEAR
 2008**

Priority: Other Significant
Legal Authority: 42 USC 7671 to
 7671q; 42 USC 7414; 42 USC 7601
CFR Citation: 40 CFR 82
Legal Deadline: None
Abstract: EPA is seeking to allocate
 essential use allowances for import and
 production of class I stratospheric
 ozone depleting substances for calendar
 2008. Essential use allowances enable
 a person to obtain newly produced or
 imported controlled class I ozone-
 depleting substances under the
 essential use exemption to the
 regulatory phaseout of these chemicals,
 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	06/12/07	72 FR 32269
Final Action	05/00/08	

**Regulatory Flexibility Analysis
 Required:** No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: SAN No. 5157;
 EPA publication information: NPRM -
[http://www.epa.gov/fedrgstr/EPA-
 AIR/2007/June/Day-12/a11299.pdf](http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-12/a11299.pdf); EPA
 Docket information: EPA-HQ-OAR-
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RIN: 2060-AO44

**2869. ADDITION OF METHOD 208,
 PROTOCOL FOR THE SOURCE
 TESTING, ANALYSIS, AND
 REPORTING OF VOC EMISSIONS
 FROM HOT MIX ASPHALT PLANT
 DRYERS**

Priority: Substantive, Nonsignificant
Legal Authority: CAA
CFR Citation: 40 CFR 51
Legal Deadline: None
Abstract: Method 208 will produce
 more accurate measurement of the mass
 of volatile organic carbon (VOC)
 emissions from asphalt paving
 operations than any other current
 method for measuring VOC. The
 method will allow the EPA to make a
 more accurate assessment of whether
 asphalt paving plants are major sources
 under the Federal programs for New
 Source Review and Prevention of
 Significant Deterioration. This method
 was developed by the National Asphalt
 Paving Association specifically for
 asphalt paving plants as an alternative
 to existing EPA methods for measuring
 VOC. The National Asphalt Paving
 Association requested that EPA
 promulgate these methods to make
 them more widely available and
 acceptable for use in meeting various
 environmental regulations.

Timetable:

Action	Date	FR Cite
Direct Final Action	05/00/08	

**Regulatory Flexibility Analysis
 Required:** No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: SAN No. 5146;
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RIN: 2060-AO51

2870. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: APPENDIX A—TEST METHODS; AMENDMENTS TO METHOD 301

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action amends EPAs Method 301; Field Validation of Pollutant Measurement Methods from Various Waste Media. Method 301 can be found in Appendix A of 40 CFR, Part 63 (Test Methods). Method 301 was promulgated with 40 CFR, Part 63, Subpart D (Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants)(58 FR 27338, June 13, 1991) pursuant to Section 112 of the Clean Air Act (as amended in 1990). This action finalizes amendments to Method 301 based on comments received on proposed changes to the Method published in the Federal Register on December 22, 2004 (69 FR 76642) and amends errors identified in the proposed amendments to the Method.

Timetable:

Action	Date	FR Cite
NPRM	12/22/04	69 FR 76642
Final Action	05/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5156; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2004/December/Day-22/a27985.htm>; EPA Docket information: EPA-HQ-OAR-2004-0080

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RIN: 2060-AO53

2871. PETROLEUM REFINERY RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: CAA 112(f)(2); CAA 112(d)(6)

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Judicial, August 20, 2007, Consent Decree. Final, Judicial, August 20, 2008, Consent Decree.

Abstract: Section 112(f) of the Clean Air Act requires EPA to assess residual risks that remain after implementation of technology-based standards for each category of major sources of air-toxic emissions. Section 112(f) also mandates EPA to develop additional emission standards for these sources, as necessary, to protect public health with an ample margin of safety or to prevent significant and widespread adverse environmental effects. The current rule covers emissions from certain process vents, storage vessels, wastewater streams, loading racks, marine tank vessel loading operations, and equipment leaks. Under this project, we will model the emissions to determine the residual risk associated with the current control technologies. Section 112(d)6 requires EPA to review and revise as necessary emissions standards taking into account developments in practices, processes, and control technologies. We will examine the refinery control technologies to see what improvements have been made in the 12 years since this rulemaking was promulgated. This rulemaking is under a consent decree to fulfill requirements of section 112(d)6 requiring proposal by August 21, 2007 and promulgation by August 21, 2008.

Timetable:

Action	Date	FR Cite
NPRM	09/04/07	72 FR 50716
Proposed Rule; Notice of Public Hearing and Reopening of Comment Period	11/08/07	72 FR 63159
Final Action	08/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5093.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/September/Day-04/a17009.pdf>; Split from RIN 2060-AN85.; EPA Docket information: EPA-HQ-OAR-2003-0146

URL For More Information:

www.epa.gov/fedrgstr/epa-air/2007/september/day-04/a17009.pdf

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RIN: 2060-AO55

2872. FEDERAL PLAN REQUIREMENTS FOR LARGE MUNICIPAL WASTE COMBUSTORS CONSTRUCTED ON OR BEFORE SEPTEMBER 20, 1994

Priority: Other Significant

Legal Authority: PL 101-549

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Under the Clean Air Act, EPA is directed to address air emissions from existing municipal waste combustors (MWC) by developing emission guidelines which States are required to follow. The Clean Air Act also requires EPA to develop companion Federal regulations that must be imposed in cases where States do not follow the Federal guidelines. The emission guidelines and the companion Federal regulations are intended to be substantively identical. On December 19, 1995, EPA adopted emission guidelines to address air emissions from large MWC (60 CFR subpart Eb). On November 12, 1998, EPA adopted companion Federal regulations (63 FR 63191). Last year, EPA revised the emission guidelines (May 10, 2006, 71 FR 27323). This rulemaking would revise the Federal

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regulations to make conforming changes that mirror those made to the emission guidelines.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local

Additional Information: SAN No. 5180;

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RIN: 2060-AO63

2873. REGULATION OF FUELS AND FUEL ADDITIVES: ALTERNATIVE QUALITY ASSURANCE REQUIREMENTS FOR ULTRA-LOW SULFUR DIESEL

Priority: Substantive, Nonsignificant

Legal Authority: CAA 211

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This rule provides flexibility to refiners, importers and distributors of diesel fuel by amending the ultra-low sulfur diesel (ULSD) regulations to allow a nationwide sampling and testing program to be used as an alternative means of meeting the sampling and testing defense elements under 40 CFR Section 80.613. 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. that the sulfur content in ULSD does not exceed regulatory limits. The program would be carried out by an independent association funded by an industry consortium, and would be conducted pursuant to a survey plan, approved by EPA.

Timetable:

Action	Date	FR Cite
Direct Final Action	08/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5154;

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RIN: 2060-AO71

2874. PERFORMANCE SPECIFICATION 16—SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: Performance Specification 16 is being promulgated to provide performance criteria for predictive emission monitoring systems. Predictive systems represent a new technology that uses process information or parameters to predict pollutant emissions instead of directly measuring them. Performance Specification 16 was proposed on August 8, 2005. The comments received from the public have been considered and the performance specification has been edited to reflect those comments that warrant revision. Performance Specification 16 will primarily apply to facilities whose emissions can be predicted from process parameters such as combustion processes (including gas turbines and internal combustion engines).

Timetable:

Action	Date	FR Cite
NPRM	08/08/05	70 FR 45608
Supplemental NPRM	11/01/05	70 FR 65873
Final Action	05/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4119; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-08/a15330.htm>;

This rule was mistakenly listed as Completed in the Spring 2006 Regulatory Agenda under RIN 2060-AH84.; EPA Docket information: EPA-HQ-OAR-2003-0074

Sectors Affected: 331111 Iron and Steel Mills; 336112 Light Truck and Utility Vehicle Manufacturing; 32411 Petroleum Refineries; 33241 Power Boiler and Heat Exchanger Manufacturing; 32211 Pulp Mills; 562213 Solid Waste Combustors and Incinerators; 333611 Turbine and Turbine Generator Set Unit Manufacturing

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RIN: 2060-AO74

2875. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: GASOLINE DISTRIBUTION; AMENDMENTS—AREA SOURCE STANDARD

Priority: Info./Admin./Other

Legal Authority: CAA sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On January 10, 2008 (73 FR 1916), EPA issued final national emission standards for hazardous air pollutants for gasoline distribution bulk terminals, bulk plants, and pipeline facilities and for gasoline dispensing facilities. EPA subsequently determined that certain sections of the final rules contained incorrect references to paragraphs within those and other sections. This action corrects those technical errors.

Timetable:

Action	Date	FR Cite
Technical Correction	05/00/08	

Regulatory Flexibility Analysis Required: No

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Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4907.1; Split from RIN 2060-AM74.; EPA Docket information: EPA-HQ-OAR-2006-0406

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RIN: 2060-AO84

2876. ● CONTROL OF EMISSIONS OF AIR POLLUTION FROM SNOWMOBILES

Priority: Substantive, Nonsignificant

Legal Authority: CAA

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: We adopted three phases of snowmobile emission standards in 2002. A lawsuit resulted in a court order to eliminate the oxides of nitrogen (NO_x) portion of the Phase 3 Standards on the grounds that we had no authority under the Clean Air Act to adopt NO_x standards for snowmobiles. We were also directed to reconsider the hydrocarbon (HC) and carbon monoxide (CO) portions of the Phase 3 standards. In this Direct Final Rule, we intend to eliminate the Phase 3 NO_x standard as directed by the court, but defer action on the HC and CO standards to a separate effort.

Timetable:

Action	Date	FR Cite
Direct Final Action	05/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5203;

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RIN: 2060-AO88

2877. ● NESHAP: ORGANIC LIQUID DISTRIBUTION (NON-GASOLINE); AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63 subpart EEEE

Legal Deadline: None

Abstract: The Organic Liquid Distribution (Non-Gasoline) NESHAP was promulgated on February 3, 2004 and amended on July 28, 2006. This action will clarify compliance requirements and correct typographical errors in the amendments.

Timetable:

Action	Date	FR Cite
Direct Final Action	05/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5202;

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RIN: 2060-AO99

2878. ● STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES, TEST METHOD 2H—AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: CAATitle I

CFR Citation: 40 CFR 60, app A-2

Legal Deadline: None

Abstract: This test method enables the representative measurement of pollutant emissions and/or total volumetric flow from stationary sources. When the method was originally developed, it addressed only sources where the flow measurements were made in locations with circular cross-sections within an exhaust stack. This technical update to the test method will address flow measurement locations with both circular and

rectangular cross-sections. The revisions also include changes that increase the accuracy of the method and simplify its application. The primary users of the method will be owners and operators of utility units subject to the Acid Rain Program under title IV of the Clean Air Act and certain large electric generating units and large non-electric generating units that are subject to the nitrogen oxides (NO_x) state implementation plan (SIP) call under Title I of the Clean Air Act. These sources use volumetric stack flow rate monitors in order to measure sulfur dioxide (SO₂) and NO_x mass emissions and heat inputs emissions and must conduct periodic relative accuracy test assessments (RATAs) of the flow rate monitors at these units.

Timetable:

Action	Date	FR Cite
Direct Final Action	10/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5237;

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RIN: 2060-AP08

2879. ● UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS: TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This action was published as a direct final with a parallel proposal, 72 FR 51365, September 7, 2007. An adverse comment was received. This action amends a rulemaking entitled "Update of Continuous Instrumental Test Methods" that was promulgated

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on May 15, 2006. This rulemaking updated, harmonized, and simplified Methods 3A, 6C, 7E, 10, and 20, which measure oxygen, carbon dioxide, sulfur dioxide, nitrogen oxides, and carbon monoxide emissions from stationary sources. As published, the May 15, 2006, final rule contained inadvertent errors and created minor unanticipated test situations that need to be clearly addressed. This final action corrects the errors and clearly explains how the unanticipated situations are handled. These amendments do not make significant changes or add new provisions to the rule nor raise issues

that have not been addressed in the public comment period to the updated rule. We are simply correcting errors and clarifying portions to reflect the intent of the rule and make them more understandable by applicable parties.

Timetable:

Action	Date	FR Cite
NPRM	09/07/07	72 FR 51392
Direct Final Rule	09/07/07	72 FR 51365
Withdrawal of Direct Final	11/05/07	72 FR 62414
Final Action	05/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN 4161.1. Action previously tracked under RIN 2060-AO09.

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Related RIN: Previously reported as 2060-AO09

RIN: 2060-AP13

**Environmental Protection Agency (EPA)
Clean Air Act (CAA)**

Long-Term Actions

2880. 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
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 3919;

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RIN: 2060-AH01

2881. 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) 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. The amendments would also allow a source to avoid MACT by completely eliminating HAP emissions. 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.

Timetable:

Action	Date	FR Cite
NPRM	05/15/03	68 FR 26249
Final Action	05/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4719; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/May/Day-15/a12180.htm>; ; EPA Docket information: EPA-HQ-OAR-2002-0044

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RIN: 2060-AK54

2882. 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

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Legal Deadline: None

Abstract: In August 2002, the Agency received a petition to remove certain types of stationary gas-fired combustion turbines from the list of hazardous air pollutant sources under section 112(c) of the Clean Air Act. After negotiating with the petitioner regarding the acquisition of additional data regarding its petition and reviewing the additional data, the Agency proposed a partial granting of the petition by delisting 4 subcategories of stationary gas-fired turbines in April 2004. Simultaneously, the Agency proposed a stay of the effectiveness of the combustion turbine MACT for those subcategories of turbines, delaying the imposition of control requirements for the delisted turbines until a final action is taken regarding the delisting. The Agency is waiting until the completion of the final IRIS assessment regarding the carcinogenic potency of formaldehyde before taking final action on the petition. The final IRIS action on formaldehyde is expected to occur in early 2010.

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	12/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4751; EPA publication information: NPRM-STAY - <http://www.epa.gov/fedrgstr/EPA-AIR/2004/April/Day-07/a7775.htm>; ; EPA Docket information: EPA-HQ-OAR-2003-0196

Sectors Affected: 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing; 221112 Fossil Fuel Electric Power Generation

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RIN: 2060-AK73

2883. 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 which is published in the Federal Register, 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	08/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4782; EPA publication information: Notice of Complete Petition - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-26/a10579.htm>; EPA Docket information: EPA-HQ-OAR-2005-0085

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RIN: 2060-AK84

2884. 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

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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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4689; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2003/April/Day-04/a8152.htm>;

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RIN: 2060-AK41

2885. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS

Priority: Other Significant

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 that are originally sold in Canada and that 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	05/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2665;

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RIN: 2060-AI03

2886. 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;

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RIN: 2050-AE95

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2887. 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	11/00/10	

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, Washington, DC 20460

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RIN: 2060-AH31**2888. REVIEW OF THE 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, August 1, 1999.

Abstract: Review of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) is mandated by the Clean Air Act. The review will include an assessment of the available science on health and

environmental effects associated with ambient levels of CO and an evaluation of the science in the context of policy decisions on whether or not to revise current standards. The last CO NAAQS review occurred in 1994 with a decision by the Administrator not to revise the existing standards.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/11	
NPRM	11/00/11	
Final Action	08/00/12	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4266; EPA Docket information: EPA-HQ-OAR-2008-0015**Agency Contact:** Chris Trent, Environmental Protection Agency, Air and Radiation, C504-06, RTP, NC 27711

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RIN: 2060-AI43**2889. 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 that 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 that include these elements; (3) establish new Federal facilities I/M program requirements that 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	12/00/09	

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

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RIN: 2060-AI97

2890. 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	10/00/09	
Final Action	11/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4531;

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RIN: 2060-AJ61

2891. CALIFORNIA GASOLINE TECHNICAL CORRECTION

Priority: Info./Admin./Other

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 that 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	07/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4722;

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RIN: 2060-AK56

2892. 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	09/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AK69

2893. 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, a SIP that complied with the NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA proposed to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. Under that

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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	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local

Additional Information: SAN No. 4796;

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RIN: 2060-AL83

2894. 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 reinstates 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;

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RIN: 2060-AL84

2895. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING EMERGENCY USES OF METHYL BROMIDE

Priority: Other Significant

Legal Authority: 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: Under the Clean Air Act and the Montreal Protocol on Substances that Deplete the Ozone Layer, this rule will seek to create an exemption for emergency uses of methyl bromide, an ozone depleting substance. 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	To Be	Determined

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

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RIN: 2060-AL94

2896. 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

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originally submitted the petition in April of 1997. EPA suspended review of the petition pending the completion of 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 NTP 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 NPRM	07/19/04 12/00/09	69 FR 42954

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4849; EPA publication information: Notice - <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-16335.htm>;

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RIN: 2060-AM20

2897. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS

Priority: Other Significant

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 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	11/00/09	

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

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RIN: 2060-AM49

2898. PROTECTION OF STRATOSPHERIC OZONE: MODIFICATIONS TO THE TECHNICIAN CERTIFICATION REQUIREMENTS UNDER SECTION 608 OF THE CLEAN AIR ACT

Priority: Other Significant

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	10/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4901;

URL For More Information: <http://www.epa.gov/ozone/title6/608/index.html>

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RIN: 2060-AM55

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2899. 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 October 27, 2003 (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 December 31, 2002 (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, Local, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4676.3; Split from RIN 2060-AK28**Agency Contact:** David Painter, Environmental Protection Agency, Air and Radiation, C504-01, RTP, NC 27711

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RIN: 2060-AM62**2900. NESHAP: GENERAL PROVISIONS (ONCE IN ALWAYS IN)—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	01/03/07	72 FR 69
NPRM; Extension of Comment Period	03/05/07	72 FR 9718
Final Action	05/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4908; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/January/Day-03/a22283.htm>; EPA Docket information: EPA-HQ-OAQ-2004-0094**Agency Contact:** Rick Colyer, Environmental Protection Agency, Air and Radiation, D205-02, RTP, NC 27711

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RIN: 2060-AM75**2901. NESHAP: TACONITE IRON ORE PROCESSING; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA 112**CFR Citation:** 40 CFR 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	06/00/09	

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, D243-02, RTP, NC 27709

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RIN: 2060-AM87**2902. 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 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

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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 2 NPRM	01/17/06	71 FR 2843
Final Action	01/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4757.1; Split from RIN 2060-AK76.

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RIN: 2060-AN01

2903. 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. 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 section 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	12/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4993;

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RIN: 2060-AN39

2904. DEFECT REPORTING FOR ON-HIGHWAY MOTOR VEHICLES AND ENGINES

Priority: Other Significant

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 available that indicate need for an investigation.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5043;

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RIN: 2060-AN73

2905. RISK AND TECHNOLOGY REVIEW PHASE II GROUP 2

Priority: Other Significant

Legal Authority: CAA 112(f)(2), 112(d)(6)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: All milestones are complete for this SAN. This SAN includes the ANPRM only. The source categories listed below were divided into 3 groups, groups 2A, 2B, and 2C, for proposal and promulgation. Please refer to SAN 5093.2 for the group 2A proposal and promulgation and SAN 5093.3 for the group 2B proposal and promulgation. SAN 5093.3 has not been initiated but will contain the group 2C proposal and promulgation.

Under CAA Section 112(d)(6) EPA is required to review MACT standards and revise them “as necessary (taking into account developments in practices, processes and control technologies)” no less frequently than every 8 years. EPA also must evaluate the MACT standards within 8 years after promulgation and promulgate standards under CAA Section 112(f)(2) if required to protect public health with an ample margin of safety. EPA will combine the remaining MACT source categories requiring residual risk and technology reviews into several groups to enable us to more closely meet statutory dates, raise and resolve programmatic issues in one action, minimize resources by using available data and focusing on high risk sources, and provide consistent review and analysis. We will use available data including emissions from the most recent 2002 national emission inventory (NEI) and augment it with available site-specific data. This action was originally referred to as RTR Phase II and included 34 MACT standards and 50 source categories. We reduced the scope of this action and will now focus on RTR Phase II Group 2, which consists of 11 MACT standards

covering 21 source categories with MACT compliance dates of 2002 and earlier. We plan to model each MACT source category to obtain inhalation risks, including cancer risk and incidence, population cancer risk, and noncancer effects (chronic and acute). We also plan to evaluate multipathway risk associated with those source categories with significant levels of persistent and bioaccumulative HAP. We published an ANPRM in March 2007 to solicit public comments and corrections on emissions data that will be used to assess risk for these source categories. Public comments and corrections were received by EPA for all source categories during the ANPRM 90-day comment period. The comments and corrections were compiled by source category and underwent review by OAQPS, the Regions, and the States. We will then remodel the categories based on the updated dataset (this will serve as the NPRM dataset). EPA will then identify risk reduction options, evaluate the effectiveness and cost of these risk reduction options and make acceptability and ample-margin-of-safety determinations in accordance with Benzene NESHAP decision framework. Where the need for additional controls are identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards.

The 11 MACT standards, the 21 source categories, and the associated NAICS codes are listed below:

Aerospace Manufacturing and Rework Facilities, 336411
 Marine Tank Vessel Loading Operations, 4883
 Mineral Wool Production, 32799
 Natural Gas Transmission and Storage, 486210
 Oil and Natural Gas Production, 211
 Pharmaceuticals Production, 3254
 Group I Polymers and Resins, 325212
 Epichlorohydrin Elastomers Production
 Hypalon? Production
 Nitrile Butadiene Rubber Production
 Polybutadiene Rubber Production
 Styrene-Butadiene Rubber and Latex Production,
 Group IV Polymers and Resins, 325211
 Acrylic-Butadiene-Styrene Production

Methyl Methacrylate-Acrylonitrile-Butadiene-Styrene Production

Methyl Methacrylate-Butadiene-Styrene Production

Nitrile Resins Production

Polyethylene Terephthalate Production

Polystyrene Production

Styrene-Acrylonitrile Production

Primary Aluminum Reduction Plants, 331312

Printing and Publishing Industry, 32311

Shipbuilding and Ship Repair Operations, 36611

Timetable:

Action	Date	FR Cite
ANPRM	03/29/07	72 FR 14734
ANPRM; comment period extension	05/25/07	72 FR 29287
NPRM	05/00/09	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5093; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-29/a5805.pdf>; ; EPA Docket information: EPA-HQ-OAR-2006-0859

Sectors Affected: 3364 Aerospace Product and Parts Manufacturing; 3313 Alumina and Aluminum Production and Processing; 32731 Cement Manufacturing; 3341 Computer and Peripheral Equipment Manufacturing; 32411 Petroleum Refineries; 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum); 22132 Sewage Treatment Facilities

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RIN: 2060-AN85

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2906. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This action amends prior action by the Agency related to the transition of Article 5 countries to ozone-depleting substance alternatives. Currently, Article 5 allowances are determined as a percentage of total production allowances assigned to U.S. companies for Class I ozone-depleting substances. In accordance with the Beijing Amendments of the Montreal Protocol, this action revises established Article 5 allowances independently of total production allowances based on new data.

Timetable:

Action	Date	FR Cite
NPRM Final Action	08/23/06 To Be	71 FR 49395 Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4697.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-23/a13951.htm>; Split from RIN 2060-AK45.; EPA Docket information: EPA-HQ-OAR-2005-0151

URL For More Information:

www.epa.gov/ozone/title6/phaseout/index.html

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RIN: 2060-AN87

2907. CLEAN AIR MERCURY RULE: FEDERAL PLAN

Priority: Other Significant

Legal Authority: CAA 111

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action is a Federal Plan to implement the requirements of the Clean Air Mercury Rule (CAMR) for any States that do not have a timely, approved State Plan, as well as the two tribes affected by the rule. The status of this action is "undetermined." On February 8, the U.S. Court of Appeals for the DC Circuit vacated CAMR and on March 14, the Court issued the mandate. On March 24, the Agency and the Utility Air Regulatory Group each filed petitions seeking rehearing of the Court's February 8 decision. The Agency is putting the Federal Plan rulemaking action on hold during the appeal period. The Federal Plan implements the requirements of CAMR by requiring that these States and tribes participate in the EPA-administered CAMR cap and-trade program. While this rule provides for Federal implementation of the cap and trade program, it makes no other substantive changes to the model cap and trade program already finalized as part of CAMR. During the CAMR rulemaking process, EPA conducted extensive analysis of the economic, environmental, and health impacts of CAMR. Because the requirements and major programmatic elements of CAMR remain the same under the Federal Plan, these analyses remain unchanged under this action, as do conclusions regarding consideration of Executive Orders. This rule also reflects any modifications based on the CAMR Final Action on Reconsideration. This action also finalizes revisions concerning the biomass cogeneration unit exemption under the applicability provisions of the Federal Plan, and minor revisions to the CAMR State Plan model cap-and-trade rule and the Acid Rain Program regulations. In addition, this action revises the Notice of Finding that Certain States Did Not Submit Clean Air Mercury Rule State Plans for New and Existing Electric Utility Steam Generating Units and Status of Submission of Such Plans.

Timetable:

Action	Date	FR Cite
NPRM Final Action	12/22/06 To Be	71 FR 77099 Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

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

Additional Information: SAN No. 5094; EPA publication information: NPRM - <http://epa.gov/EPA-AIR/2006/December/Day-22/a21573.htm>; ; EPA Docket information: EPA-HQ-OAR-2006-0905

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RIN: 2060-AN98

2908. RESPONSE TO REQUEST FOR RECONSIDERATION OF FINAL AIR EMISSION MACT RULES FOR LARGE MUNICIPAL WASTE COMBUSTORS (MWCS)

Priority: Substantive, Nonsignificant

Legal Authority: CAA 129

CFR Citation: 40 CFR 60

Legal Deadline: Final, Judicial, July 16, 2007, Litigation stayed until 7/16/2007. EPA must publish final response to request for reconsideration by that date.

Abstract: EPA originally adopted air emission standards for new and existing large municipal waste combustors (MWCs) in 1995. As required by section 129 of the CAA, EPA reviewed these standards and proposed revised standards. The proposal occurred on December 19, 2005, and final standards were published on May 10, 2006 (71 FR 27323). A number of individuals, including Earthjustice, filed litigation on various aspects of the standards.

EPA—Clean Air Act (CAA)

Long-Term Actions

Earthjustice also filed a request for EPA to reconsider four items included in the final standards. Earthjustice did not believe the changes made to the four items following proposal were adequately explained in the final FR notice. EPA agreed to reconsider the items and, following reconsideration, would publish a FR notice explaining EPA's logic for the changes, take comment on the action, and publish a final action. A notice was drafted addressing the reconsideration issues. However, as a result of recent court decisions on various CAA sections 112 and 129 rules, EPA petitioned the court to remand the LMWC rule to EPA to allow EPA to review the MACT floor determination conducted as part of the 1995 rulemaking. The court issued the remand on February 2008. This action will put the reconsideration notice on "hold" until the MACT floor review is completed (estimated to take 1 year).

Timetable:

Action	Date	FR Cite
Notice of reconsideration of final rule	03/20/07	72 FR 13016
Final Action	06/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5120; EPA publication information: Notice of reconsideration of final rule - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-20/a5022.htm>;

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RIN: 2060-AO18

2909. PROTECTION OF STRATOSPHERIC OZONE: RESERVING PRE-2005 STOCKS OF METHYL BROMIDE FOR CRITICAL USE GROWERS

Priority: Other Significant

Legal Authority: 42 USC 7671 to 7671q; 42 USC 7401 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA is concerned with the environmental impacts that could result from the need to manufacture additional methyl bromide to serve the needs of approved critical users where part of their overall need could be served by drawing from the inventory of methyl bromide produced prior to January 1, 2005. Therefore, EPA intends to issue an advance notice considering the need to propose a regulation restricting access to pre-2005 inventory only to meet the needs of the approved critical users, recognizing that such a restriction would not replace in whole or in part, the critical use nomination process. This restriction would ensure that those uses of methyl bromide that do not seek and receive a critical use nomination could not access pre-phaseout inventory.

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5137;

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RIN: 2060-AO29

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: Final, Statutory, October 17, 2011.

Abstract: Under the Clean Air Act Amendments of 1977, EPA is required to review the air quality criteria every 5 years for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) and, if appropriate, revise these standards. On October 17, 2006, the EPA published a final rule to revise the primary and secondary NAAQS for particulate matter (PM) to provide increased protection of public health and welfare. With regard to the primary standards for fine particles (generally referring to particles less than or equal to 2.5 micrometers in diameter, PM_{2.5}), EPA revised the level of the 24-hour PM_{2.5} standard to 35 micrograms per cubic meter (ug/m³) and retained the level of the annual PM_{2.5} standard at 15 ug/m³. With regard to primary standards for particles generally less than or equal to 10 micrometers in diameter (PM₁₀), EPA retained the 24-hour PM₁₀ standard and revoked the annual PM₁₀ standard. With regard to secondary PM standards, EPA made them identical in all respects to the primary PM standards, as revised. This review of the PM NAAQS is being conducted using a new NAAQS review process. The review began in 2007 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. The workshop discussions will provide important input as OAR and ORD consider the appropriate design and scope of the major elements that will inform the Agency's policy assessment under the new NAAQS process: An integrated plan highlighting the key policy-relevant issues prepared by OAR and ORD, an Integrated Science Assessment prepared by ORD, and a Risk/Exposure Assessment prepared by OAR. In addition, an ANPRM prepared by OAR will evaluate the policy implications of key information contained in the Integrated Science Assessment and Risk/Exposure Assessment, as well as additional appropriate technical analyses. The ANPRM will reflect Agency views regarding options to retain or revise the PM NAAQS. EPA will solicit comments from the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS, and the public several times during the development of the critical documents identified above, including the ANPRM. The

EPA—Clean Air Act (CAA)

Long-Term Actions

Administrator will propose to retain or revise the PM NAAQS, as appropriate, taking into consideration CASAC and public comment on the ANPRM. Input received during the public comment period for the proposed decision will be considered in the Administrator's final decision.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/10	
NPRM	01/00/11	
Final Action	10/00/11	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5169; EPA Docket information: EPA-HQ-OAR-2007-0492

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RIN: 2060-AO47

2911. NESHAP: AVIATION GASOLINE DISTRIBUTION MACT STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: CAA 112(c)(6)

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Aviation Gasoline Distribution facilities were listed as a source of alkylated lead emissions under Section 112(c)(6) of the Clean Air Act. Under this provision, EPA is required to subject these emission sources to standards under section 112(d)(2) or (d)(4). The scope of this rule has not been determined. We are also investigating the emission inventory for alkylated lead and the need to subject any source categories to new rules. We are currently in discussions to extend the court ordered schedule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	
Final Action	06/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5175;

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RIN: 2060-AO62

2912. REVIEW OF THE SECONDARY NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OXIDES OF NITROGEN AND OXIDES OF SULFUR

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, February 12, 2010, No court schedule has been ordered for this review as of yet. This date represents the date submitted by EPA to the court.

Final, Judicial, October 19, 2010, No court schedule has been ordered for this review as of yet. This date represents the date submitted by EPA to the court.

Abstract: The Clean Air Act Amendments of 1977 require EPA to review and, if appropriate, revise air quality criteria, primary (health-based), and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 11, 1995, the EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO₂). That action provided the Administrator's final determination, after careful evaluation of comments, that revisions to neither the primary nor the secondary NAAQS for NO₂ were appropriate at that time. On May

22, 1996, the EPA published a final decision that revisions of the primary and secondary NAAQS for sulfur dioxide (SO₂) were not appropriate at that time, aside from several minor technical changes. That action provided the Administrator's final determination, after careful evaluation of comments, that significant revisions to the primary and the secondary NAAQS for SO₂ would not be made at that time. On December 9, 2005, the EPA/ORD initiated the current periodic review of NO₂ air quality criteria with a call for information in the Federal Register. On May 3, 2006, the EPA/ORD initiated the current periodic review of SO₂ air quality criteria with a call for information in the Federal Register. The decision was made to review the secondary standards for NO₂ and SO₂ jointly while having separate reviews for the primary NO₂ (SAN 5111) and primary SO₂ (SAN 5163) standards. As part of the review process, the Agency will prepare an Integrated Review Plan, an Integrated Science Assessment, and a Risk/Exposure Assessment. These documents will be reviewed by the public and by the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS. The final documents will reflect the input received through these reviews. EPA will publish an Advance Notice of Proposed Rulemaking (ANPRM) that reflects the Agency's policy assessments and views regarding options to retain or revise the NO₂ and/or SO₂ secondary NAAQS. The Administrator will propose to retain or revise the NO₂ and/or SO₂ NAAQS, as appropriate, taking into consideration CASAC and public comment on the ANPRM. Input received during the public comment period for the proposed decision will be considered in the Administrator's final decision.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/09	
NPRM	02/00/10	
Final Action	11/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

EPA—Clean Air Act (CAA)

Long-Term Actions

Additional Information: SAN No. 5170;
EPA Docket information: EPA-HQ-OAR-2007-1145

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RIN: 2060-AO72

2913. • PROTECTION OF THE STRATOSPHERIC OZONE: MOTOR VEHICLE AIR CONDITIONING SYSTEM SERVICING

Priority: Substantive, Nonsignificant

Legal Authority: CAATitle VI

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: The motor vehicle air conditioning industry is considering a move to alternative refrigerants. This action would establish service, maintenance and equipment provisions, as required by the Clean Air Act, for new alternative refrigerants in the motor vehicle air conditioning sector. These provisions will help ensure the safe and effective servicing of motor vehicle air conditioning systems.

Timetable:

Action	Date	FR Cite
NPRM	11/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5206;

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RIN: 2060-AO75

**Environmental Protection Agency (EPA)
Clean Air Act (CAA)**

Completed Actions

2914. NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS: AMENDMENTS

Priority: Other Significant

CFR Citation: 40 CFR 63 (Revision)

Completed:

Reason	Date	FR Cite
Final Action	04/08/08	73 FR 18970

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

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RIN: 2050-AG35

Completed:

Reason	Date	FR Cite
NPRM	09/20/07	72 FR 53838
Final Action	12/26/07	72 FR 73180

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AM12

2916. NESHAP: AREA SOURCE STANDARDS—ETHYLENE OXIDE HOSPITAL STERILIZATION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	11/06/06	71 FR 64907
Final Action	12/28/07	72 FR 73611

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 2060-AM14

2917. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR IRON AND STEEL FOUNDRIES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	09/17/07	72 FR 52984
Final Action	01/02/08	73 FR 226

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Local, State

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2915. NESHAP: AREA SOURCE STANDARDS—CLAY CERAMICS MANUFACTURING, GLASS MANUFACTURING AND SECONDARY NONFERROUS METALS PROCESSING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63.11435, subpart RRRRRR; 40 CFR 63.11448, subpart SSSSSS; 40 CFR 63.11462, subpart TTTTTT

EPA—Clean Air Act (CAA)

Completed Actions

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RIN: 2060-AM36

2918. NESHAP FOR STAINLESS AND NONSTAINLESS STEEL ELECTRIC ARC FURNACE (EAF) MANUFACTURING—AREA SOURCE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	09/20/07	72 FR 53814
Final Action	12/28/07	72 FR 74088

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060-AM71

2919. NESHAP: GASOLINE DISTRIBUTION AREA SOURCE STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	11/09/06	71 FR 66064
NPRM; extension of public comment period	01/08/07	72 FR 726
Final Action	01/10/08	73 FR 1916

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AM74

2920. STANDARDS OF PERFORMANCE FOR STATIONARY SPARK IGNITED INTERNAL COMBUSTION ENGINES AND AREA SOURCE NESHAP FOR RICE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
NPRM	06/12/06	71 FR 33804
Final Action	01/18/08	73 FR 3568

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 2060-AM81

2921. NESHAP: IRON AND STEEL FOUNDRIES; AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action 1	05/20/05	70 FR 29400
Final Action 2	02/07/08	73 FR 7210

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AM85

2922. REVISIONS TO THE CONTINUOUS EMISSIONS MONITORING RULE FOR THE ACID RAIN PROGRAM AND THE NOX BUDGET TRADING PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 75 (Revision)

Completed:

Reason	Date	FR Cite
NPRM	08/22/06	71 FR 49254
Final Action	01/24/08	73 FR 4312

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AN16

2923. NESHAP: PAINT STRIPPING AND MISCELLANEOUS SURFACE COATING OPERATIONS—AREA SOURCES (INCLUDES AUTOBODY, PAINT STRIPPING, AND MISC. COATING PLASTIC PARTS)

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	09/17/07	72 FR 52958
Final Action	01/09/08	73 FR 1738

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

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RIN: 2060-AN21

EPA—Clean Air Act (CAA)

Completed Actions

2924. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 50

Completed:

Reason	Date	FR Cite
Final Action	03/27/08	73 FR 16435

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.

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RIN: 2060-AN24

2925. IMPLEMENTATION RULE FOR 8-HOUR OZONE NAAQS: RECONSIDERATION; OVERWHELMING TRANSPORT CLASSIFICATION

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Withdrawn	01/08/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

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RIN: 2060-AN26

2926. NESHAP: ORGANIC LIQUID DISTRIBUTION (NON-GASOLINE); LITIGATION AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn	02/08/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AN37

2927. ACTION ON PETITION TO LIST DIESEL EXHAUST AS A HAZARDOUS AIR POLLUTANT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn	02/22/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AN49

2928. NESHAP: AREA SOURCE STANDARDS—RECIPROCATING INTERNAL COMBUSTION ENGINES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn	11/09/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060-AN62

2929. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR AEROSOL COATINGS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 59 subpart E

Completed:

Reason	Date	FR Cite
Final Action	03/24/08	73 FR 15603

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AN69

2930. NEW SOURCE PERFORMANCE STANDARDS (NSPS): EQUIPMENT LEAKS—SUBPARTS VV & GGG

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
NPRM	11/07/06	71 FR 65302
NPRM; extension of comment period	01/08/07	72 FR 724
Notice of Data Availability (NODA)	07/09/07	72 FR 37157
Final Action	11/16/07	72 FR 64860

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

EPA—Clean Air Act (CAA)

Completed Actions

Government Levels Affected: None

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RIN: 2060-AN71

2931. TRANSPORTATION CONFORMITY RULE AMENDMENTS TO IMPLEMENT PROVISIONS CONTAINED IN THE 2005 TRANSPORTATION BILL (SAFETEA-LU)

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 93; 40 CFR 51.390

Completed:

Reason	Date	FR Cite
NPRM	05/02/07	72 FR 24472
Final Action	01/24/08	73 FR 4420

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

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RIN: 2060-AN82

2932. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): REASONABLE POSSIBILITY IN RECORDKEEPING

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 51 app S; 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21

Completed:

Reason	Date	FR Cite
NPRM	03/08/07	72 FR 10445
Final Action	12/21/07	72 FR 72607

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AN88

2933. EXTENSION OF THE DEFERRED EFFECTIVE DATE FOR 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR THE DENVER EARLY ACTION COMPACT

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 81

Completed:

Reason	Date	FR Cite
NPRM	03/01/07	72 FR 9285
Final Action	06/28/07	72 FR 35356
Final Action 2	09/21/07	72 FR 53952

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

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RIN: 2060-AO05

2934. CHANGE IN REGULATORY DEADLINE FOR RULEMAKING TO ADDRESS THE CONTROL OF EMISSIONS FROM NEW MARINE COMPRESSION-IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 94

Completed:

Reason	Date	FR Cite
NPRM	04/27/07	72 FR 20977
Direct Final Action	04/27/07	72 FR 20948

Reason	Date	FR Cite
Withdrawal of Direct Final	06/19/07	72 FR 33694
Final Action	12/07/07	72 FR 69522

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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2935. PROTECTION OF STRATOSPHERIC OZONE: EXTENSION OF GLOBAL LAB AND ANALYTICAL USE EXEMPTION FOR ESSENTIAL CLASS I OZONE DEPLETING SUBSTANCES

Priority: Substantive, Nonsignificant
CFR Citation: 40 CFR 82.8(b)

Completed:

Reason	Date	FR Cite
NPRM	09/13/07	72 FR 52332
Final Action	12/27/07	72 FR 73264

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AO28

2936. PROTECTION OF THE STRATOSPHERIC OZONE: THE 2008 CRITICAL USE EXEMPTION FROM THE PHASEOUT OF METHYL BROMIDE

Priority: Other Significant
CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
Notice of Solicitation of Applications	04/17/07	72 FR 19197

EPA—Clean Air Act (CAA)

Completed Actions

Reason	Date	FR Cite
NPRM	08/27/07	72 FR 48956
Final Action	12/28/07	72 FR 74118

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AO30

2937. PROTECTION OF STRATOSPHERIC OZONE: REVISION OF REFRIGERANT RECYCLING AND RECOVERY EQUIPMENT STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
Direct Final Action	11/09/07	72 FR 63490

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AO32

2938. NONROAD DIESEL TECHNICAL AMENDMENTS

Priority: Info./Admin./Other

CFR Citation: 40 CFR 89; 40 CFR 1039

Completed:

Reason	Date	FR Cite
NPRM	09/18/07	72 FR 53204
Direct Final Action	09/18/07	72 FR 53118
Final Action; Partial Withdrawal; Revision	12/26/07	72 FR 72955

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AO37

2939. REVISIONS TO CONSOLIDATED FEDERAL AIR RULE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 65

Completed:

Reason	Date	FR Cite
NPRM	08/27/07	72 FR 48953
Direct Final Action	08/27/07	72 FR 48938
Final—Correction	12/28/07	72 FR 73625

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2060-AO45

2940. PUBLIC NOTIFICATION OF UPCOMING REVISIONS TO STATE IMPLEMENTATION PLANS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51.102(d)(1)

Completed:

Reason	Date	FR Cite
Withdrawn	04/15/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 2060-AO49

2941. NATIONAL PERCHLOROETHYLENE AIR EMISSION STANDARDS FOR DRY CLEANING FACILITIES: CORRECTIONS

Priority: Info./Admin./Other

CFR Citation: 40 CFR 63 subpart M

Completed:

Reason	Date	FR Cite
Direct Final Action	04/01/08	73 FR 17252

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AO52

2942. RULEMAKING TO ADDRESS GREENHOUSE GAS EMISSIONS FROM MOTOR VEHICLES

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 86, 40 CFR 80

Completed:

Reason	Date	FR Cite
Withdrawn	03/05/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AO56

2943. INTERPRETATION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PM2.5—CORRECTING AND SIMPLIFYING AMENDMENT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 50

EPA—Clean Air Act (CAA)

Completed Actions

Completed:

Reason	Date	FR Cite
Direct Final Action	01/09/08	73 FR 1497

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2060-AO59

2944. NATIONAL EMISSIONS STANDARDS FOR ASBESTOS—AMENDMENTS (WITHDRAWN)

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 61.140 to 61.157

Completed:

Reason	Date	FR Cite
Withdrawn	01/15/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

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RIN: 2060-AO64

2945. IN-USE TESTING FOR HEAVY-DUTY DIESEL ENGINES AND VEHICLES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
NPRM	03/13/08	73 FR 13518
Direct Final Action	03/13/08	73 FR 13441

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060-AO69

2946. • FINAL 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY DESIGNATIONS FOR EARLY ACTION COMPACT AREAS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7407; 42 USC 7501 to 7515; 42 USC 7601

CFR Citation: 40 CFR 81

Legal Deadline: Final, Judicial, April 7, 2008, Needs by 4/15—effective date of current deferral for remaining 13 areas with deferred design-label non-attainment if not effective on 4/15.

Abstract: This final EAC action proposes to designate 13 EAC areas as attainment for the 8-hour NAAQS. The Denver EAC area has become nonattainment effective November 2007. The current deferral date for these 13 areas is April 15, 2008. This FR notice also proposes to revoke the 1-hour ozone standard for these areas 1 year after their designations are effective. This proposal must be signed and published in time to allow a 15 day comment period and to go final with publication by April 15, 2008.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6863
NPRM Comment Period End	02/21/08	
Final Action	04/02/08	73 FR 17897

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4839.7; EPA publication information: NPRM - <http://a257.g.akamaitech.net/7/257/2422/01jan20081800/edocket.access.gpo.gov/2008/pdf/E8-2187.pdf>; Split from RIN 2060-AO05. Split from RIN 2060-AN90. Split from

RIN 2060-AN04. Split from RIN 2060-AM03. Promulgation of SAN 4839 will include the material formerly proposed as SAN 4798. SAN 4798 has been merged into SAN 4839.; EPA Docket information: EPA-HQ-OAR-2008-0006

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RIN: 2060-AO83

2947. • ACRYLIC/MODACRYLIC FIBERS, CHEMICAL MANUFACTURING: CHROMIUM COMPOUNDS, FLEXIBLE FOAM FABRICATION AND FOAM PROD, CARBON BLACK PROD, LEAD ACID BATTERY MFG. WOOD PRESERVING; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: We received a petition for review from Battery Council International (BCI) on September 13, 2007 regarding the “National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving; Final Rule. Clarification was requested by the BCI on when tests that demonstrate compliance with the rule (known as performance tests) need to be performed. Since we are amending the rule to clarify the performance test timing for the BCI, we are taking the opportunity to correct several technical errors in the rule for the other 6 categories as well. These errors include typos, paragraphs that point to other paragraphs incorrectly, and clarifications on Section numbers.

EPA—Clean Air Act (CAA)

Completed Actions

Timetable:

Action	Date	FR Cite
Direct Final Action	03/26/08	73 FR 15923

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5012.1; Split from RIN 2060-AN44.; EPA Docket information: EPA-HQ-OAR-2006-0897

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RIN: 2060-AO85

2948. • NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR AEROSOL COATINGS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59 subpart E

Legal Deadline: None

Abstract: This action corrects and clarifies certain text of the final rule entitled “National Volatile Organic Compound Emission Standards for Aerosol Coatings,” signed by the Administrator November 15, 2007. EPA subsequently determined that certain explanatory and regulatory text in the final rule contained incorrect and possibly confusing statements on how compounds are added to the list in Table 2A, and how distributors are defined for the purposes of the final rule. This action corrects those technical errors. These corrections do not affect the substance of the final rules, nor do they change the rights or obligations of any party. Rather, this action merely corrects certain technical errors in the final rules.

Timetable:

Action	Date	FR Cite
Direct Final Action	03/24/08	73 FR 15421

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5030.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/July/Day-16/a13108.htm>; Split from RIN 2060-AN69.; EPA Docket information: EPA-HQ-OAR-2006-0971

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RIN: 2060-AO86

2949. • APPROVAL OF LOUISIANA'S PETITION TO RELAX THE SUMMER GASOLINE VOLATILITY STANDARD FOR THE GRANT PARISH AREA

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414, 7545 and 7601(a)

CFR Citation: 40 CFR 80.27

Legal Deadline: None

Abstract: EPA is approving the State of Louisiana's request to relax the federal Reid Vapor Pressure (RVP) standard applicable to gasoline introduced into commerce in the former Grant Parish ozone nonattainment area (Grant Parish) from June 1 to September 15 of each year. This action amends our regulations to change the summertime RVP standard for Grant Parish from 7.8 pounds per square inch (psi) to 9.0 psi. EPA has determined that this change to our federal RVP regulations is consistent with criteria of Clean Air Act sections 107(d)(3) and 110(a), which require a nonattainment area to be redesignated to attainment and develop a maintenance plan demonstrating that the use of 9.0 psi gasoline will not interfere with the attainment status for the duration of the plan. Louisiana's request is supported by evidence that

Grant Parish can implement the 9.0 psi standard and maintain ozone attainment.

Timetable:

Action	Date	FR Cite
NPRM	02/13/08	73 FR 8251
Direct Final Action	02/13/08	73 FR 8202

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5188; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2008/February/Day-13/a2705.pdf>;

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RIN: 2060-AO87

2950. • CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES: EARLY CREDIT TECHNOLOGY REQUIREMENT REVISION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7414, 7542, 7545, 7601(a)

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This action revises the February 26, 2007 mobile source air toxics rule (MSAT2) requirement that a refiner make operational changes and/or improvements in benzene control technology to reduce gasoline benzene levels in order to qualify to produce early benzene credits. The regulatory requirement contained in the February 26, 2007 final rule lists four allowable operational or technological changes; this action allows another specific benzene control technology, benzene alkylation. This action also includes a general provision that allows a refiner to submit a request to EPA to approve other benzene-reducing operational changes or technologies,

EPA—Clean Air Act (CAA)

Completed Actions

thus allowing the refiner to qualify for generating early credits.

Timetable:

Action	Date	FR Cite
Direct Final Action	03/12/08	73 FR 13132

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5209;

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RIN: 2060-AO89

2951. • FINDINGS OF FAILURE TO SUBMIT RELATED TO SECTION 110(A)(2) SIP SUBMITTALS

Priority: Other Significant

Legal Authority: sec 110(a) of the Clean Air Act

CFR Citation: 40 CFR 52

Legal Deadline: Final, Judicial, March 17, 2008. An extension was received from Earthjustice for the signature of the ozone notice by the CAA by March 17, 2008.

Abstract: This final rule would make a finding that certain States have failed to submit State Implementation Plans (SIPs) to satisfy the requirements of section 110(a)(1) and (2) of the Clean Air Act (CAA) for the 8-hour ozone National Ambient Air Quality Standards (NAAQS). Section 110(a)(1) of the CAA requires that States submit SIPs to meet the applicable requirements of section 110(a)(2) within 3 years after the promulgation of a new or revised NAAQS, or within such shorter period as EPA may provide. Pursuant to section 110(a)(1), States are required to submit SIPs that satisfy the requirements of section 110(a)(2) related to attainment, maintenance, and enforcement of the NAAQS for the 8-hour ozone standard. At present, certain States have not yet submitted SIPs to satisfy these requirements of the Act, and EPA is by this action making a finding of failure to submit, which starts a 2 year clock for the promulgation of a Federal Implementation Plan (FIP) by EPA unless, prior to that time, the affected

States make a submission that meets the requirements of section 110(a)(2) for the 8-hour ozone standard.

Timetable:

Action	Date	FR Cite
Final Action	03/27/08	73 FR 16205

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5229; EPA Docket information: EPA-HQ-OAR-2007-1173

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RIN: 2060-AP03

Environmental Protection Agency (EPA)

Proposed Rule Stage

Atomic Energy Act (AEA)

2952. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW-ACTIVITY MIXED RADIOACTIVE WASTE

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 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

that 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 Advance 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	04/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4054;

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RIN: 2060-AH63

2953. TECHNICAL CHANGE TO DOSE METHODOLOGY

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

EPA—Atomic Energy Act (AEA)

Proposed Rule Stage

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 12. 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 126. 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	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4003;

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RIN: 2060-AH90

Environmental Protection Agency (EPA)

Final Rule Stage

Atomic Energy Act (AEA)

2954. 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	05/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4964; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-22/a16193.htm>; EPA Docket information: EPA-HQ-OAR-2005-0083

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RIN: 2060-AN15

Environmental Protection Agency (EPA)
Noise Control Act (NCA)

Proposed Rule Stage

2955. REVISION OF HEARING-PROTECTOR REGULATIONS

Priority: Substantive, Nonsignificant
Legal Authority: Noise Control Act of 1972, sec 8
CFR Citation: 40 CFR 211, subpart B
Legal Deadline: None

Abstract: The Office of Air and Radiation plans to undertake a revision of EPA’s regulation at 40 CFR Part 211, Subpart B, regarding the labeling of products that are sold wholly or in part on the basis of their ability to reduce the level of sound entering a person’s ears, typically referred to as “Hearing Protectors.” This action is being taken

under the authority of Section 8 of the Noise Control Act of 1972, which authorizes EPA to revise the current compliance test methodologies as necessary, and incorporate new test methods and rating schemes to address hearing protector technologies that have evolved since initial promulgation of the regulation in 1979.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5102;

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RIN: 2060-AO25

Environmental Protection Agency (EPA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

2956. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS

Priority: Other Significant
Legal Authority: 7 USC 136 to 136y
CFR Citation: 40 CFR 158 and 161
Legal Deadline: None

Abstract: EPA will update and revise its pesticide data requirements for antimicrobial pesticide products. The revisions will revise its existing data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for antimicrobial pesticides, including product chemistry and residue chemistry, toxicology, and environmental fate and effects.

www.epa.gov/pesticides/regulating/data.htm

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RIN: 2070-AD30

Fungicide, and Rodenticide Act (FIFRA). The existing Rules of Practice were originally promulgated by EPA in 1973. In the subsequent 35 years, Congress has substantially amended FIFRA, creating a number of additional types of licensing adjudications that 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 that have evolved and the precedents that have been established since these rules were first promulgated, EPA intends to revise the FIFRA Rules of Practice.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4618; Previously listed as RIN 2020-AA44.

Sectors Affected: 112 Animal Production; 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing

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Timetable:

Action	Date	FR Cite
NPRM	08/00/08	

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:

2957. 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 revision of the Rules of Practice governing the conduct of licensing adjudications under the Federal Insecticide,

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

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Related RIN: Previously reported as 2020-AA44
RIN: 2015-AA00

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RIN: 2070-AJ28

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RIN: 2070-AJ29

2958. 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. The first revision in a series of revisions to the crop grouping regulations was finalized in December 2007. The next action is expected in 2008.

Timetable:

Action	Date	FR Cite
NPRM 1	05/23/07	72 FR 28920
Final Action 1	12/07/07	72 FR 69150
Final Action 1; Technical Amendment	01/02/08	73 FR 51
NPRM 2	12/00/08	

Regulatory Flexibility Analysis

Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: SAN No. 5031; EPA publication information: NPRM 1 - <http://www.epa.gov/fedrgstr/EPA-PEST/2007/May/Day-23/p9595.htm>; EPA Docket information: EPA-HQ-OPP-2006-0766

URL For More Information:

cfpub1.epa.gov/oppref/food_feed/index.cfm

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2959. PESTICIDE AGRICULTURAL CONTAINER RECYCLING PROGRAM

Priority: Other Significant
Legal Authority: 7 USC 136 to 136y
CFR Citation: 40 CFR 165
Legal Deadline: None

Abstract: EPA is proposing a regulation that would require certain pesticide registrants to recycle certain plastic pesticide containers. All registrants who sell agricultural and professional specialty pesticides in rigid, nonrefillable high density polyethylene (HDPE) containers (with capacities of 55 gallons or less) would have to recycle, each year, a quantity of HDPE equivalent to a specified percentage (20, 30 or 40 percent or more) of the weight of all rigid nonrefillable HDPE containers used for their pesticide products during the previous calendar year. Pesticide container recycling programs subject to the proposed rule would be required to meet the American National Standards Institute and American Society of Agricultural and Biological Engineers Standard S569 for "Recycling Plastic Containers from Pesticides and Pesticide-Related Products." The proposed regulation is intended to protect human health and the environment by promoting recycling of pesticide containers to reduce the risk of unreasonable adverse effects to public health and the environment that may be associated with certain nonrefillable pesticide containers and the associated residues.

Timetable:

Action	Date	FR Cite
NPRM	08/00/08	

Regulatory Flexibility Analysis

Required: Undetermined
Small Entities Affected: Businesses
Government Levels Affected: Undetermined
Additional Information: SAN No. 5050;

2960. • PESTICIDES; REVISIONS TO PESTICIDE CONTAINER/CONTAINMENT RULE

Priority: Substantive, Nonsignificant
Legal Authority: 7 USC 136 to 136y
CFR Citation: 40 CFR 156 and 165
Legal Deadline: None

Abstract: EPA will propose to make minor changes to the final rule: 'Pesticide Management and Disposal; Standards for Pesticide Containers and Containment.' The proposed changes include: 1) The correction of minor typographical errors; 2) an extension of the compliance date for the required label statements; 3) a revision of the phrase "distributed or sold" to "released for shipment" as associated with all of the compliance dates; 4) an exemption of some container types from portions of the required label language; and 5) a revision to allow registrants to request exceptions to or modifications of the required label language based on the nature of their product containers.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	

Regulatory Flexibility Analysis

Required: No
Small Entities Affected: No
Government Levels Affected: Federal
Additional Information: SAN No. 5223;
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EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

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RIN: 2070–AJ37

Environmental Protection Agency (EPA)

Final Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

2961. ENDOCRINE DISRUPTOR SCREENING PROGRAM (EDSP); POLICY AND PROCEDURES FOR INITIAL SCREENING

Priority: Other Significant

Legal Authority: 15 USC 2603 TSCA; 21 USC 346(a) FFDCA; 42 USC 300(a)(17) SDWA; 7 USC 136 FIFR

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. A Federal Advisory Committee Act committee has provided advice to the EDSP on assay development and validation. For chemical testing priorities, the approach to selecting the first 50 to 100 chemicals was finalized in September 2005 (70 FR 56449) and EPA implemented that approach. EPA published a draft list of 73 pesticide active ingredients and high production volume (HPV) pesticide inert chemicals for initial screening in June 2007 (72 FR 33486). The public comment period for the draft initial list ended on February 11, 2008. EPA intends to commence Tier 1 screening of the first group of pesticide chemicals by issuing test orders under FFDCA section 408(p) to chemical companies identified as the manufacturer or processor of the

identified chemicals, including the pesticide registrant. EPA has developed draft implementation policies and procedures that describe the procedures that EPA will use to issue orders, the procedures that order recipients would use to respond to the order, how data protection and compensation will be addressed in the test orders, and other related procedures or policies. The draft policies and procedures for the initial EDSP testing was made available for public comment with Federal Register Notice published December 13, 2007. The public comment period for the draft policies and procedures for the initial EDSP testing was extended to March 12, 2008 by a notice in the Federal Register dated February 6, 2008.

Timetable:

Action	Date	FR Cite
Notice; Draft Procedures	12/13/07	72 FR 70842
Final; Procedures	08/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4728; EPA publication information: Notice; Draft Procedures - <http://www.epa.gov/fedrgstr/EPA-TOX/2007/December/Day-13/t24166.pdf>; EPA Docket information: EPA-HQ-OPPT-2007-1080

URL For More Information: www.epa.gov/scipoly/oscpendo/index.htm

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RIN: 2070–AD61

2962. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE

Priority: Substantive, Nonsignificant

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 re-examined 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; Metolachlor	02/23/00	65 FR 8925
Supplemental Notice & Extension of Comment Period	03/24/00	65 FR 15885

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

Action	Date	FR Cite
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Notice: Withdrawal of NPRM	08/00/08	
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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 3222; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/1996/June/Day-26/pr-768.html>;

Sectors Affected: 9241 Administration of Environmental Quality Programs

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RIN: 2070-AC46

Environmental Protection Agency (EPA)

Long-Term Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

2963. PESTICIDES; TOLERANCE PROCESSING FEES

Priority: Other Significant

Legal Authority: 21 USC 346(a)

CFR Citation: 40 CFR 180; 40 CFR 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 1	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: www.epa.gov/pesticides/regulating/fees/index.htm

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RIN: 2070-AJ23

2964. 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 that 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 Original	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	04/18/07	72 FR 19589
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4602; EPA publication information: Supplemental NPRM 3-Request for Comment on Alternate Name; 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

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Long-Term Actions

Physical Sciences and Engineering Sciences

URL For More Information:

www.epa.gov/pesticides/biopesticides/pips/index.htm

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RIN: 2070-AD49

2965. 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: The Agency has determined that the record for this action, which was originally proposed in 1994, does not address the scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule. In 1994, EPA believed that the proposed exemption for PIPs derived through genetic engineering from plants sexually compatible with the recipient plant had the potential to cover a number of low-risk products. However, experience in the last decade has shown that such PIPs have not been developed in great numbers. If EPA were to pursue such an exemption in the future, the Agency would issue a new proposed rule. As such, EPA is considering withdrawing the 1994 proposal. Withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. If withdrawn, the Agency would create a new entry in the Regulatory Agenda once the Agency decided to pursue such a rulemaking in the future.

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

Action	Date	FR Cite
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
Notice; Withdrawal of NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4611; EPA publication information:

Supplemental NPRM 4 - <http://www.epa.gov/fedrgstr/EPA-PEST/2001/July/Day-19/p17984.htm>; 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:

www.epa.gov/pesticides/biopesticides/pips/index.htm

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RIN: 2070-AD55

2966. 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: The Agency has determined that the record for this action, which was originally proposed in 1994, does not address the scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule. In 1994, EPA believed that the proposed exemption for PIPs that act by primarily affecting the plant had the potential to cover a number of low-risk products. However, experience in the last decade has shown that such PIPs have not been developed in great numbers. If EPA were to pursue such an exemption in the future, the Agency would issue a new proposed rule. As such, EPA is considering withdrawing the 1994 proposal. Withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. If withdrawn, the Agency would create a new entry in the Regulatory Agenda once the Agency decided to pursue such a rulemaking in the future.

Timetable:

Action	Date	FR Cite
NPRM Original	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
Notice; Withdrawal of NPRM	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:

www.epa.gov/pesticides/biopesticides/pips/index.htm

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Long-Term Actions

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RIN: 2070-AD56

2967. 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; EPA publication information: Final

Action 1 - http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=fr14de01-9.pdf;

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: www.epa.gov/oppad001/regpolicy.htm

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RIN: 2070-AD14

2968. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS

Priority: Other Significant

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 to better protect pesticide applicators and the public and the environment from harm due to pesticide exposure. Changes may include having certain occupational users of pesticides demonstrate competency by meeting minimum competency requirements. 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	06/00/10	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5007;

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RIN: 2070-AJ20

2969. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

Priority: Other Significant

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 intended to improve agricultural workers' ability to protect themselves from potential exposure to pesticides and pesticide residues. In addition, EPA is proposing to make 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, with improved worker safety the intended outcome. The need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004.

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Long-Term Actions

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	06/00/10	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 5006;

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RIN: 2070-AJ22

2970. 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: In 2004, the Agency stated that it considered prions (proteinaceous infectious particles) to be a “pest” under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Agency intends to issue a Notice of Proposed Rulemaking that will propose to incorporate prions into the definition of “pests” at 40 CFR 152.5.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4985;

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RIN: 2070-AJ26

2971. PESTICIDES; DATA REQUIREMENTS FOR PLANT-INCORPORATED PROTECTANTS (PIPS)

Priority: Other Significant

Legal Authority: 7 USC 136a; 7 USC 136w

CFR Citation: 40 CFR 158 and 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.

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 5005;

URL For More Information:

www.epa.gov/oppbpd1/biopesticides/pips/index.htm

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RIN: 2070-AJ27

2972. REGULATIONS TO FACILITATE COMPLIANCE WITH THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT BY PRODUCERS OF PLANT-INCORPORATED PROTECTANTS (PIPS)

Priority: Other Significant

Legal Authority: 7 USC 136 et seq

CFR Citation: 40 CFR 174; 40 CFR 152; 40 CFR 156; 40 CFR 167; 40 CFR 168; 40 CFR 169; 40 CFR 172

Legal Deadline: None

Abstract: Plant-Incorporated Protectants (PIPs) are pesticidal substances intended to be produced and used in living plants and the genetic material needed for their production. EPA has been regulating PIPs under FIFRA, including issuing experimental use permits and commercial registrations, for over 10 years, with the first commercial registration of a PIP under FIFRA issued in 1995. On July 19, 2001, EPA published rules establishing much of the current regulatory structure for PIPs. This rulemaking effort is intended to address the issues that were not addressed in 2001, including defining the nature of regulated production of PIPs and associated issues such as reporting, product labeling and recordkeeping. The rule will affect those persons who produce PIPs and is expected to clarify the legal requirements of their products at various production phases, improving their ability to conduct business. It is expected to also improve the ability of the EPA to identify and respond to instances where there are potentially

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Long-Term Actions

significant violations. EPA also intends to address activities that the Agency does not believe warrant regulation and will consider exempting those activities, as appropriate, from FIFRA in whole or in part.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/07	72 FR 16312
Notice of Public Meeting	04/11/07	72 FR 18191
ANPRM: Extension of Comment Period	05/23/07	72 FR 28911
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses
Government Levels Affected: Federal, State

Additional Information: SAN No. 5082; EPA publication information: ANPRM - <http://www.epa.gov/fedrgstr/EPA-PEST/2007/April/Day-04/p6151.htm>; EPA Docket information: EPA-HQ-OPP-2006-1003

URL For More Information: www.epa.gov/pesticides/biopesticides/pips/proposals/comments_pip_requirements.htm

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RIN: 2070-AJ32

Environmental Protection Agency (EPA)

Completed Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

2973. PLANT-INCORPORATED PROTECTANT—FUSION PROTEINS (PIP-FPS)

Priority: Other Significant
CFR Citation: 40 CFR 174.3

Completed:

Reason	Date	FR Cite
Withdrawn	03/10/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None

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RIN: 2070-AJ33

Environmental Protection Agency (EPA)

Prerule Stage

Toxic Substances Control Act (TSCA)

2974. TEST RULE; NONYLPHENOL (NP) AND ITS ETHOXYLATES (NPE)

Priority: Substantive, Nonsignificant
Legal Authority: 15 USC 2603 TSCA 4
CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: In June 2007, EPA received a petition under Section 21 of the Toxic Substances Control Act (TSCA) requesting that EPA require manufacturers and importers of nonylphenol (NP) and nonylphenol ethoxylates (NPEs) to conduct certain health and safety studies under TSCA section 4. Based on its review of the information submitted in support of the petition, additional information obtained by EPA, and public comments, EPA granted the request to initiate a proceeding to require chronic aquatic toxicity testing. In order to develop a properly tailored test requirement that would provide EPA

with sufficient data to make a reasoned evaluation of the environmental effects of NPEs, EPA will commence the proceeding by issuing an ANPRM that solicits public comment on several testing issues prior to the issuance of a proposed rule. In that ANPRM, EPA also intends to request public comment on potential additional testing related to certain of the other section 4 requests for NP and NPEs raised in the petition.

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

Action	Date	FR Cite
NPRM: Batch SNUR Revocation	10/06/06	71 FR 59066
Direct Final Action: Certain Chemical Substances Batch FY07-1	03/29/07	72 FR 14681
Direct Final Action: Certain Chemical Substances, Batch FY07-2	09/19/07	72 FR 53470
NPRM- Proposed SNURs on Certain Chemical Substances	05/00/08	
Direct Final Action: Certain Chemical Substances, Batch FY08-1	05/00/08	
Direct Final Action: Certain Chemical Substances, Batch FY09-1	12/00/09	
Final Action: Batch SNUR Revocation	12/00/09	

EPA—Toxic Substances Control Act (TSCA)

Prerule Stage

Action	Date	FR Cite
Final: Alkenyl Ether of Alkanetriol Polymer (93-458)	12/00/09	
Final: Aromatic Amino Ether (P90-1840)	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3495; EPA publication information: NPRM: Batch SNUR Revocation - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/October/Day-06/t16574.htm>;

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

URL For More Information: www.epa.gov/opptintr/newchems/cnosnurs.htm

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RIN: 2070-AB27

2976. 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 that 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. When finalized on March 16, 2006, the number of chemicals included in the first final rule was reduced to 17 based on new information on annual production volumes, worker exposure, and commitments to the voluntary HPV Challenge Program. Subsequent test rules, including a proposed rule scheduled to be published in spring of 2008 are expected to require similar screening level testing for additional 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
Direct Final Action; Revocation; Coke-Oven Light Oil (Coal)	12/08/06	71 FR 71058
NPRM 2	05/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3990; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2000/December/Day-26/t32497.htm>; 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

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RIN: 2070-AD16

2977. • POLYCHLORINATED BIPHENYLS (PCBS); MANUFACTURING (IMPORT) EXEMPTION FOR DISPOSAL

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 that does not pose an unreasonable risk of injury to health or the environment. This entry is intended to capture petitions that request an exemption to dispose of PCBs. These petitions are managed by the Office of Solid Waste. Any petitions for exemptions to manufacture PCBs other than import for disposal are still managed by the Office of Pollution Prevention and Toxics, and are captured by a separate Regulatory Agenda entry.

Currently, one petition is pending. On November 14, 2006, Veolia ES Technical Solutions submitted a petition to EPA to import up to 20,000 tons of PCB waste from Mexico for disposal at Veolia's TSCA-approved facility in Port Arthur, Texas.

Timetable:

Action	Date	FR Cite
NPRM: Veolia Petition	03/06/08	73 FR 12053
NPRM Comment Period Extended	06/05/08	
Final Action: Veolia Petition	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

EPA—Toxic Substances Control Act (TSCA)

Prerule Stage

Additional Information: SAN No. 2150.2; EPA publication information: NPRM: Veolia Petition - <http://www.epa.gov/fedrgstr/EPA-TOX/2008/March/Day-06/t4429.pdf>; Split from RIN 2070-AB20.; EPA Docket information: EPA-HQ-RCRA-2008-0123

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

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RIN: 2050-AG42

2978. 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 that may be used in RUF to meet the RUF Flammability Standard. 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 would 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	03/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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

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RIN: 2070-AD48

Environmental Protection Agency (EPA) Toxic Substances Control Act (TSCA)

Final Rule Stage

2979. 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: Withdrawal of NPRM	06/00/08	

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/>

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EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

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RIN: 2070-AC21

2980. 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: On March 7, 2006, 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 Final Action	03/07/06 10/00/08	71 FR 11485

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4635; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/March/Day-07/t2152.pdf>; EPA Docket information: EPA-HQ-OPPT-2002-0051

Sectors Affected: 325 Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 326 Plastics and Rubber Products Manufacturing

URL For More Information: www.epa.gov/oppt/newchems/

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RIN: 2070-AD58

2981. 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 Rule for 51st ITC List (has actions from lists 43, 47, and 50)	05/04/04	69 FR 24517
Final Rule for 55th 56th and 58th ITC Lists	08/16/06	71 FR 47130
Final Rule for 60th ITC List	01/29/08	73 FR 5109
Final Action for 61st ITC List	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 1139; EPA publication information: Final Rule for 55th 56th and 58th ITC Lists - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/August/Day-16/t13489.htm>;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070-AB11

2982. 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

EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

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 as chemicals are identified.

Timetable:

Action	Date	FR Cite
NPRM: 2,4-Pentanedione	09/27/89	54 FR 39548
NPRM: Heavy Metals Final: 2,4 Pentanedione	01/15/02 12/00/08	67 FR 1937
Final: Heavy Metals	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 1923;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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RIN: 2070-AA58

2983. VOLUNTARY HIGH PRODUCTION VOLUME (HPV) CHEMICAL CHALLENGE PROGRAM

Priority: Other Significant

Legal Authority: 15 USC 2601 et seq (TSCA)

CFR Citation: Not Yet Determined

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 that 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: Announces Program	12/26/00	65 FR 81686
Notice: Report on Status	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: SAN No. 4176; EPA publication information: Notice; Announces Program - <http://www.epa.gov/fedrgstr/EPA-TOX/2000/December/Day-26/t32497.pdf>; 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

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RIN: 2070-AD25

2984. TESTING AGREEMENT FOR PERFLUOROCTANOIC ACID (PFOA)

Priority: Other Significant

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 and participate in negotiations for developing several industry sponsored testing programs concerning fluoropolymers and fluorotelomer based polymers that 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

EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

Action	Date	FR Cite
Final: ECA and CO for Fluorotelomer-based Polymer Chemicals Incineration	07/08/05	70 FR 39624
Notice: Telomer Report	08/00/08	
Notice: Fluoropolymer Report	10/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.1; EPA publication information: Final: ECA and CO for Fluorotelomer-based Polymer Chemicals Incineration - <http://www.epa.gov/fedrgstr/EPA-TOX/2005/July/Day-08/t13492.htm>; EPA Docket information: EPA-HQ-OPPT-2003-0012

URL For More Information: www.epa.gov/oppt/pfoa/index.htm

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RIN: 2070-AJ06

2985. 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 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 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 the health effects testing data specified in the proposed HAPs Section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	06/00/08	
Final: ECA and Consent Order 2	06/00/09	

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

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RIN: 2070-AJ09

2986. CLARIFICATION ON TSCA INVENTORY STATUS OF ACTIVATED PHOSPHORS

Priority: Info./Admin./Other

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: EPA is clarifying the chemical identification of activated phosphors for purposes of the Toxic Substances Control Act (TSCA) Chemical Substance Inventory (TSCA Inventory). When an activated phosphor chemical is electrically excited, it emits light and the chemicals are then used in applications such as televisions, identifying counterfeit bills, and light-emitting diodes (LEDs). Specifically, the Agency is clarifying that an activated phosphor 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 the Inventory status of activated phosphors has not been well understood by industry 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 has sought public comment through a clarification proposed in the Federal Register on draft interpretation in this area to ensure that the necessary clarity is provided. EPA intends to complete

EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

this activity with a Final notice in late 2008.

Timetable:

Action	Date	FR Cite
Notice	01/16/08	73 FR 2854
Final Clarification	08/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4984; EPA publication information: Notice - <http://www.epa.gov/fedrgstr/EPA-TOX/2008/January/Day-16/t681.pdf>; EPA Docket information: EPA-HQ-OPPT-2007-0392

URL For More Information:

www.epa.gov/opptintr/newchemicals/pubs/invntory.htm

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RIN: 2070-AJ21

2987. NANOSCALE MATERIALS UNDER TSCA

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 on the scale of approximately 1 to 100 nanometers, and may have different molecular organizations and properties than the same chemical substances on 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 necessary for the assessment of chemical substances and mixtures from persons that manufacture or process them when statutory findings concerning (1) production volume and exposure/entry into the environment or (2) potential hazard can be made, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures. The Office of Pollution Prevention and Toxics (OPPT) is establishing a voluntary 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. In October 2006 EPA announced a collaborative process to design a nanoscale material stewardship program inviting 500 organizations and agencies to participate. On July 12, 2007, the Agency published a document that describes specific elements regarding a voluntary stewardship program for nanoscale materials, a proposed information collection request, and a paper that describes determining the TSCA inventory status of nanoscale materials. In addition, EPA conducted a public meeting on August 2 to receive oral comments on the stewardship program and the published documents. A notice announcing the stewardship program was published in January 2008. EPA intends to publish an interim evaluation in March 2009 and a final evaluation of the program including next steps in April 2010.

Timetable:

Action	Date	FR Cite
Notice (Draft for Comment)	07/12/07	72 FR 38083
Notice (Final)	01/28/08	73 FR 4861
Notice—Interim Evaluation	03/00/09	
Notice—Final Evaluation	04/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 5058; EPA publication information: Notice (Draft for Comment) - <http://www.epa.gov/fedrgstr/EPA-TOX/2007/July/Day-12/t13558.htm>; ;

EPA Docket information: EPA-HQ-OPPT-2004-0122

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RIN: 2070-AJ30

2988. SIGNIFICANT NEW USE RULE FOR CHLORANIL

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: Chloranil is used as a basic feedstock for certain dyes and pigments and in the production of rubber tires. Chloranil was one of the chemicals identified for testing in the Dioxin/Furan (D/F) test rule. Early testing results revealed that dioxin levels in Chloranil could vary by more than two orders of magnitude depending on the chemical manufacturing process involved. It appeared that the “low dioxin” manufacturing process could produce Chloranil with dioxin contamination levels below 20 ppb TEQ. Based on this information, EPA entered into a formal agreement with Chloranil importers (there was no domestic production of “high dioxin” Chloranil) to only import Chloranil made through the “low dioxin” process. As a follow up to this agreement, a Chloranil Significant New Use Rule (SNUR) was proposed in 1993. Under the provisions of the draft SNUR any Chloranil imported or domestically produced with dioxin contamination levels greater than 20 ppb TEQ would be considered a new use and require reporting under Sec. 5(a)(1)(A) of the Toxic Substances Control Act. In the SNUR proposal EPA stated that it would not promulgate a final rule until it had all of the D/F

EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

test rule data. EPA accepted the final test rule data in June of 2001. The test rule requirements continue to apply to any new manufacturer or importer of Chloranil. No new importer or manufacturer has identified themselves, although EPA has received inquiries from time to time about the applicability of the test rule to new imports. OPPT therefore believes that all importation of Chloranil is still covered under the formal agreements and that there is no current import or domestic manufacture of high dioxin Chloranil. Because significant time has passed since proposal, OPPT reopened the comment period in 2007.

Timetable:

Action	Date	FR Cite
NPRM	05/12/93	58 FR 28000
NPRM Comment Period Reopened	01/30/07	72 FR 4224
NPRM Comment Period End	03/16/07	
Final Action	07/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 1923.1; EPA publication information: Reopening of Comment Period - <http://www.epa.gov/fedrgstr/EPA-TOX/2007/January/Day-30/t1413.htm>; Split from RIN 2070-AA58.

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RIN: 2070-AJ31

**Environmental Protection Agency (EPA)
 Toxic Substances Control Act (TSCA)**

Long-Term Actions

2989. 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 Rule	02/03/94	59 FR 5236
Final Action	12/00/09	

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: www.epa.gov/asbestos/

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RIN: 2070-AC51

2990. 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; 15 USC 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 that may be adopted by any State that seeks to administer and enforce a State Program.

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

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	05/00/10	

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:

www.epa.gov/oppt/lead/

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RIN: 2070-AC64

2991. 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. In instances where no such determination is made and no consent order is issued under section 5(e) of TSCA, EPA may 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 Carboxymethyl-cellulose	06/11/93	58 FR 32628
Final: 84-1056	12/00/09	
Final: 86-566	12/00/09	
Final: Aluminum Cross-linked Sodium Carboxymethyl-cellulose	12/00/09	

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:

www.epa.gov/opptintr/newchems/cnosnurs.htm

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RIN: 2070-AA59

2992. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

Priority: Other Significant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is developing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of four chemicals to fulfill data needs identified by the Agency for the 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 U.S.C. 7412(f) and sections 112(d and e). Data from this action would also be used to support implementation

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

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	10/20/06	71 FR 61926
NPRM Extension of Comment Period	12/18/06	71 FR 75704
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 2563; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-20/a17569.htm>; EPA Docket information: EPA-HQ-OPPT-2002-0073

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070-AB79

2993. TESTING FOR EXISTING CHEMICALS (OVERVIEW ENTRY FOR FUTURE NEEDS)

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 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 testing. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) the Agency will consider whether to require testing of the chemical through rulemaking or ECA or will publish a notice that 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
ANPRM	To Be	Determined

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

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RIN: 2070-AB94

2994. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2601 et seq (TSCA)

CFR Citation: Not Yet Determined

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 of 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 15 chemicals have been evaluated in the peer consultation process and decisions have been made on whether additional data are needed for 12 of the 15. Information on VCCEP and the chemical assessments submitted to date are available to the public on the Agency's Web site. 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.

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

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 Evaluation Request for Feedback	11/20/06	71 FR 67121
Notice	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4876;EPA publication information: Notice: Initiation of Stakeholder Process & Public Meeting - <http://www.epa.gov/fedrgstr/EPA-GENERAL/1999/August/Day-26/g22203.htm>;www.epa.gov/chemrtk/vccep/index.htm; EPA Docket information: EPA-HQ-OPPT-2006-0341**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**www.epa.gov/oppt/vccep/**Agency Contact:** Ward Penberthy, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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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	04/21/98	63 FR 19694
2		
NPRM—Reproposal	12/00/10	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3487;EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-TOX/1996/June/Day-26/pr-24153DIR/pr-24153.pdf>;**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, 1200 Pennsylvania Ave, NW, Washington, DC 20460
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Email: mattheisen.mike@epa.gov**RIN:** 2070-AC76**2996. TEST RULE; CERTAIN METALS****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 is coordinating an evaluation of the data needs for assessing potential adverse effects 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

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the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section 112(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

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RIN: 2070-AD10

2997. 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 the Office of Pollution Prevention and Toxics (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 that 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:

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RIN: 2070-AD28

2998. 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 repropose 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

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RIN: 2070-AD44

2999. 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

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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 Rule for 51st ITC List	06/11/03	68 FR 34832
Final Rule for 53rd ITC List	12/07/04	69 FR 70552
Final Rule for 55th, 56th and 58th ITC Lists	08/16/06	71 FR 47122
Final Action—Next ITC List including 8(a)	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 2178;

EPA publication information: Final Rule for 51st ITC List-51st ITC List;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:

www.epa.gov/oppt/chemtest

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RIN: 2070-AB08

3000. 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 including Refractory Ceramic Fibers (RCFs). RCFs are amorphous synthetic fibers that are part of a larger group called synthetic vitreous fibers (SVFs). RCFs are made by either “spinning” or “blowing” and are used primarily for high temperature industrial insulation purposes (e.g., furnaces, heaters, kilns) in addition to automotive applications, aerospace uses, and in certain other industrial applications. As chemicals of potential concern are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) when appropriate, to require reporting by the manufacturers, importers and/or processors of these chemicals.

Timetable:

Action	Date	FR Cite
NPRM Original	03/21/94	59 FR 13294
Final Action	09/00/09	

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

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RIN: 2070-AC37

3001. 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 that 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;

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RIN: 2070-AD53

3002. LEAD-BASED PAINT; AMENDMENTS TO THE REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD-BASED PAINT OR LEAD-BASED PAINT HAZARDS IN TARGET HOUSING

Priority: Other Significant

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: EPA intends to amend existing requirements to 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	08/00/09	

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: www.epa.gov/oppt/lead/

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RIN: 2070-AD64

3003. TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2607

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	06/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4878; EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-TOX/2004/November/Day-15/t25307.htm; ; EPA Docket information: EPA-HQ-OPPT-2003-0058

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RIN: 2070-AJ04

3004. 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, 1992 (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) Challenge Program. Consistent with the international OECD Screening Information Data Set (SIDS) Program, EPA's HPV Challenge Program encourages U.S. chemical producers and importers to voluntarily provide

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existing screening level data, or, if none exist, to develop such data on US HPV chemicals. Because some overlap of testing 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 potential overlap testing. After completion of the industry's commitments under the HPV Challenge Program, EPA will evaluate the need for any additional testing of the subject aryl phosphate base stocks under an ECA.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/83	48 FR 57452
NPRM Original	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

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RIN: 2070-AJ07**3005. 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, EPA issued a proposed TSCA Section 4 Test Rule for health and environmental effects and chemical fate testing of 5 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 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 repropose and ultimately finalize this TSCA Section 4 Test Rule for some or all of the subject chemicals.

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

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RIN: 2070-AJ08**3006. 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 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 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 the health effects testing data specified in the proposed HAPs Section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	06/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.5;**URL For More Information:**

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RIN: 2070-AJ10

3007. 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 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 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 Anhydride (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 the health effects testing data specified in the proposed HAPs Section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	06/00/09	

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

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RIN: 2070-AJ11

3008. TESTING AGREEMENT FOR MALEIC ANHYDRIDE

Priority: Other Significant

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 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 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 data specified in the proposed HAPs Section 4 test rule, as amended.

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Timetable:

Action	Date	FR Cite
Final: ECA and Consent Order	06/00/09	

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

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RIN: 2070-AJ13**3009. 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. 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 definitive guidance concerning the procedures regarding transfer of ownership, this issue has not been addressed in a clear and consistent manner. Furthermore, it is not always

clear when the transferee 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 address such transfers; (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 thereby allowing the Agency to engage in more meaningful compliance monitoring.

Timetable:

Action	Date	FR Cite
NPRM	06/00/09	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4975;**Agency Contact:** Miriam Wigganslewis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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RIN: 2070-AJ15**3010. • SIGNIFICANT NEW USE RULE FOR ELEMENTAL MERCURY IN FLOW METERS, MANOMETERS, AND PYROMETERS****Priority:** Routine and Frequent**Legal Authority:** TSCA 5(a)**CFR Citation:** 40 CFR 721**Legal Deadline:** None

Abstract: Elemental mercury has been used in many industrial and consumer applications due to its unique properties. Certain uses of elemental mercury can lead to releases to the environment during manufacturing, recycling, or disposal. Under certain conditions, mercury in the environment can cause adverse effects in humans and wildlife. Some State governments have restricted certain uses of mercury and have requested federal action to bolster these efforts. In 2006, EPA committed to pursue reductions in mercury used in switches, relays, and measuring devices. In 2007, EPA issued a Significant New Use Rule (SNUR) for elemental mercury used in certain switches previously installed in motor

vehicles. EPA has now identified three more discontinued uses of mercury that have cost-effective alternatives. The discontinued uses of mercury are use in flow meters, manometers on oil and gas pipelines, and pyrometers. The SNUR would require persons to notify EPA at least 90 days before commencing the manufacture or processing of mercury for these three uses.

Timetable:

Action	Date	FR Cite
NPRM	08/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5238;**Agency Contact:** Sue Slotnick, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

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RIN: 2070-AJ36**3011. • POLYCHLORINATED BIPHENYLS (PCBS); PETITIONS SEEKING A MANUFACTURING (IMPORT) EXEMPTION FOR USE****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. This entry is intended to capture petitions that request an

EPA—Toxic Substances Control Act (TSCA)

Long-Term Actions

exemption to use PCBs. These petitions are managed by the Office of Pollution Prevention and Toxics. Petitions that request an exemption to dispose of PCBs are managed by the Office of Solid Waste and are captured by a separate regulatory agenda entry. Currently, no petitions are pending.

Timetable:

Action	Date	FR Cite
New DOD Petition	04/30/07	72 FR 21190
DOD Petition	09/18/07	72 FR 53152
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: NAICS Codes 5622, 56292, 92. SAN 2150; Action formerly tracked under RIN 2070-AB20.

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

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Related RIN: Previously reported as 2070-AB20

RIN: 2070-AJ39

Environmental Protection Agency (EPA) Toxic Substances Control Act (TSCA)

Completed Actions

3012. LEAD-BASED PAINT; AMENDMENTS FOR RENOVATION, REPAIR, AND PAINTING

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 745

Completed:

Reason	Date	FR Cite
Final Action	04/22/08	73 FR 21691

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2070-AC83

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2070-AD52

Environmental Protection Agency (EPA) Emergency Planning and Community RIGHT-TO-Know Act (EPCRA)

Proposed Rule Stage

3014. 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 1102

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	11/00/08	

EPA—Emergency Planning and Community RIGHT-TO-Know Act (EPCRA)**Proposed Rule Stage****Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4753;**Agency Contact:** Kathy Franklin,
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RIN: 2050-AF08**Environmental Protection Agency (EPA)****Final Rule Stage****Emergency Planning and Community RIGHT-TO-Know Act (EPCRA)****3015. EMERGENCY PLANNING AND
COMMUNITY RIGHT-TO-KNOW ACT:
AMENDMENTS TO PARTS 355 AND
370****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 some of the remaining issues from the proposed rule of June 8, 1998. Reporting thresholds for gasoline and diesel fuel at retail gas stations were finalized on February 11, 1999 (64 FR 7031). This rule will address those reporting changes in section B of the preamble to the proposed rule under the heading "Other Regulatory Changes." The revisions in this rule will have only minimal impact on the regulated community. Most of the changes are minor revisions and clarifications of interpretation that EPA has been providing the regulated communities. In addition, as stated in the proposed rule, 40 CFR parts 355 and 370 will be reorganized and rewritten in Plain English format to make them clearer and easier to use.

Timetable:

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Final Action	09/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal,
Local, State, Tribal**Additional Information:** SAN No. 3215;
EPA publication information: NPRM -
<http://www.epa.gov/fedrgstr/EPA-WASTE/1998/June/Day-08/f14490.htm>;
EPA Docket information: Docket
Number 300RR-IF1**Agency Contact:** Sicy Jacob,
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RIN: 2050-AE17**3016. • TOXIC CHEMICAL RELEASE
REPORTING USING REVISED 2007
NORTH AMERICAN INDUSTRY
CLASSIFICATION SYSTEM (NAICS)
CODES****Priority:** Routine and Frequent**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: With this action, EPA is proposing updates to the list of TRI-covered North American Industry Classification System (NAICS) codes based on the OMB 2007 NAICS revision. In addition, EPA is also proposing to make minor corrections to the list of North American Industry Classification System (NAICS) codes

subject to reporting under the Toxics Release Inventory. These corrections stem from minor omissions to the final list of covered TRI NAICS codes from the final rule adopting NAICS for TRI, which was published on June 6, 2006.

Timetable:

Action	Date	FR Cite
NPRM	03/06/08	73 FR 12045
NPRM Comment Period End	04/07/08	
Final Action	09/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5207;**Agency Contact:** Judith Kendall,
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RIN: 2025-AA22

**Environmental Protection Agency (EPA)
Emergency Planning and Community RIGHT-TO-Know Act (EPCRA)**

Long-Term Actions

3017. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION

Priority: Other Significant. 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 cannot 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	03/00/11	

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

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RIN: 2025-AA11

3018. TRI; RESPONSE TO PETITION TO DELETE CHROMIUM, ANTIMONY, 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 was suspended on May 22, 2007 at the request of the petitioner. If resumed, 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	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.4; EPA publication information: Response-Chromium; 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:

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RIN: 2025-AA16

3019. 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.

Timetable:

Action	Date	FR Cite
NPRM Original	09/05/00	65 FR 53681

EPA—Emergency Planning and Community RIGHT-TO-Know Act (EPCRA)

Long-Term Actions

Action	Date	FR Cite
Notice of Data Availability	06/14/05	70 FR 34437
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.1; EPA publication information: NPRM Original-Diisononyl phthalate (DINP) (Request to Add); 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).

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RIN: 2025-AA17

3020. 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	05/00/09	

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).

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RIN: 2025-AA19

3021. 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 370

Legal Deadline: None

Abstract: This supplemental proposal will address reporting thresholds for rock salt, sand, gravel and other chemicals that pose minimal risk. The proposed rule was published on June 8, 1998 (63 FR 31268). 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.

EPA—Emergency Planning and Community RIGHT–TO–Know Act (EPCRA)

Long-Term Actions

Timetable:

Action	Date	FR Cite
Supplemental NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3215.1; Split from RIN 2050-AE17.

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RIN: 2050–AG40

Environmental Protection Agency (EPA)

Proposed Rule Stage

Resource Conservation and Recovery Act (RCRA)

3022. REVISIONS TO THE REQUIREMENTS FOR TRANSBOUNDARY SHIPMENTS OF WASTES DESTINED FOR RECOVERY BETWEEN THE U.S. AND OTHER OECD COUNTRIES AND FOR EXPORT SHIPMENTS OF SPENT LEAD ACID BATTERIES

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); 40 CFR 266.80(a); 40 CFR 262.55; 40 CFR 262.60(e); 40 CFR 264.71(a)(e); 40 CFR 265.71 (a)(e)

Legal Deadline: None

Abstract: The Agency is considering amending the existing regulation under the Resource Conservation and Recovery Act (RCRA) regarding the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), as specified in 40 CFR 262 subpart H. Proposed regulatory changes under consideration include, but are not limited to, reducing the number of control levels, exempting qualifying shipments sent for laboratory analysis from certain paperwork requirements, requiring recovery facilities to submit a certificate of recovery, and adding provisions for the return or re-export of wastes subject to Amber control procedures under the OECD framework. These amendments would implement revisions that the OECD made to both its framework for hazardous waste transboundary movements between member countries and to its waste lists. The revisions were adopted by the OECD to create a more streamlined, uniform system for exports and imports, resulting in a more efficient international recycling market and increased recycling among the member countries. Since the United States supported the 2001 Decision and

is a party to the OECD, the United States is legally obligated to implement these changes within its domestic regulations. Besides addressing the amendments adopted by the OECD in 2001 and 2004, the Agency may also seek to clarify certain existing provisions in subpart H that were identified as potentially ambiguous to the regulated community. In addition to the OECD amendments, the Agency is considering amending the regulations under RCRA regarding the transboundary movements of spent lead-acid batteries being reclaimed, as specified in 40 CFR part 266 subpart G. Currently, spent lead-acid batteries destined for export/reclamation are not subject to the 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. These proposed amendments would require appropriate notice and consent for those batteries intended for export/reclamation. EPA is considering amending the current regulations in the interest of harmonizing them with both the amendments adopted by the OECD in 2001 and EPA’s existing export requirements for RCRA Universal Waste.

Timetable:

Action	Date	FR Cite
NPRM	11/00/08	

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

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RIN: 2050–AE93

3023. RCRA SUBTITLE C FINANCIAL TEST CRITERIA REGULATORY DETERMINATION

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: The RCRA Subtitle C financial test is one of several mechanisms available to the regulated community for demonstrating financial assurance for closure/post-closure of their facilities. EPA decided at the end of the second quarter of FY 2007 to analyze whether regulatory changes are needed to ensure the test’s continued and effective use. Test criteria have not been updated since promulgation in 1982. Concerns have been raised that the criteria are outdated and no longer adequately predict a company’s continued solvency, such that some States are not allowing companies to use the test, reducing the number of mechanisms that are available. Although action external to EPA has been taken (e.g., passage of Sarbanes-Oxley Act) to address this market failure, the perception of a problem remains and continues to drive some States’ behavior.

EPA—Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

Providing the regulated community with a strong and effective financial test is an important regulatory function. In the absence of EPA taking action to analyze the issues and make changes, as appropriate, the availability of the test as a financial assurance mechanism will likely continue to be restricted. Therefore, we believe it is important to address this now so as to ensure the continued availability of the financial test, thereby saving costs that would be incurred if an alternate mechanism had to be obtained or closure/post-closure activities were delayed.

Additionally, some language in the financial test reporting requirements is no longer consistent with current professional standards under Generally Acceptable Accounting Principles. Addressing this inconsistency would facilitate implementation by regulators who may not have appropriate expertise to adequately review detailed financial information submissions.

There are three options that EPA is considering. After analyzing these options, EPA may decide to proceed with a rulemaking utilizing these options either independently or in combination. If so, EPA will issue a new proposed rule. The three options are briefly described below:

- (1) Undertake targeted rulemaking to address documentation and reporting issues, particularly with respect to “negative assurance” language, as well as other implementation issues.
- (2) Undertake rulemaking to propose adding a ratings requirement to Alternative I of the financial test. [Note: This was the recommendation of the Environmental Financial Advisory Board (EFAB).]
- (3) Undertake rulemaking to propose adopting the financial test criteria that were promulgated as part of the standardized permit rule.

Timetable:

Action	Date	FR Cite
NPRM Original	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
NPRM on Determination	01/00/09	

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

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RIN: 2050-AC71

3024. REVISIONS TO LAND DISPOSAL RESTRICTIONS TREATMENT STANDARDS AND AMENDMENTS TO RECYCLING REQUIREMENTS FOR SPENT PETROLEUM REFINING HYDROTREATING AND HYDROREFINING CATALYSTS

Priority: Other Significant**Legal Authority:** 42 USC 1006; 42 USC 2002(a); 42 USC 3001 to 3009; 42 USC 3014; 42 USC 6905; 42 USC 6906; 42

CFR 6912; 42 USC 6921; 42 USC 6922; 42 USC 6924 to 6927; 42 USC 6934; 42 USC 6937; 42 USC 6938

CFR Citation: 40 CFR 261; 40 CFR 266; 40 CFR 268**Legal Deadline:** None

Abstract: Pursuant to regulations found at 40 CFR 260.20, the Vanadium Producers and Reclaimers Association (VPRA) submitted a rulemaking petition to the EPA requesting that the Agency amend the hazardous waste regulations affecting the treatment and disposal of certain petroleum refinery process wastes. Specifically, VPRA requested that EPA revise the treatment standards under the Land Disposal Restrictions (LDR) Program for the disposal of spent hydrotreating and hydrorefining catalysts (waste codes K171 and K172, respectively). EPA is publishing a notice in response to the rulemaking petition, by proposing to amend the Land Disposal Restriction (LDR) requirements for EPA Waste Code K172 by adding numeric treatment standards for certain polynuclear aromatic hydrocarbons (PAHs). EPA is also responding to other elements of the rulemaking petition in this notice. Finally, in response to separate comments received from petroleum industry representatives, EPA is taking this opportunity to propose changes to its regulations to help encourage consistent levels of recycling of spent hydrotreating and hydrorefining catalysts, in a manner that protects human health and the environment.

Timetable:

Action	Date	FR Cite
Notice of Data Availability	10/20/03	68 FR 59935
NPRM	10/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State

Additional Information: SAN No. 5070; EPA publication information: Notice of Data Availability - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-24/f29319.htm>; EPA Docket information: Legacy Docket No. RCRA-2003-0023 for 10/20/03 NODA

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EPA—Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

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3025. AMENDMENT TO THE UNIVERSAL WASTE RULE: ADDITION OF PHARMACEUTICALS

Priority: Other Significant

Legal Authority: 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 6937

CFR Citation: 40 CFR 273

Legal Deadline: None

Abstract: This action will propose adding hazardous pharmaceutical wastes to the universal waste system. This incorporation is appropriate because these wastes are produced by a various and vast community of generators and are often mismanaged due to health care workers and retail chain employees being unfamiliar with the Resource Conservation and Recovery Act regulations. Expansion of

the universal waste system to include hazardous pharmaceutical wastes will protect public health and the environment by providing a more streamlined but effective waste management system. Due to the simplified requirements, this action will also provide regulatory relief to health care facilities, retail pharmacies, veterinary clinics and any other entities that generate hazardous pharmaceutical wastes.

The inclusion of hazardous pharmaceutical wastes in the universal waste rule is expected to provide relief in the management of P-listed pharmaceuticals by simplifying current requirements of large quantity generators. Also, we anticipate that the rule will encourage health care personnel to manage other pharmaceutical wastes as universal wastes, particularly wastes that are not regulated as hazardous but which nonetheless pose hazards. Finally, the addition of hazardous pharmaceutical wastes to the rule will facilitate pharmaceutical take-back programs so that these wastes can be properly managed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 5127;

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RIN: 2050-AG39

Environmental Protection Agency (EPA)

Final Rule Stage

Resource Conservation and Recovery Act (RCRA)

3026. 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 requires EPA to prepare guidelines in the Federal Register that 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, CPG4

and CPG5). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG that provides recommendations on buying the designated items. E.O. 13423 requires EPA to review existing CPG product designations for effectiveness, obsolescence, and consistency with the biobased products designation program, environmentally preferable purchasing program, and Energy Star and FEMP-designated energy efficient products program. A CPG for Nylon Carpet was originally proposed with CPG4 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.

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

Action	Date	FR Cite
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	09/00/08	
Final CPG for Nylon Carpet	To Be Determined	

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

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EPA—Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

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RIN: 2050-AE23

3027. 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. EPA revised its risk analysis used to evaluate the risks to human health and the environment if solvent-contaminated wipes or laundry sludge were allowed to be disposed in a municipal solid waste landfill. A Notice of Data Availability will be published to allow the public the opportunity to comment on the revised risk analysis.

If finalized, this regulation will provide regulatory relief for two types of solvent-contaminated wipes: (1) Wipes disposed of in a landfill or by combustion after use, and (2) wipes that are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposed wipes from the definition of hazardous waste and to conditionally exclude laundered wipes from the definition of solid waste. The regulation, if finalized, 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	08/00/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4091; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-20/f28652.htm>; 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

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RIN: 2050-AE51

3028. 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 and light truck manufacturers are substituting aluminum or aluminized components in place of steel in vehicles to reduce

the weight and 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. We have determined that this particular industry's wastewater treatment sludge is unlikely to present significant human health or environmental risk when managed in the expected quantities. Therefore, this action would reduce the regulatory burden on these industries by excluding them from 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	01/18/07	72 FR 2219
Final Action	06/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4834; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2007/January/Day-18/f640.htm>; EPA Docket information: EPA-HQ-RCRA-2006-0984

URL For More Information:

www.epa.gov/epaoswer/hazwaste/id/f019/f019.htm

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RIN: 2050-AG15

EPA—Resource Conservation and Recovery Act (RCRA)

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3029. 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	05/23/06	71 FR 29712
Final Action	12/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4920; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/May/Day-23/f4654.htm>; No legal deadline.; EPA Docket information: EPA-HQ-RCRA-2003-0012

Sectors Affected: 6113 Colleges, Universities and Professional Schools; 6112 Junior Colleges

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RIN: 2050-AG18

3030. 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 has proposed to expand the comparable fuel exclusion under the rules implementing subtitle C of the Resource Conservation and Recovery Act (RCRA) for fuels that are produced from hazardous waste but which generate emissions that are comparable to emissions from burning fuel oil when such fuels are burned in an industrial boiler. Such excluded fuel would be called emission-comparable fuel (ECF). ECF would be subject to the same specifications that currently apply to comparable fuels, except that the specifications for certain hydrocarbons and oxygenates would not apply. The ECF exclusion would be conditioned on requirements including: (1) Design and operating conditions for the ECF boiler to ensure that the ECF is burned under the good combustion conditions typical for oil-fired industrial boilers; and (2) conditions for tanks storing ECF for which conditions are typical of those for storage of commercial fuels, and are tailored for the hazards that ECF may pose. Comments were received by September 14, 2007. EPA is currently addressing issues raised by commenters and is developing the final rule.

Timetable:

Action	Date	FR Cite
NPRM	06/15/07	72 FR 33284
Notice: Extension of Comment Period	07/19/07	72 FR 39587
Final Action	11/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4977; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-15/a11130.pdf>; EPA

Docket information: EPA-HQ-RCRA-2005-0017; <http://www.regulations.gov>

URL For More Information:

www.epa.gov/epaoswer/hazwaste/combust/compfuels/exclusion.htm

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RIN: 2050-AG24

3031. DEFINITION OF SOLID WASTES REVISIONS

Priority: Other Significant

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 hazardous secondary materials being reclaimed in a continuous process in the generating industry in an effort to increase the recycling of such materials. The Agency also took comment on a broader proposal to exclude hazardous secondary materials from being a solid waste under RCRA subtitle C. This proposal was in part prompted by various court decisions about the extent of RCRA jurisdiction over hazardous secondary materials being recycled. In the same notice, the Agency also proposed criteria for determining whether or not hazardous secondary materials are recycled legitimately; the legitimacy criteria would apply to both those hazardous secondary materials that were excluded, as well as those that would remain subject to regulation under subtitle C of RCRA. EPA received numerous comments on the proposal. In addition, EPA has conducted studies of recycling practices and the circumstances under which recycling of hazardous secondary materials are reclaimed in an environmentally sound manner, as well as when such reclamation has caused environmental

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problems. Based on the comments received and the new information being made available for public comment, the Agency issued a supplemental proposal on March 26, 2007 (72 FR 14172), to exclude from being a solid waste certain hazardous secondary materials that are reclaimed. We also took comment on revisions being considered to the legitimacy criteria, as well as on a variance process regarding hazardous secondary materials that are recycled.

Timetable:

Action	Date	FR Cite
NPRM Original	10/28/03	68 FR 61558
Supplemental NPRM	03/26/07	72 FR 14172
Final Action	07/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, State

Additional Information: SAN No. 4670.1; EPA publication information: NPRM Original - <http://www.epa.gov/fedrgstr/EPA-WASTE/2003/October/Day-28/f26754.htm>; Split from RIN 2050-AE98.; EPA Docket information: EPA-HQ-RCRA-2002-0031

URL For More Information:

www.epa.gov/epaoswer/hazwaste/dsw/index.htm

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RIN: 2050-AG31**Environmental Protection Agency (EPA)****Long-Term Actions****Resource Conservation and Recovery Act (RCRA)****3032. 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, 2/7/1995). 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 continues to consider 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 would 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.

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	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 3856; EPA publication information: NoDA 1 - http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr25jy02-57.pdf; EPA Docket information: EPA-HQ-RCRA-1999-0011

Sectors Affected: 32731 Cement Manufacturing

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RIN: 2050-AE34**3033. 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

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regulations under RCRA are appropriate for certain coal combustion 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, particularly since the industry has improved its waste management practices and most state regulatory programs are similarly improving. To this end, the Agency issued on August 29, 2007, a Notice of Data Availability (NODA) announcing the availability for public inspection and comment of new information and data on the management of coal combustion wastes that the Agency will consider in deciding next steps in this effort. The comment period for this NODA closed on February 11, 2008.

Timetable:

Action	Date	FR Cite
NODA	08/29/07	72 FR 49714
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4470; EPA publication information: NODA - <http://frwebgate1.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=623368417775+2+0+0&WAISaction=retrieve>; This effort may also impact federal, state, local or tribal governments that own coal-burning commercial electric power generating facilities.; EPA Docket information: EPA-HQ-RCRA-2006-0796

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

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RIN: 2050-AE81

3034. 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 262.40; 40 CFR 262.41; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.75; 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; 40 CFR 270.30

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;

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RIN: 2050-AF01

3035. HAZARDOUS WASTE MANIFEST REVISIONS—STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS

Priority: Other Significant

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 finalizing 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. There are 2.4 million Federal-defined hazardous waste paper manifests processed each year, and a total of 5.1 million manifests processed each year including state-defined hazardous waste paper manifests. 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 were decoupled from action on the electronic manifest, and the Final Form Revisions Rule was published on June 16, 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. However, since publication of the proposed rule in 2001, EPA found that there is a broad consensus in favor of the development of a single national e-manifest system by EPA, rather than assorted de-centralized private systems. Subsequently in May 2004, EPA conducted a stakeholder meeting to collect additional stakeholder views on the future direction of the electronic manifest. Based on public comment on the 2001 proposed electronic standards

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and stakeholder feedback at the May 2004 meeting, EPA published a Notice of Data Availability (NODA) on 18 April 2006 announcing EPA's preferred approach to develop a centralized web-based electronic manifest system to be hosted on EPA's Central Data Exchange (CDX) computer hub. To that end, in Autumn 2006 EPA provided technical assistance to the U.S. Senate for drafting S.3871, which would have authorized the CDX-based solution, as well as authorized EPA to charge and retain user fees to fund a "share-in-revenue" contracting approach to build and operate the system. EPA's ability to publish a final rule in 2008 that will recognize this system as a compliant voluntary alternative to the current paper manifest form, and to pursue this centralized system design and funding solution, will depend on new funding being authorized (OMB added \$4 million to the President's FY2008 budget request for this system), or on new Congressional authority for EPA to collect user fees.

Timetable:

Action	Date	FR Cite
NPRM Original	05/22/01	66 FR 28240
Notice of Public Meeting	04/01/04	69 FR 17145
NODA	04/18/06	71 FR 19842
NODA r2	02/26/08	73 FR 10204
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 3147.1; EPA publication information: NPRM Original - http://www.gpo.gov/su_docs/aces/fr-cont.html; 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; 5621 Waste Collection; 56221 Waste Treatment and Disposal; 483 Water Transportation

URL For More Information:

www.epa.gov/epaoswer/hazwaste/gener/manifest/

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RIN: 2050-AG20

3036. WASTE MANAGEMENT SYSTEM; TESTING AND MONITORING ACTIVITIES; METHODS INNOVATION RULE; CORRECTION

Priority: Info./Admin./Other

Legal Authority: 33 USC 1345(d); 33 USC 1345 (e); 42 USC 6902(a); 42 USC 6907; 42 USC 6912(1); 42 USC 6944; 42 USC 6945(c); 42 USC 6949(c)

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: On June 14, 2005 (70 FR 34538), EPA published a final rule (the Methods Innovation Rule, or the MIR) to amend a variety of testing and monitoring requirements in the Resource Conservation and Recovery Act (RCRA) hazardous and nonhazardous solid waste regulations. EPA is correcting errors inadvertently made by the MIR to appendix II to part 258 of the RCRA regulations.

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. 5128; EPA Docket information: www.regulations.gov

EPA-HQ-RCRA-2002-0025

URL For More Information:

www.epa.gov/epaoswer/hazwaste/test/mir.htm
<http://www.epa.gov/epaoswer/hazwaste/test/mir-faq.htm>

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RIN: 2050-AG38

3037. RCRA INCENTIVES FOR PERFORMANCE TRACK MEMBERS

Priority: Other Significant

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 National Environmental Performance Track program was designed and endorsed across the Agency with support and collaboration among EPA, States, and environmental nongovernmental organizations. Launched in 2000 and supported by each succeeding Administrator, Performance Track recognizes and drives environmental excellence by encouraging facilities with strong environmental records to go above and beyond their legal requirements.

To become a member, a facility must meet four criteria: Have in place for at least 1 year a well-functioning environmental management system, have maintained a record of sustained regulatory compliance, make a commitment to community outreach and annual public reporting, and make a commitment to continuous environmental improvement. With respect to the last criterion, members set and make good faith efforts to achieve typically four public and measurable goals to improve the quality of our nation's air, water, and land. The over 500 Performance Track members include major corporations, small businesses, and public facilities from 49 states that are steering a course toward environmental excellence. Through more than 1,500 commitments to continuous improvement, Performance Track members have collectively reduced their water use by 3.5 billion gallons, greenhouse gas emissions by 88,000 metric tons of carbon dioxide equivalent, hazardous waste generation by 130,000 tons, non-hazardous waste generation by 600,000 tons, emissions of sulfur oxides by 17,000 tons, and conserved more than 14,000 acres of habitat.

EPA—Resource Conservation and Recovery Act (RCRA)

Long-Term Actions

EPA provides incentives for Performance Track members in recognition of their strong compliance records, sound environmental management systems, and transparency in setting and reporting on public goals. In this action, EPA plans to propose: A streamlined process for permit modifications; performance based standards for tanks; and new capabilities for standardized permits. EPA will also take comment on two topics: (1) Alternative requirements for small quantity generators that experience episodic generation events that would otherwise cause a shift in generator status for the facility; and (2) 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. None of the proposed provisions in this action will involve any reduction in environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4828;

URL For More Information:

www.epa.gov/perfrac/index.htm

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RIN: 2090-AA34

Environmental Protection Agency (EPA)

Completed Actions

Resource Conservation and Recovery Act (RCRA)

3038. REGULATION OF OIL-BEARING HAZARDOUS SECONDARY MATERIALS FROM THE PETROLEUM REFINING INDUSTRY PROCESSED IN A GASIFICATION SYSTEM TO PRODUCE SYNTHESIS GAS

Priority: Other Significant

CFR Citation: 40 CFR 260; 40 CFR 261

Completed:

Reason	Date	FR Cite
NPRM	03/25/02	67 FR 13684
Notice: Extension of Comment Period	06/11/02	67 FR 39927
Final Action	01/02/08	73 FR 57

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 2050-AE78

Environmental Protection Agency (EPA)

Proposed Rule Stage

Comprehensive Environmental Response, Compensation and Liability Act

3039. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES

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 Alameda	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
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

EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage

Final 35 (adds 12 sites)	09/29/03	68 FR 55875	NPRM 47	09/19/07	72 FR 53509
NPRM 40	03/08/04	69 FR 10646	Final 44	03/19/08	73 FR 14719
Final 36	07/23/04	69 FR 43755	NPRM 48	03/19/08	73 FR 14742
NPRM—Vieques	08/13/04	69 FR 50115	Final 45	09/00/08	
Final 37	09/23/04	69 FR 56949	NPRM 49	09/00/08	
NPRM 41	09/23/04	69 FR 56970	Regulatory Flexibility Analysis Required: No		
Final — Vieques	02/11/05	70 FR 7184	Small Entities Affected: No		
Final 38	04/27/05	70 FR 21644	Government Levels Affected: Federal, Local, State		
NPRM 42	04/27/05	70 FR 21718	Additional Information: SAN No. 3439; EPA publication information: NPRM-44 - http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=619330216737+1+0+0&WAIAction=		
Final 39	09/14/05	70 FR 54286	retrieve; ; EPA Docket information: www.regulations.gov EPA-HQ-SFUND-2007-0685 through 0696		
NPRM 43	09/14/05	70 FR 54327			
Final 40	04/19/06	71 FR 20016			
NPRM 44	04/19/06	71 FR 20052			
Final 41	09/27/06	71 FR 56399			
NPRM 45	09/27/06	71 FR 56433			
Final 42	03/07/07	72 FR 10078			
NPRM 46	03/07/07	72 FR 10105			
Final 43	09/19/07	72 FR 53463			

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

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RIN: 2050-AD75

Environmental Protection Agency (EPA)**Final Rule Stage****Comprehensive Environmental Response, Compensation and Liability Act****3040. CERCLA/EPCRA NOTIFICATION REQUIREMENTS AND THE AGRICULTURAL SECTOR**

Priority: Other Significant

Legal Authority: 42 USC 9603; 42 USC 11004

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: The notice of proposed rulemaking provides notice of, and requests comments, including any relevant data, on a proposed administrative reporting exemption from particular notification requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Response Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act.

Specifically, the proposed administrative reporting exemption applies to releases of hazardous substances to the air where the source of those hazardous substances is animal waste at farms. Nothing in the proposed

rule, however, changes the notification requirements if hazardous substances are released to the air from any other source other than animal waste at farms (i.e., ammonia tanks), as well as releases of any hazardous substances from animal waste to any other environmental media (i.e., soil, ground water, surface water) when the release of those hazardous substances is at or above its reportable quantity per 24 hours. This administrative reporting exemption is protective of human health and the environment and consistent with the Agency's goal to reduce reporting burden where there would likely be no Federal, state or local emergency response to such release reports. Eliminating such reporting will allow emergency response officials to better focus on releases where the Agency is more likely to take a response action. Finally, the proposed administrative reporting exemption from the notification requirements under CERCLA section 103(a) and EPCRA section 304, does not propose to limit any of its authorities under CERCLA sections 104 (response authorities), 106 (abatement

actions), 107 (liability), or any other provisions of CERCLA or EPCRA.

Timetable:

Action	Date	FR Cite
NPRM	12/28/07	72 FR 73700
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5117; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/December/Day-28/a25231.pdf>; ; EPA Docket information: EPA-HQ-SFUND-2007-0469

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RIN: 2050-AG37

**Environmental Protection Agency (EPA)
Comprehensive Environmental Response, Compensation and Liability Act**

Long-Term Actions

3041. 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;

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RIN: 2050-AF03

3042. 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 guide that describes how the nation conducts all-hazard response to domestic incidents. The NRP was developed by the Department of Homeland Security, in 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 for an incident. 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	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. 4971;

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RIN: 2050-AG22

**Environmental Protection Agency (EPA)
Clean Water Act (CWA)**

Proposed Rule Stage

3043. 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) that may affect natural resources belonging to or under the exclusive management authority of the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

EPA—Clean Water Act (CWA)

Proposed Rule Stage

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

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RIN: 2050-AE87

3044. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS

Priority: Other Significant

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 any such 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 would reduce 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	12/00/08	
Final Action	08/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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

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RIN: 2040-AD89

3045. 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 source of these pollutants is aircraft deicing fluid 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. 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	11/00/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4948; EPA Docket information: EPA-HQ-OW-2004-0038

URL For More Information:

www.epa.gov/waterscience/guide/airport

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RIN: 2040-AE69

3046. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY

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

Unfunded Mandates: Undetermined

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 501

CFR Citation: Not Yet Determined

Legal Deadline: Other, Judicial, December 1, 2007, Data collection, identification of best options, and development of cost-benefit models completed.
NPRM, Judicial, December 1, 2008, FR Publication by 12/1/2008 as per 12/5/2006 Court Order.
Final, Judicial, December 1, 2009, FR Publication by 12/1/2009 as per 12/5/2006 Court Order.

Abstract: This rulemaking will establish effluent limitations and standards for stormwater discharges

EPA—Clean Water Act (CWA)

Proposed Rule Stage

associated with construction and development activities. This rulemaking and its schedule respond to a court order that requires the Agency to promulgate final regulations by December of 2009. The effluent limitations and standards will control the discharge of pollutants such as sediment in stormwater runoff from construction and development activities and will be implemented through the issuance of NPDES permits.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 5119;

URL For More Information:

www.epa.gov/guide/construction

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RIN: 2040-AE91

3047. NPDES GENERAL PERMITS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATIONS OF A VESSEL

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 122.3

Legal Deadline: None

Abstract: This action is necessary to address a District Court ruling (currently on appeal to the U.S. Court

of Appeals for the 9th Circuit) which vacates a regulatory exemption at 40 CFR 122.3(a). Northwest Environmental Advocates v. U.S. Environmental Protection Agency (ND CA, C 03-5760 SI). The regulation excludes discharges incidental to the normal operation of a vessel from NPDES permitting and has existed, essentially unchanged, since 1973. Unless overruled on appeal, the Court's September 2006 ruling will vacate the entire exclusion as of September 30, 2008. As of September 30, 2008, discharges of pollutants incidental to the normal operation of a vessel that had formerly been exempted from NPDES permitting by the regulation will be subject to prohibitions in CWA section 301(a) against the discharge of a pollutant without a permit.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 5162;

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RIN: 2040-AE93

3048. ● CRITERIA AND STANDARDS FOR COOLING WATER INTAKE STRUCTURES—PHASE II REMAND

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: CWA 101; 301; 304; 308; 316; 401; 402; 501; and 510

CFR Citation: 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

Legal Deadline: None

Abstract: Section 316(b) of the Clean Water Act (CWA) requires EPA to ensure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available (BTA) to protect aquatic organisms from being killed or injured by impingement or entrainment. EPA divided this rulemaking into three phases. Phase II, for existing electric generating plants that use at least 50 MGD of cooling water, was completed in July 2004. Industry and environmental stakeholders challenged the Phase II regulations. On judicial review, the Second Circuit remanded several key provisions. In July 2007, EPA suspended Phase II and is now initiating a new 316(b) Phase II rulemaking. EPA expects this new rulemaking will similarly apply to approximately 600 existing electric generating plants and will address the Second Circuit's issues on restoration, reliance on cost-benefit analysis, and the definition of BTA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5210;

URL For More Information:

www.epa.gov/waterscience/316b

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RIN: 2040-AE95

**Environmental Protection Agency (EPA)
Clean Water Act (CWA)**
Final Rule Stage
3049. CONCENTRATED ANIMAL FEEDING OPERATION RULE
Priority: Other Significant

Legal Authority: CWA 301; 304; 306; 307; 308; 402; 501

CFR Citation: 40 CFR 122; 40 CFR 412

Legal Deadline: None

Abstract: This rulemaking is in response to the U.S. Court of Appeals for the Second Circuit's February 28, 2005, decision in *Waterkeeper Alliance vs. EPA*, which remanded and/or vacated certain provisions in the Concentrated Animal Feeding Operations (CAFO) rule found at 40 CFR parts 122 and 412. Two vacatures from the case affect the 1) requirement that all CAFOs with the potential to discharge apply for an NPDES permit, and 2) provisions that fail to require the terms of nutrient management plans (NMPs) to be reviewed by the public, approved by the permitting authority, and made enforceable terms of NPDES permits. This rule would maintain the duty to apply for CAFOs that discharge or propose to discharge, and would establish an optional means for nondischarging CAFOs to self-certify that they do not discharge or propose to discharge if they qualify for certification. The rule also would establish a process to make terms of the NMPs available for public comment, approved by the permit authority, and incorporated into the permit. The proposal identifies three approaches to identifying the minimum required terms of NMPs to be included in NPDES permits. 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	06/30/06	71 FR37744
Supplemental NPRM	03/07/08	73 FR 12321
Supplemental NPRM Coment Period End	04/07/08	
Final Action	07/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4996; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/June/Day-30/w5773.htm>;

EPA Docket information: EPA-HQ-OW-2005-0037

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RIN: 2040-AE80

3050. WATER TRANSFERS RULE
Priority: Other Significant

Legal Authority: 33 USC 1251 et seq

CFR Citation: 40 CFR 122.3

Legal Deadline: None

Abstract: This 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 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 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	06/07/06	71 FR 32887
Final Action	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5040; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/June/Day-07/w8814.htm>; EPA Docket information: EPA-HQ-OW-2006-0141

URL For More Information: www.epa.gov/npdes/agriculture

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RIN: 2040-AE86

3051. IMPLEMENTATION GUIDANCE FOR MERCURY WATER QUALITY CRITERIA
Priority: Other Significant

Legal Authority: 33 USC 1251 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In the 2001 Federal Register notice of the availability of EPA's recommended water quality criterion for methylmercury, EPA stated that it would develop associated procedures and guidance for implementing the criterion. For states and authorized tribes exercising responsibility under CWA section 303(c), this document provides technical guidance on how they might want to use the recommended 2001 fish tissue-based criterion to develop and implement their own water quality standards for methylmercury. The guidance addresses topics including adoption and revision of standards, monitoring, waterbody assessment, water quality standards issues, TMDL development, and NPDES permitting. Since atmospheric deposition is considered to be a major source of mercury for many waterbodies, implementing this criterion involves coordination across media and program areas.

Timetable:

Action	Date	FR Cite
Final Document	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 5098; EPA Docket information: Docket ID No. EPA-HQ-OW-2006-0656

URL For More Information: www.epa.gov/waterscience/criteria/methylmercury

EPA—Clean Water Act (CWA)

Final Rule Stage

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RIN: 2040-AE87

3052. 2008 EFFLUENT GUIDELINES PROGRAM PLAN

Priority: Substantive, Nonsignificant
Legal Authority: CWA 33 USC 1251, et seq; 33 USC 1311(d); 33 USC 1314(b); 33 USC 1314(g); 33 USC 1314(m); 33 USC 1316; 33 USC 1317 (b)
CFR Citation: Not Yet Determined
Legal Deadline: Final, Statutory, December 21, 2008, Final Plan.

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 2008. 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 2008 Plan will identify guidelines that may be revised or new guidelines that may be developed, and will provide a schedule for such rulemaking.

Timetable:

Action	Date	FR Cite
Proposed Plan	10/30/07	72 FR 61335
Final Plan	09/00/08	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Additional Information: SAN No. 5064; EPA publication information: Proposed Plan - <http://www.epa.gov/fedrgstr/EPA-WATER/2007/October/Day-30/w21310.pdf>; ; EPA Docket information: EPA-HQ-OW-2006-0771
URL For More Information: www.epa.gov/guide/plan.html
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RIN: 2040-AE89

3053. • REVISIONS TO THE CLEAN WATER ACT REGULATORY DEFINITION OF “DISCHARGE OF DREDGED MATERIAL”

Priority: Info./Admin./Other
Legal Authority: 33 USC 1344
CFR Citation: Not Yet Determined
Legal Deadline: None

Abstract: This rulemaking responds to the court order issued in the NAHB v. U.S. Army Corps of Engineers case, which struck down the “Tulloch II” rule promulgated under Section 404 of the CWA. This case resulted in the reinstatement of regulations applicable immediately prior to promulgation of the Tulloch II Rule (promulgated in 1999). This final rule is intended to amend the regulations at 33 CFR 323.3 and 40 CFR 232.2 to conform with the current legal state of the regulations governing discharges of dredged material.

Timetable:

Action	Date	FR Cite
Direct Final Action	06/00/08	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
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RIN: 2040-AE96

3054. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE

Priority: Economically Significant. Major under 5 USC 801.
Legal Authority: 33 USC 1321
CFR Citation: 40 CFR 112
Legal Deadline: None

Abstract: On October 15, 2007, EPA proposed several amendments to the Spill Prevention, Control, and Countermeasure (SPCC) rule in order to provide increased clarity, to tailor requirements to particular industry sectors, and to streamline certain requirements for a facility owner or operator subject to the rule.

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	10/15/07	72 FR 58377
Final Action	10/00/08	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Federal, Local, State, Tribal
Additional Information: SAN No. 2634.2; EPA publication information: Notice Clarifying Certain Issues - http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr25my04-49.pdf; Split from RIN 2050-AC62.; EPA Docket information: EPA-HQ-OPA-2007-0584
URL For More Information: www.epa.gov/oilspill/spcc.htm

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RIN: 2050-AG16

Environmental Protection Agency (EPA)
Clean Water Act (CWA)
Long-Term Actions
3055. 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 toward clarifying technical and policy issues associated with the use of test methods approved for use in the program.

Timetable:

Action	Date	FR Cite
NPRM Final Action	03/28/97 To Be	62 FR 14975 Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3713;

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RIN: 2040-AC93

3056. 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 Final Action	To Be To Be	Determined Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4049;

URL For More Information: www.epa.gov/waterscience/methods

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RIN: 2040-AD09

3057. 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 Final Action	07/00/09 12/00/10	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN No. 4357;

URL For More Information: www.epa.gov/waterscience/rules/unds

EPA—Clean Water Act (CWA)

Long-Term Actions

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RIN: 2040-AD39

3058. 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 that 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	To Be Determined	
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. 3786; EPA publication information: Final Action-projected date;

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RIN: 2040-AC84

3059. 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

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1311CWA 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	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3999; EPA publication information: Final Action-projected date; 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

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RIN: 2040-AD02

3060. NPDES PERMIT REQUIREMENTS FOR PEAK WET WEATHER DISCHARGES FROM PUBLICLY OWNED TREATMENT WORK TREATMENT PLANTS SERVING SANITARY SEWER COLLECTION SYSTEMS POLICY

Priority: Other Significant

Legal Authority: 33 USC 1311; 33 USC 1318; 33 USC 1342; 33 USC 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

EPA—Clean Water Act (CWA)

Long-Term Actions

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 decided not to finalize the policy as proposed in November 2003. On December 22, 2005, EPA requested public comment on an alternative Peak Flows Policy that is significantly different than the 2003 draft policy.

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	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4690; EPA publication information: 1st Draft Policy—

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2003_register&docid=fr07no03-24.pdf; ; EPA Docket information: EPA-HQ-OW-2005-0523

Sectors Affected: 22132 Sewage Treatment Facilities**URL For More Information:**

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RIN: 2040-AD87**3061. EFFLUENT GUIDELINES AND STANDARDS: RECODIFICATION OF VARIOUS EFFLUENT GUIDELINES****Priority:** Info./Admin./Other**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 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 that 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
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 4822;

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RIN: 2040-AE61**3062. 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: Other, Statutory, December 15, 2012, Notice of Draft Criteria Recommendations 3/31/2012 and Publication of Final Criteria Recommendations 12/15/2012.

Abstract: EPA is publishing new or revised water quality criteria recommendations for pathogens and pathogen indicators pursuant to CWA Section 304(a)(9)(A). The criteria recommendations will be considered by states in adopting new or revised water quality standards to protect swimming. The foundation for the development of new or revised recreational water quality criteria is the relevant research and studies that EPA and others have completed prior to 2007 and the research and studies that EPA (and others) will undertake between 2007 and the end of 2010. These studies and the timeliness for completing these studies are fully described in EPA's "Critical Path Science Plan for the Development of New or Revised Recreational Water Quality Criteria" (CPSP) and includes freshwater and marine epidemiological studies, as well as supporting studies to aid in the geographic application of the epidemiological data. Together, these studies will be analyzed and evaluated for use in publishing EPA's new or revised recreational criteria recommendations.

Timetable:

Action	Date	FR Cite
Draft Guidance	To Be	Determined
Final Guidance	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No

EPA—Clean Water Act (CWA)

Long-Term Actions

Government Levels Affected: State, Tribal
Additional Information: SAN No. 4967;
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RIN: 2040-AE77

3063. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR CHLORINE AND CHLORINATED HYDROCARBON MANUFACTURING PROCESS

Priority: Substantive, Nonsignificant
Legal Authority: 30 USC 1311 et seq
CFR Citation: 40 CFR 414 (Revision); 40 CFR 415 (Revision)
Legal Deadline: None
Abstract: EPA is considering revising the existing effluent guidelines and standards for the manufacture of chlorinated hydrocarbons and elemental chlorine. We refer to this industrial segment as chlorine and chlorinated hydrocarbons manufacturing, or CCH. Currently, wastewater discharges from chlorinated hydrocarbons manufacturing are subject to the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Point Source Category (40 CFR Part 414). The wastewater discharges from chlorine manufacturing through the chlor-alkali manufacturing process are subject to the Inorganic Chemicals Point Source Category (40 CFR Part 415). Based on a preliminary study, discharges from vinyl chloride and chlor-alkali manufacturing might contain significant quantities of toxic pollutants, including dioxin. Since this effluent guidelines review began, EPA has gathered industry data through site visits and sampling and also developed a survey

to collect detailed site-specific data from all known CCH manufacturers. Because CCH member companies are currently collecting data to characterize baseline discharge quantities of dioxin, at this time EPA is deferring its efforts to survey the CCH industry.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined
Small Entities Affected: Businesses
Government Levels Affected: Undetermined
Federalism: Undetermined
Additional Information: SAN No. 4980; This action was previously titled Effluent Limitations Guidelines and Standards for the Vinyl Chloride and Chlor-Alkali Point Source Categories; EPA Docket information: EPA-HQ-OW-2005-0012
URL For More Information: www.epa.gov/waterscience/guide/cch/
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RIN: 2040-AE82

3064. AVAILABILITY OF AND PROCEDURES FOR REMOVAL CREDITS

Priority: Other Significant
Legal Authority: 33 USC 1251 CWA 101; 33 USC 1288 CWA 208; 33 USC 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1317 CWA 307; 33 USC 1318 CWA 308; 33 USC 1319 CWA 309; 33 USC 1342 CWA 402; 33 USC 1345 CWA 405; 33 USC 1361 CWA 501

CFR Citation: 40 CFR 403
Legal Deadline: None
Abstract: This action is an update to the removal credits regulation found at 40 CFR 403.7. Specifically, EPA will propose to amend the list of pollutants eligible for removal credits in 40 CFR 403.7, Appendix G, Table II, to add 16 pollutants that EPA has determined would not need to be regulated under the sewage sludge regulations. These 16 pollutants have gone through the same assessment as the pollutants currently identified as eligible for removal credits in Table II; the assessment included public notice and comment in conjunction with a related Office of Water action.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/05	70 FR 60199
NPRM	01/00/10	
Final Action	01/00/11	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Federal, Local, State
Additional Information: SAN No. 3663.1; Split from RIN 2040-AC58.
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Environmental Protection Agency (EPA) Clean Water Act (CWA)

Completed Actions

3065. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR DRINKING WATER SUPPLY AND TREATMENT

Priority: Other Significant
CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/08	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Local

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RIN: 2040-AE74

EPA—Clean Water Act (CWA)**Completed Actions****3066. SUPPLEMENTAL NOTICE FOR CAFO RULE REGARDING TERMS OF THE NUTRIENT MANAGEMENT PLAN****Priority:** Other Significant**CFR Citation:** 40 CFR 122; 40 CFR 412**Completed:**

Reason	Date	FR Cite
Withdrawn	02/14/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Agency Contact:** George Utting

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RIN: 2040-AE94**Environmental Protection Agency (EPA)****Prerule Stage****Safe Drinking Water Act (SDWA)****3067. • NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE I DISINFECTANT AND DISINFECTION BY-PRODUCTS RULE (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: Congress required EPA to promulgate a Stage 1 and a Stage 2 Disinfectants and Disinfection By-products Rule (DBPR) as part of the 1996 Safe Drinking Water Act Amendments (section 1412 (b)(2)(C)).“ The Stage 1 DBPR was finalized in 1998 (63 FR 69390, December 16, 1998). Under the Stage 1 DBPR, EPA set maximum disinfectant level goals or maximum contaminant level goals for several disinfectants and disinfection by-products. EPA also set monitoring, reporting and public notification requirements for these compounds. EPA performed a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (5 U.S.C. 604) and was not able to certify that the final Stage 1 DBPR will not have a significant economic impact on a substantial number of small entities.

The Stage 2 DBPR (71 FR 388, January 4, 2006) augments Stage 1 DBPR. EPA re-evaluated the Stage 1 DBPR and worked with stakeholders to develop the Stage 2 DBPR through consultation

with a DBPR Federal Advisory Committee (including small water system owners); State, local and tribal governments; the National Drinking Water Advisory Committee; the Science Advisory Board; a Small Business Regulatory Enforcement Fairness Act consultation; a pre-proposal draft for comment, as well as formal notice and public comment on the proposed Stage 2 DBPR.

This new entry in the regulatory agenda announces that while EPA has taken steps to evaluate and mitigate impacts on small entities of the Stage 1 DBPR as part of the promulgation of the final Stage 2 DBPR, pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610), EPA will review the Stage 1 DBPR. As part of this review, EPA will consider and solicits comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Based on the evaluation of the Stage 1 DBPR during the promulgation of the Stage 2 DBPR, EPA believes there is a continued need for the Stage 1 DBPR. Comments must be received by

August 4, 2008. In submitting comments, please reference Docket ID EPA-HQ-OW-2008-0226 and follow the instructions provided in Section H of the preamble to this issue of the Regulatory Agenda. This docket can be accessed at www.regulations.gov.

Timetable:

Action	Date	FR Cite
Final Rule	12/16/98	63 FR 69389
Begin Review	05/00/08	
End Comment Period	08/00/08	
End Review	12/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5258; EPA Docket information: EPA-HQ-OW-2008-0226

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RIN: 2040-AE97

**Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)**

Proposed Rule Stage

3068. DRINKING WATER REGULATIONS FOR AIRCRAFT PUBLIC WATER SYSTEM

Priority: Other Significant. 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 increased level of safety is achieved through the proposed provisions of this rule, chiefly through monitoring, disinfection, and public notification. 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 that are not subject to EPA drinking water standards.

Timetable:

Action	Date	FR Cite
NPRM	04/09/08	73 FR 19319
NPRM Comment Period End	07/08/08	
Final Action	01/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 4966;

URL For More Information:

www.epa.gov/safewater/airlinewater/index2.html

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RIN: 2040-AE84

3069. SECOND 6 YEAR REVIEW OF EXISTING NATIONAL PRIMARY DRINKING WATER REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Statutory, August 6, 2009, Complete review for contaminants with NPDWRs promulgated prior to August 2002.

Abstract: The Safe Drinking Water Act (SDWA) requires EPA to review and revise, if appropriate, all National Primary Drinking Water Regulations (NPDWRs) no less frequently than once every 6 years. According to SDWA, any revisions of drinking water regulations must maintain, or increase, the level of public health protection provided; however, EPA may identify regulatory changes that will streamline or reduce existing requirements without lessening the level of public health protection. As part of this action, the Office of Water (OW) will implement the existing protocol for conducting each 6 year review (developed under the first 6 year review cycle) to review critical elements for regulated chemical contaminants (e.g., health risks, occurrence, analytical methods, treatment technologies). No new requirements will be imposed by this action. The purpose of the review is to determine whether new data, technology, or other factors exist that justify revisions to existing NPDWRs. The outcome of the review will be a Federal Register notice making available the results of the Agency's review and recommendations for any regulations the Agency may consider revising.

Because this action does not change or add to existing requirements, OW will not be performing a formal economic analysis or consulting with small businesses, governments, or tribal officials. OW does not plan to generate new data as part of this action; the review will be based on recent compliance data from public water systems and existing data on health

effects (such as completed IRIS and OPPTS health risk assessments) and analytical methods.

Timetable:

Action	Date	FR Cite
Preliminary Notice	03/00/09	
Final Notice	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5066;

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RIN: 2040-AE90

3070. • MINIMUM FEDERAL REQUIREMENTS UNDER THE UNDERGROUND INJECTION CONTROL (UIC) PROGRAM FOR CARBON DIOXIDE (CO2) GEOLOGIC SEQUESTRATION (GS) WELLS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 144 to 146

Legal Deadline: None

Abstract: Geologic Sequestration (GS) is the process of injecting CO2 that has been captured from an emission source, such as a coal fired electric power plant, into deep subsurface rock formations for long term storage. The Safe Drinking Water Act (SDWA) requires EPA to regulate the injection of fluid, including gases such as CO2, to prevent the endangerment of underground sources of drinking water (USDWs) and public health. In March 2007, EPA issued guidance to assist State and EPA Regional Underground Injection Control Programs in processing permit applications for pilot and other demonstration scale GS projects. EPA committed to following up the guidance with the development of a long term management framework for permitting commercial scale GS

EPA—Safe Drinking Water Act (SDWA)**Proposed Rule Stage**

projects. This rule will establish these new minimum Federal requirements for States and Regional UIC Programs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 5211;

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**Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)****Final Rule Stage****3071. DRINKING WATER: REGULATORY DETERMINATIONS REGARDING CONTAMINANTS ON THE SECOND DRINKING WATER CONTAMINANT CANDIDATE LIST**

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

Legal Authority: 42 USC 300g-1(b)

CFR Citation: None

Legal Deadline: Final, Statutory, July 18, 2008, SDWA requires regulatory determinations every 5 years. Last round was made in July 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	05/01/07	72 FR 24016
Final Notice	07/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Additional Information: SAN No. 4821; EPA publication information: Preliminary Notice - <http://www.epa.gov/fedrgstr/EPA-WATER/2007/May/Day-01/w7539.pdf>; ; EPA Docket information: EPA-HQ-OW-2007-0068

URL For More Information: www.epa.gov/safewater/ccl/index.html

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RIN: 2040-AE60**Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)****Long-Term Actions****3072. 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 that 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 Notice 99	07/18/91	56 FR 33050
NPRM	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	04/00/11	

EPA—Safe Drinking Water Act (SDWA)

Long-Term Actions

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 Docket information: EPA-HQ-OW-2003-0041

Sectors Affected: 22131 Water Supply and Irrigation Systems

URL For More Information:

www.epa.gov/ogwdw/radon.html

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RIN: 2040-AA94

3073. 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 re-examine 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	
Final Action	To Be Determined	

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. 3238;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040-AC13

3074. 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 Agency is revising the health assessment for MTBE.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	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

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RIN: 2040-AD54

3075. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND CONSIDERATION OF DISTRIBUTION SYSTEM ISSUES

Priority: Other Significant

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 (68 FR 42907) Notice of Intent to revise the TCR. EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR while improving system efficiency. A Federal Advisory Committee recommended that EPA, as part of the TCR 6-year review process, "initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks." The original TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. Since then, EPA has gained a better understanding of distribution system impacts on human health and, therefore, intends to strengthen the TCR and to consider how to address distribution system contamination issues. 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. EPA has also convened a Federal Advisory Committee to address the TCR revisions and to consider distribution system issues.

EPA—Safe Drinking Water Act (SDWA)

Long-Term Actions

Timetable:

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

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

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RIN: 2040-AD94**3076. DRINKING WATER CONTAMINANT CANDIDATE LIST 3****Priority:** Other Significant**Legal Authority:** 42 USC 300g-1(b)**CFR Citation:** None

Legal Deadline: Final, Statutory, February 24, 2010, SDWA requires EPA to publish a list of candidate contaminants every 5 years. CCL2 published 2/24/2005.

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 National Drinking Water Advisory Council (NDWAC), as applicable, and use an approach to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for future CCLs.

Timetable:

Action	Date	FR Cite
Preliminary Final Rule	02/21/08	73 FR 9627
Final Action	08/00/09	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: SAN No. 4745; EPA publication information: Preliminary FR - <http://www.epa.gov/fedrgstr/EPA-WATER/2008/February/Day-21/w3114.pdf>; EPA Docket information: EPA-HQ-OW-2007-1189

URL For More Information:www.epa.gov/safewater/ccl

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RIN: 2040-AD99**3077. 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;

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RIN: 2040-AD40

Environmental Protection Agency (EPA)
Shore Protection Act (SPA)

Long-Term Actions

3078. 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 would implement provisions of the Shore Protection Act (SPA) designed to prevent the deposit of municipal and commercial waste into U.S. coastal waters. This rule would establish 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.

Timetable:

Action	Date	FR Cite
NPRM	08/30/94	59 FR 44798
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local

Additional Information: SAN No. 2820;

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RIN: 2040-AB85

[FR Doc. E8-7431 Filed 05-02-08; 8:45 am]

BILLING CODE 6560-50-S

A. INDEX TO ENTRIES THAT AGENCIES HAVE DESIGNATED FOR SECTION 610 REVIEW

Section 610(a) of the Regulatory Flexibility Act (5 U.S.C. 601) requires each agency to have a plan for the periodic review of its rules that have a significant economic impact on a substantial number of small entities. Each agency must publish annually in the Federal Register a list of the rules that it plans to review in the next year.

- [2040-AE97](#) National Primary Drinking Water Regulations: Stage I Disinfectant and Disinfection By-Products Rule
- [2060-AO82](#) Control of Emissions of Air Pollution From Nonroad Diesel Engines
- [2060-AP09](#) VOC Regulation for Architectural Coatings

B. INDEX TO ENTRIES FOR WHICH A REGULATORY FLEXIBILITY ANALYSIS IS REQUIRED

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the Unified Agenda. The following index lists the regulatory actions in this publication for which EPA believes that the Act may require a Regulatory Flexibility Analysis because the rule is likely to have such effects on small businesses, small governmental jurisdictions, or small organizations.

Businesses

- [2040-AA94](#) National Primary Drinking Water Regulations: Radon
- [2040-AD94](#) National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues
- [2060-AO81](#) Renewable Fuels Standard Program
- [2060-AM34](#) Control of Emissions From Nonroad Spark-Ignition Engines and Equipment
- [2070-AC83](#) Lead-Based Paint; Amendments for Renovation, Repair, and Painting

Governmental Jurisdictions

- [2040-AA94](#) National Primary Drinking Water Regulations: Radon
- [2040-AD94](#) National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Consideration of Distribution System Issues
- [2060-AO81](#) Lead-Based Paint; Amendments for Renovation, Repair, and Painting
- [2060-AM34](#) Control of Emissions From Nonroad Spark-Ignition Engines and Equipment
- [2070-AC83](#) Lead-Based Paint; Amendments for Renovation, Repair, and Painting

Organizations

- [2070-AC83](#) Lead-Based Paint; Amendments for Renovation, Repair, and Painting

C. INDEX TO ENTRIES THAT MAY AFFECT SMALL ENTITIES WHEN A REGULATORY FLEXIBILITY ANALYSIS IS NOT REQUIRED

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Some agencies including EPA have chosen to identify additional regulatory actions that may have some impact on small entities even though a Regulatory Flexibility Analysis may not be required. The following index lists the regulatory actions in this publication for which agencies have chosen to indicate that some impact on small entities is likely even though a Regulatory Flexibility Analysis may not be required.

Businesses

- [2008-AA01](#) Federal Implementation Plan (FIP) for the Billings/Laurel, Montana, Sulfur Dioxide (SO₂) Area
- [2025-AA02](#) Public Information and Confidentiality Regulations
- [2025-AA11](#) Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation
- [2025-AA16](#) TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory
- [2025-AA17](#) TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals
- [2025-AA19](#) TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals
- [2040-AE95](#) Criteria and Standards for Cooling Water Intake Structures--Phase II Remand
- [2040-AB85](#) Shore Protection Act, Section 4103(b) Regulations
- [2040-AC13](#) National Primary Drinking Water Regulations: Aldicarb
- [2040-AE82](#) Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process
- [2050-AE87](#) Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements
- [2050-AG43](#) NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; PM Standards Amendments
- [2050-AE51](#) Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes
- [2050-AG29](#) NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Solicitation of Comment on Legal Analysis and Response to Petitions for Reconsideration)
- [2050-AG35](#) NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors: Amendments
- [2060-AE94](#) NSPS: SO₂MI--Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60
- [2060-AI62](#) National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments
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D. INDEX TO ENTRIES THAT MAY AFFECT GOVERNMENT LEVELS

Executive Order 12866 entitled “Regulatory Planning and Review,” signed September 30, 1993 (58 FR 51735) and the Unfunded Mandates Reform Act of 1995 (P.L. 104-4) direct agencies to assess the effects of Federal regulations on State, local, and tribal governments. In keeping with these efforts, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions have an effect on various levels of government. See also Index E for entries that may have “federalism implications” as defined in Executive Order 13132 entitled “Federalism,” signed August 4, 1999 (64 FR 43255).

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E. INDEX TO ENTRIES THAT MAY HAVE FEDERALISM IMPLICATIONS

Executive Order 13132 entitled “Federalism,” signed August 4, 1999 (64 FR 43255) directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have “federalism implications.” This term refers to actions “that 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.” The following index lists the regulatory actions in this publication that may have federalism implications. The Regulatory Identifier Number (RIN) of the entry identifies the location of the entry in this edition.

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