Regulatory Plan and Semiannual Regulatory Agenda

FALL 2009

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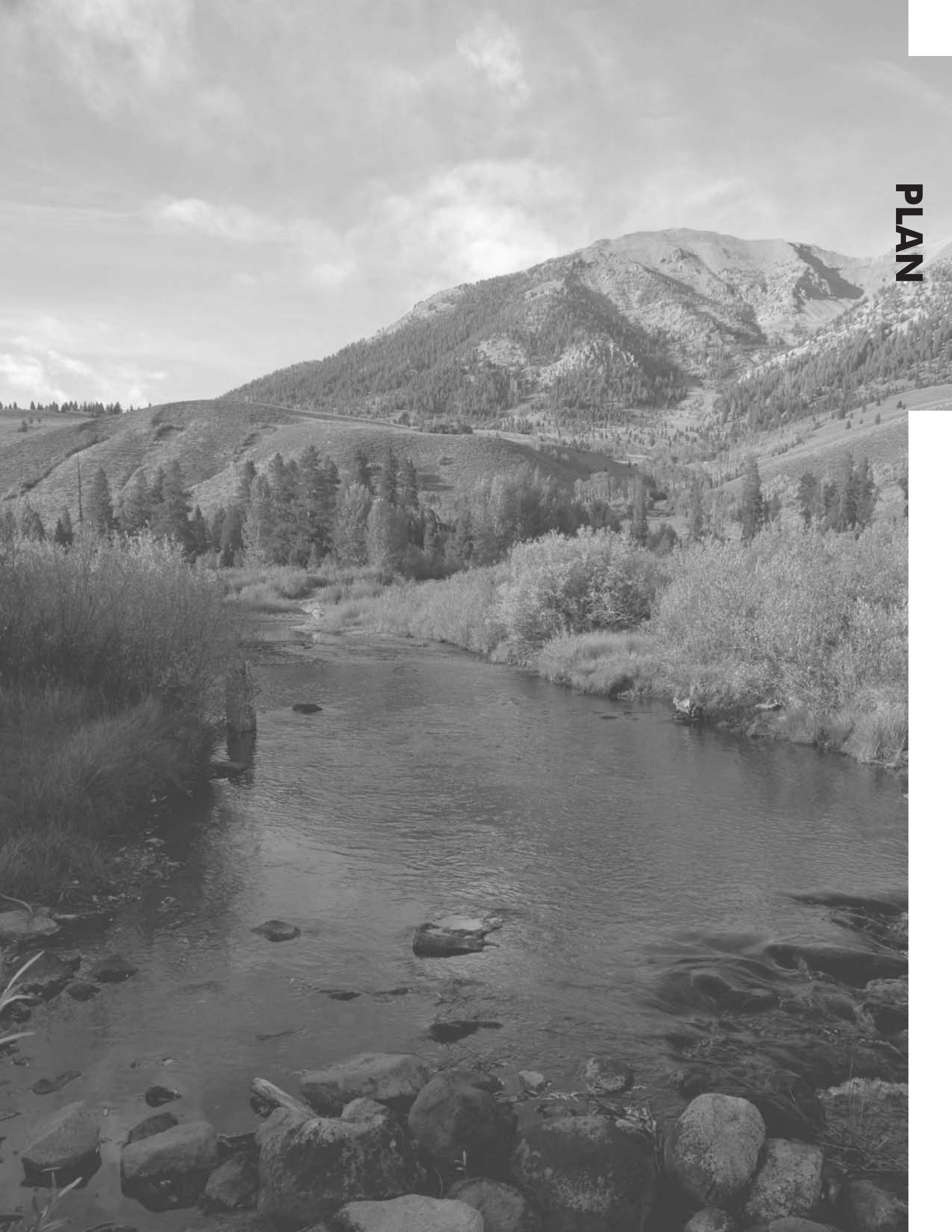
Environmental protection is about protecting people in the places where they live, work, play and learn. We want to keep the American people informed and engaged, to show them that these issues are part of their lives, and make sure they take part in guiding our path forward. A transparent and open dialogue can bring people together to build healthier, safer communities.

– Administrator Lisa P. Jackson

United States Environmental Protection Agency
Office of Policy, Economics and Innovation
EPA-230-Z-09-002

Fall 2009 Artwork Theme:
"From ants to zebras and everything in between, all life on Earth has an important job to do."
Cover art created by Emma Waterman, Grade 9



PLAN

ENVIRONMENTAL PROTECTION AGENCY

REGULATORY PLAN CONTENTS

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148	Renewable Fuels Standard Program	2060-AO81	Final Rule Stage
149	Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act	2060-AP55	Final Rule Stage
150	EPA/NHTSA Joint Rulemaking to Establish Light-Duty Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards	2060-AP58	Final Rule Stage
151	Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by the Federal PSD Permit Program	2060-AP87	Final Rule Stage
152	Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program	2070-AJ55	Final Rule Stage
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154	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category	2040-AE91	Final Rule Stage

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement of Priorities

OVERVIEW

Established in 1970, the Environmental Protection Agency is the primary federal agency responsible for protecting public health and the environment by improving air, land and water quality. EPA Administrator Lisa Jackson has embarked on an ambitious effort to restore momentum to EPA's core programs while also tackling emerging challenges such as climate change. Underlying this effort is the premise that environmental protection and economic growth are mutually achievable – that we can increase economic activity and create new jobs while we reduce harmful emissions and the dependence on polluting sources of energy. The Agency is dedicated to upholding the following values in its efforts to maintain the strongest level of environmental protection:

Scientific Integrity. The public health and environmental laws that Congress has enacted depend on rigorous adherence to the best available science. Scientific findings should be independent, using well-established scientific methods, including peer review, to assure rigor, accuracy, and impartiality.

Following the Rule of Law. EPA recognizes that respect for Congressional mandates and judicial decisions is the hallmark of a principled regulatory agency. Where EPA exercises discretion, it must be conducted in good faith and in keeping with the directives of Congress and the courts.

Transparency. EPA will apply the principles of transparency and openness to the rulemaking process. Public trust in the Agency demands that EPA reach out to all stakeholders fairly and impartially, that EPA consider the views and data presented carefully and objectively, and that EPA fully disclose the information that forms the bases for our decisions.

Environmental Justice. For generations, pollution has been a disproportionate problem in low-income and minority communities, particularly for the children in those communities. EPA is initiating major improvements with outreach and interaction with those who have been historically underrepresented in agency decision making, including the disenfranchised in cities and rural areas, communities of color, native Americans, and people disproportionately impacted by pollution. EPA will identify, where possible, the public health or environmental impacts of policies, programs and activities on these communities and take action, as appropriate, to address such impacts.

The American Recovery and Reinvestment Act

Environmental protection and economic growth are complementary goals. With its partners, EPA is overseeing investment from the American Recovery and Reinvestment Act (ARRA) of 2009 in ''green jobs'' and a healthier environment. To reach this goal, $7.22 billion has been designated for projects and programs administered by EPA. To support a green economy and a green environment, EPA lends support to innovation, investment and technology in the following environmental areas:

- **Water Infrastructure Improvements for Communities:** $4 billion for state clean water funding and $2 billion for state drinking water funding. This new infusion of money will help states and local government finance many of the overdue improvements to public waters and wastewater systems that are essential to protecting public health and assuring good water quality. 20 percent of this funding will be targeted towards green infrastructure, water and energy efficiency, and environmentally innovative projects.
- **Brownfield Restorations:** $100 million for grants to clean up and return former industrial and commercial sites to their communities for productive use. $5 million dollars is set aside for job training in the assessment and remediation of these sites.
- **Diesel Emissions Reductions:** $300 million for grants and loans to help regional, state and local governments, tribes, and non-profit organizations with projects that reduce harmful diesel emissions from vehicles like school buses, garbage trucks, construction equipment, marine vessels, and locomotives. Reducing emissions helps to reduce the risk of asthma, respiratory illnesses and premature deaths.
- **Accelerating Superfund Site Cleanups:** $600 million for the cleanup of hazardous wastes from sites. EPA will use this funding to increase the pace of these cleanups already underway, and return the sites to our communities for productive use.
- **Accelerating Leaking Underground Storage Tank Cleanups:** $200 million for the cleanup of petroleum leaks that occurred from underground storage tanks. There are approximately 100,000 sites eligible for cleanup where leaks threaten soil or water quality or result in fire or explosion hazards.
- **Responsible Oversight:** $20 million for the EPA Office of Inspector General for audits, evaluations, investigations and oversight of the Recovery Act funding to ensure that every penny is spent on projects that benefit Americans.

EPA has a number of successes in fulfilling its obligations under the American Recovery and Reinvestment Act.

- In the first EPA-related award under the American Recovery and Reinvestment Act, EPA devoted nearly $100 million in environmental funding to be invested in Colorado. This includes more than $65 million for improving drinking water and wastewater infrastructure, $2.5 million for leaking underground storage tanks and $2 million for revitalizing Brownfield sites.
- In the single largest grant in its history, EPA awarded more than $430 million to the State of New York for wastewater infrastructure projects that will create thousands of jobs, jumpstart local economies and protect human health and the environment across the state. The state will use the Recovery Act grant to provide money to municipal and county governments and wastewater utilities for projects to protect lakes, ponds and streams in communities across New York.
- The Iron Mountain Mine Superfund site near Redding, California, will receive between $10-25 million that will make it possible to dredge, treat, and dispose of heavy-metal contaminated sediments in the Spring Creek Arm of the Kewich Reservoir in 18 months, rather than three years.

EPA's portion of the ARRA will encourage further growth in a greener workforce by creating sustainable jobs that help produce cleaner drinking water, purer air, environmentally friendly urban and rural re-development, and reduced greenhouse gases. For new information on the state-by-state distributions for EPA's ARRA funds, see http://www.epa.gov/recovery.

HIGHLIGHTS OF EPA'S REGULATORY PLAN

In developing its agenda, five priorities form the core of EPA's regulatory focus:

Climate Change

In the U.S., energy-related activities account for three-quarters of human-generated greenhouse gas emissions, mostly in the form of carbon dioxide emissions from burning fossil fuels. More than half the energy-related emissions come from large stationary sources such as power plants, while about a third comes from transportation. Industrial processes (such as the production of cement, steel, and aluminum), agriculture, forestry, other land use, and waste management are also important sources of greenhouse gas emissions in the United States. This year, EPA is taking the first Federal regulatory steps to address the problem of global climate change.

New Mandatory Greenhouse Gas Reporting. In the fall of 2009, EPA will publish a final rule requiring mandatory reporting of greenhouse gas emissions from targeted sectors of the economy. This rule, funds for which were designated by the FY2008 Consolidated Appropriations Act, establishes monitoring, reporting, and recordkeeping requirements on facilities that produce, import, or emit greenhouse gases above a specific threshold in order to provide comprehensive and accurate data to support a range of future climate policy options.

Recognition that Greenhouse Gases Pose a Danger to Public Health and Welfare. On April 24, 2009, the Administrator proposed Endangerment and Cause or Contribute Findings under section 202(a) of the Clean Air Act. This action, in response to a 2007 Supreme Court decision, proposed to find that the current and projected concentrations of the mix of six key greenhouse gases - carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6) - in the atmosphere endanger the public health and welfare of current and future generations through climate change. As part of this action, the Administrator further proposed to find that the combined emissions of four of these six greenhouse gases from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key greenhouse gases and hence to the threat of climate change.

Vehicle Emissions. In the fall of 2009, EPA will propose to set national emissions standards under section 202 (a) of the Clean Air Act to control greenhouse gas (GHG) emissions from passenger cars and light-duty trucks, and medium-duty passenger vehicles, as part of a joint rulemaking with National Highway Traffic and Safety Administration (NHTSA). This joint rulemaking effort was announced by President Obama on May 19, 2009. The GHG standards would significantly reduce the GHG emissions from these light-duty vehicles.

Renewable Fuels Standard. In May of 2009, EPA proposed a rule that will address climate change and energy security by increasing the nation's use of renewable fuels. This rulemaking implements provisions in Title II of the 2007 Energy Independence and Security Act (EISA) that amend Section 211(o) of the Clean Air Act. The amendments revise the National Renewable Fuels Standard Program in the United States, increasing the national requirement to a total of 36 billion gallons of total renewable fuel in 2022. The amendments also establish new eligibility requirements for meeting the renewable fuel standards, including the establishment of minimum lifecycle greenhouse gas reduction thresholds for the various categories of renewable fuels.

For more information about these regulatory actions, as well as information about other programs and activities related to climate change, please visit http://www.epa.gov/climatechange/ or http://www.epa.gov/otaq/climate/regulations.htm.

Improving Air Quality

The U.S. continues to face serious air pollution challenges, with large areas of the country that still cannot meet federal air quality standards and many communities still facing health threats from exposure to toxics. While EPA has made tremendous progress toward achieving clean, healthy air that is safe to breathe, air pollution continues to be a great problem. The average adult breathes more than 3000 gallons of air every day, and children breathe more air per pound of body weight. Air pollutants can remain in the environment for long periods of time and can be carried by the wind hundreds of miles from their origin.

Ambient Air Quality. This year's Regulatory Plan describes efforts to review the National Ambient Air Quality Standards (NAAQS) for oxides of nitrogen, oxides of sulfur, ozone, and particulates. The Clean Air Act requires EPA to review the NAAQS every 5 years for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) and, if appropriate, revise these standards. Each review consists of an exhaustive assessment of the current scientific evidence detailing the health and welfare effects of exposure to the pollutants, and a policy assessment of the policy implications of that evidence. Each review will conclude with the EPA Administrator either retaining or revising the standards, taking into consideration the views of independent scientists and the public.

Reducing Harmful Emissions from Power Plants. Under the federal structure set up by the Clean Air Act, it is the States who are primarily responsible for bringing about the pollutant emission reductions necessary to reach attainment with the NAAQS. However, EPA does help achieve these reductions through national programs requiring emission reductions from both mobile and stationary sources. This Regulatory Plan describes one particularly significant such program — the Clean Air Transport Rule — which employs a market-based ''cap and trade'' program to bring about broad reductions in sulfur dioxide and nitrogen oxides from power plants in the eastern half of the United States. This program is designed to reduce the amount of pollution that is transported by the wind over long distances. This transported pollution can be a large part of the total pollution in many eastern cities, and controlling it nationally is a crucial complement to the States' efforts to achieve clean air.

Cleaner Air from Improved Technology. EPA continues to address toxic air pollution under authority of the Clean Air Act Amendments of 1990. The centerpiece of this effort is the ''Maximum Achievable Control Technology'' (MACT) program, which requires that all major sources of a given type use emission controls that better reflect the current state of the art. One of these efforts is by setting standards for industrial, commercial, and institutional boilers and process heaters.

For more information about these regulatory actions, as well as information about other programs and activities related to air quality, please visit http://www.epa.gov/ttn/naaqs/.

Management of Chemical Risks

EPA's Administrator has highlighted the need to strengthen EPA's chemical management program as one of her priorities coming in to the Agency. As part of this process, the Agency is evaluating its existing chemicals program to determine how best to ramp up efforts to assess, prioritize and take risk management action on chemicals of concern. EPA intends to announce the specifics of this effort and will seek public input.

Protection from Lead During and After Renovation. EPA is continuing its efforts to implement the final Lead; Renovation, Repair, and Painting Program Rule that was issued in 2008. As part of these efforts, EPA will be developing revisions to the rule to address several issues raised in litigation, including the universe of housing where lead-safe work practices are required, the provision of additional information on renovation activities to owners and occupants, and possibly additional requirements to ensure that renovation work areas have been adequately cleaned after renovation work has been finished and before the areas are re-occupied.

For more information about these regulatory actions, as well as information about other programs and activities related to the management of chemical risks, please visit http://www.epa.gov/oppts/.

Cleaning up Hazardous Waste

EPA envisions communities where blighted properties are transformed into safe and productive parcels, and threats to human health are properly mitigated, leading to jobs and a reinvestment in land, communities, and citizens. EPA's Office of Solid Waste and Emergency Response (OSWER) contributes to the Agency's overall mission of protecting public health and the environment by focusing on, preparing for, preventing and responding to chemical and oil spills, accidents, and emergencies; enhancing homeland security; increasing the beneficial use and recycling of secondary materials, the safe management of wastes and cleaning up contaminated property and making it available for reuse. Several regulatory priorities for the upcoming fiscal year will promote stewardship and resource conservation and focus regulatory efforts on risk reduction and statutory compliance.

Spill Prevention Control, and Countermeasures. EPA is considering amending the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements issued on December 5, 2008 (73 FR 74236), based on comments received on a February 2009 notice. The rule, when finalized, will streamline and reduce the burden imposed on the regulated community for complying with these SPCC requirements, while maintaining protection of human health and the environment.

Financial Responsibility. Under Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), EPA is to promulgate requirements that require certain classes of facilities to establish and maintain evidence of financial responsibility consistent with the degree and duration of risks from the production, treatment, and transportation, storage or disposal of CERCLA hazardous substances. Additionally, EPA is to publish a notice of the classes of facilities for which financial responsibility requirements will be first developed. To fulfill the notice requirement, EPA identified the certain classes of facilities within the hardrock mining industry as the classes of facilities for which the Agency will first develop financial responsibility requirements under CERCLA 108(b). In addition, the Agency plans to publish a notice by December 2009 in which it will identify other possible classes of facilities for which the Agency will consider developing financial responsibility requirements.

Protection from Inadequate Management of Coal Waste. Coal Combustion Residuals (CCRs) comprise one of the largest industrial waste streams. To protect the public from human health risks and to prevent environmental damage resulting from present disposal practices, EPA expects to propose a rule by December 2009 for the management of CCRs in landfills and surface impoundments. In developing the proposed rule, the Agency will consider comments it received on its August 2007 notice of data availability, plus any additional information that the Agency has collected or has been provided regarding the management of these residuals.

For more information about these regulatory actions, as well as information about other programs and activities related to hazardous waste, please visit http://www.epa.gov/oswer/.

Protecting America's Water

EPA will intensify its work to restore water quality protections in our nation's streams, rivers, lakes, bays, oceans and aquifers. EPA will make robust use of its authority to restore threatened treasures such as the Great Lakes and the Chesapeake Bay, address neglected urban rivers, strengthen drinking water safety programs, and reduce pollution from industrial and non-industrial discharges. Three regulatory priorities for the coming fiscal year will help achieve some of these goals.

Improving Water Quality. EPA plans to address challenging water quality problems in two rulemakings during Fiscal Year 2010. First, the Agency will publish final standards to address erosion and sediment discharges associated with construction and development activities. Later in the fiscal year, EPA plans to solicit comment on proposed standards for cooling water intakes for electric power plants and for other manufacturers who use large amounts of cooling water. The goal of the proposed rule will be to protect aquatic organisms from being killed or injured through impingement or entrainment.

For more information about these regulatory actions, as well as information about other programs and activities related to water, please visit http://www.epa.gov/ow/.

Aggregate Costs and Benefits

EPA has calculated a combined aggregate estimate of the costs and benefits of regulations included in the Regulatory Plan. For the fiscal year 2009, EPA has been able to gather sufficient data on seven of the twenty-two anticipated regulations to include them in an aggregate estimate. For the remaining actions, costs and benefits have not yet been calculated for various reasons. The regulations included in the aggregate estimate of costs and benefits are:

- Primary NAAQS for Nitrogen Dioxide (2060-AO19);
- Control of Emissions from New Marine Compression-Ignition Engines (2060-AO38);
- EPA/NHTSA Joint Rulemaking for Light-Duty GHG Emission and CAFE Standards (2060-AP58);
- Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources (2060-AM44);
- Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule, 40 CFR 112 (2050-AG16);
- Standards for Cooling Water Intake Structures (2040-AE95); and

- Effluent Limitations Guidelines and Standards for the Construction and Development (C&D) Point Source Category (2040-AE91).

EPA obtained aggregate estimates of total costs and benefits assuming both a three percent discount rate and a seven percent discount rate. However, one of the regulations listed above (C&D) was not included in the seven percent aggregation due to lack of data. Given a three percent discount rate, benefits range from $114 billion to $360 billion while the costs range from $17 billion to $30 billion. With a seven percent discount rate, and omitting one rule, benefits range from $75 billion to $305 billion. Costs with a seven percent discount rate range from $12 billion to $22 billion. In both cases, cost savings were treated as benefits, and all values are converted to 2008 dollars using a GDP deflator.

These results should be considered with caution. As with any aggregate estimate of total costs and benefits, these estimates must be highly qualified. First, there are significant gaps in data. In general, the benefits estimates reported above do not include values for benefits that have been quantified but not monetized and missing values for qualitative benefits, such as some human health benefits and ecosystem health improvements. Second, methodologies and types of costs/benefits considered are inconsistent, as are the units of analysis. Some of the costs/benefits are described as annualized values, while other values are specific to one year. Third, problems with aggregation can arise from differing baselines. Finally, the ranges presented do not reflect the full range of uncertainty in the benefit and cost estimates for these rules.

Rules Expected to Affect Small Entities

By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. A number of rules included in this Plan might be of particular interest to small businesses including:

- Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources (2060-AM44);
- Renewable Fuel Standard Program (2060-AO810).

CONCLUSION

EPA's Regulatory Plan is an important element of the Agency's strategy for achieving environmental results within the framework described above. Taken as a whole, the Agency's Regulatory Plan will ensure that the Nation continues to achieve improvements in environmental quality while at the same time promoting economic growth.

EPA

PRERULE STAGE

133. • LEAD; RENOVATION, REPAIR, AND PAINTING PROGRAM FOR PUBLIC AND COMMERCIAL BUILDINGS

Priority:

Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates:

Undetermined

Legal Authority:

15 USC 2682(c)(3)

CFR Citation:

40 CFR 745

Legal Deadline:

Other, Judicial, April 22, 2010, Advance Notice of Proposed Rulemaking.

NPRM, Judicial, December 15, 2011.

Final, Judicial, July 15, 2013.

Abstract:

Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities in target housing (most pre-1978 housing), pre-1978 public buildings, and commercial buildings that create lead-based paint hazards. On April 22, 2008, EPA issued a final rule to address lead-based paint hazards created by these activities in target housing and child-occupied facilities built before 1978. In this rule, child-occupied facilities are a subset of public and commercial buildings or facilities where children under age 6 spend a great deal of time. The 2008 rule established requirements for training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. This new rulemaking will address renovation or remodeling activities in the remaining buildings described in TSCA section 402(c)(3): Public buildings built before 1978 and commercial buildings that are not child-occupied facilities.

Statement of Need:

Statutory requirement.

Summary of Legal Basis:

Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities that create lead-based paint hazards in target housing, which is defined by statute to cover most pre-1978 housing, public buildings built before 1978, and commercial buildings.

Alternatives:

Yet to be determined.

Anticipated Cost and Benefits:

Yet to be determined.

Risks:

Yet to be determined.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/10	
NPRM	12/00/11	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Undetermined

Federalism:

Undetermined

Additional Information:

SAN No. 5381; N/A

URL For More Information:

http://www.epa.gov/lead/pubs/renovation.htm

Agency Contact:

Hans Scheifele
Environmental Protection Agency
Office of Prevention, Pesticides and Toxic Substances
7404T
Washington, DC 20460
Phone: 202 564–1459
Email: scheifele.hans@epamail.epa.gov

Cindy Wheeler
Environmental Protection Agency
Office of Prevention, Pesticides and Toxic Substances
7404T
Washington, DC 20460
Phone: 202 566–0484
Fax: 202 566–0471
Email: wheeler.cindy@epa.gov

RIN: 2070–AJ56

EPA

134. CERCLA 108(B) FINANCIAL RESPONSIBILITY

Priority:

Other Significant

Legal Authority:

42 USC 9608 (b)

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. The Agency has already identified classes of facilities within the hardrock mining industry as those for which financial responsibility requirements will be first developed. The Agency is currently examining the following classes of facilities for possible development of financial responsibility requirements under CERCLA Section 108(b): hazardous waste generators, hazardous waste recyclers, metal finishers, wood treatment facilities and chemical manufacturers. This list may be revised as the Agency's evaluation proceeds. EPA is scheduled to complete and publish in the Federal Register a notice identifying potential categories of facilities by December 2009.

Statement of Need:

The Agency is currently examining various classes of facilities that may produce, transport, treat, store or dispose of hazardous substances for development of financial responsibility requirements under CERCLA Section 108(b).

Summary of Legal Basis:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended.

Alternatives:

To be determined.

Anticipated Cost and Benefits:

To be determined.

Risks:

To be determined.

Timetable:

Action	Date	FR Cite
Priority Notice	07/28/09	74 FR 37213
FR Notice	01/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 5350; EPA publication information: Priority Notice - http://www.epa.gov/fedrgstr/EPA-WASTE/2009/July/Day-28/f16819.pdf; EPA Docket information: EPA-HQ-SFUND-2009-0265

Agency Contact:

Ben Lesser
Environmental Protection Agency
Solid Waste and Emergency Response
5304P
Washington, DC 20460
Phone: 703 308–0314
Email: lesser.ben@epa.gov

Elaine Eby
Environmental Protection Agency
Solid Waste and Emergency Response
5304P
Washington, DC 20460
Phone: 703 308–8449
Email: eby.elaine@epa.gov

RIN: 2050–AG56

EPA

PROPOSED RULE STAGE

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135. COMBINED RULEMAKING FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS AT MAJOR SOURCES OF HAP AND INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AT AREA SOURCES

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

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

Legal Authority:

Clean Air Act, sec 112

CFR Citation:

40 CFR 63

Legal Deadline:

NPRM, Judicial, April 15, 2010, A 60 day extension for proposal was granted on June 30, 2009.

Final, Judicial, December 16, 2010.

Abstract:

Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112 mandates that EPA develop standards for hazardous air pollutants (HAP) for both major and area sources listed under section 112(c). Section 112(k) requires development of standards for area sources which account for 90% of the emissions in urban areas of the 30 urban (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 for regulation pursuant to section 112(c). Industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories. In this rulemaking, EPA will develop standards for these source categories.

Statement of Need:

As a result of the vacatur of the Industrial Boiler MACT, the Agency will develop another rulemaking under

CAA section 112 which will reduce hazardous air pollutant (HAP) emissions from this source category. Recent court decisions on other CAA section 112 rules will be considered in developing this regulation.

Summary of Legal Basis:

Clean Air Act, section 112.

Alternatives:

Not yet determined.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

Not yet determined.

Timetable:

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

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected:

Local, State

Additional Information:

SAN No. 4884. This rulemaking combines the area source rulemaking for boilers and the rulemaking for re-establishing the vacated NESHAP for boilers and process heaters. EPA Docket information: EPA-HQ-OAR-2006-0790

Agency Contact:

Jim Eddinger
Environmental Protection Agency
Air and Radiation
C439–01
Research Triangle Park, NC 27711
Phone: 919 541–5426
Email: eddinger.jim@epamail.epa.gov

Robert J. Wayland
Environmental Protection Agency
Air and Radiation
D243–01
RTP, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AM44

EPA

136. 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:

None

Abstract:

Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 17, 2006, EPA published a final rule to revise the primary and secondary NAAQS for particulate matter to provide increased protection of public health and welfare. With regard to the primary standard for fine particles (generally referring to particles less than or equal to 2.5 micrometers in diameter, PM2.5), EPA revised the level of the 24-hour PM2.5 standard to 35 micrograms per cubic meter (ug/m3) and retained the level of the annual PM2.5 standard at 15 ug/m3. With regard to primary standards for particles generally less than or equal to 1 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. EPA initiated the current review in 2007 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. This review includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's decision as to whether to retain or revise the standards.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for particulate matter are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for particulate matter are whether to retain or revise the existing standards and, if revisions are necessary, the forms and levels of the revised standards. Options for these alternatives will be developed as the rulemaking proceeds.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Therefore, work on developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments will be conducted to evaluate health risks associated with retention or revision of the particulate matter standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	
Final Action	07/00/11	

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

URL For More Information:

www.epa.gov/air/particlepollution/

Agency Contact:

Beth Hassett–Sipple
Environmental Protection Agency
Air and Radiation
C504–06
Research Triangle Park, NC 27711
Phone: 919 541–4605
Fax: 919 541–0237
Email: hassett-sipple.beth@epa.gov

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

RIN: 2060–AO47

EPA

137. 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:

NPRM, Judicial, November 16, 2009.

Final, Judicial, June 2, 2010.

Abstract:

Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On May 22, 1996, 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 received on the November 1994 proposal, that significant revisions to the primary and secondary NAAQS for SO2 would not be made at that time. In 2006, EPA's Office of Research and Development 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. Subsequently, the decision was made to separate the reviews of the primary and secondary SO2 standards, and to combine the SO2 secondary-standard review with the secondary-standard review of Nitrogen Dioxide (NO2) due to their linkage in terms of effects and atmospheric chemistry. That joint review of the SO2 and NO2 secondary standards is part of a separate regulatory action described elsewhere in this Regulatory Plan under the identifying number (RIN) 2060-AO72. The regulatory action described here is for the Agency's review of the primary SO2 NAAQS. This review includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment. These documents were reviewed by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for SO2 are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for SO2 are whether to retain or revise the existing standards.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Therefore, work on the developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments were conducted to evaluate health risks associated with retention or revision of the SO2 standards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	06/00/10	

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

URL For More Information:

http://www.epa.gov/ttn/naaqs/standards/so2/s__so2__index.html

Agency Contact:

Michael Stewart
Environmental Protection Agency
Air and Radiation
C504–06
Research Triangle Park, NC 27711
Phone: 919 541–7524
Fax: 919 541–0237
Email: stewart.michael@epa.gov

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

RIN: 2060–AO48

EPA

138. 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, July 12, 2011.

Final, Judicial, March 20, 2012, No court schedule has been ordered for this review as of yet. This date represents the date submitted by EPA to the court.

Abstract:

Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 11, 1995, EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO2). On May 22, 1996, 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. On December 9, 2005, EPA's Office of Research and Development (ORD) initiated the current periodic review of NO2 air quality criteria with a call for information in the Federal Register (FR). On May 3, 2006, ORD initiated the current periodic review of SO2 air quality criteria with a call for information in the FR. Subsequently, the decision was made to review the oxides of nitrogen and the oxides of sulfur together, rather than individually, with respect to a secondary welfare standard for NO2 and SO2. This decision derives from the fact that NO2, SO2, and their associated transformation products are linked from an atmospheric chemistry perspective, as well as from an environmental effects perspective, most notably in the case of secondary aerosol formation and acidification in ecosystems. This review includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. It should be noted that this review will be limited to only the secondary standards; the primary standards for SO2 and NO2 are being reviewed separately, as described elsewhere in this Regulatory Plan under the identifying numbers RIN-2060-AO48 and RIN-2060-AO19, respectively.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for oxides of nitrogen and oxides of sulfur are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for oxides of nitrogen and oxides of sulfur are whether to retain or revise the existing standards.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Therefore, work on the developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments may be conducted to evaluate public welfare risks associated with retention or revision of the NOx/SOx secondary standards.

Timetable:

Action	Date	FR Cite
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

Additional Information:

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

Agency Contact:

Anne Rea
Environmental Protection Agency
Air and Radiation
C539–02
Research Triangle Park, NC 27711
Phone: 919 541–0053
Fax: 919 541–0905
Email: rea.anne@epa.gov

Ginger Tennant
Environmental Protection Agency
Air and Radiation
C504–06
Research Triangle Park, NC 27711
Phone: 919 541–4072
Fax: 919 541–0237
Email: tennant.ginger@epa.gov

RIN: 2060–AO72

EPA

139. CLEAN AIR TRANSPORT RULE

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

Clean Air Act Title I

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

On May 12, 2005, the Environmental Protection Agency (EPA) promulgated the Clean Air Interstate Rule, commonly known as CAIR (70 FR 25162). The CAIR used a cap and trade approach to reduce sulfur dioxide (SO2) and nitrogen oxides (NOx) emissions. On July 11, 2008, the D.C. Circuit issued an opinion finding the CAIR unlawful and vacating the rule. On December 23, the D.C. Circuit issued a decision on the petitions for rehearing of the July 11 decision. The court granted EPA's petition for rehearing to the extent that it remanded the cases without vacatur of the CAIR. This ruling means that the CAIR remains in place, but that EPA is obligated to promulgate another rule under Clean Air Act Section 110(a)(2)(D) consistent with the court's July 11 opinion. This action is proposing to fulfill our obligation to develop a rule consistent with the July 11, 2008 and December 23, 2008 D.C. Court decisions.

Statement of Need:

The Clean Air Transport Rule is necessary to help states address interstate transport of pollutants from upwind states to downwind nonattainment areas. Specifically, the rule is needed to respond to the remand of the Clean Air Interstate Rule by the U.S. Court of Appeals for the D.C. Circuit.

Summary of Legal Basis:

The Clean Air Transport Rule is needed to help states address the requirements of section 110(a)(2)(D)(i) of the Clean Air Act. This section requires States to prohibit emissions that contribute significantly to downwind nonattainment with the national ambient air quality standards, or which interfere with maintaining the standards in those downwind states.

Alternatives:

To be determined.

Anticipated Cost and Benefits:

To be determined.

Risks:

To be determined.

Timetable:

Action	Date	FR Cite
NPRM	07/00/10	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Undetermined

Federalism:

Undetermined

Additional Information:

SAN No. 5336; EPA Docket information: EPA-HQ-OAR-2009-0491

Agency Contact:

Tim Smith
Environmental Protection Agency
Air and Radiation
C539–04
RTP, NC 27711
Phone: 919 541–4718
Fax: 919 541–5489
Email: smith.tim@epamail.epa.gov

Rhea Jones
Environmental Protection Agency
Air and Radiation
C539–04
RTP, NC 27709
Phone: 919 541–2940
Fax: 919 541–0824
Email: jones.rhea@epa.gov

RIN: 2060–AP50

EPA

140. ● REVISION TO PB AMBIENT AIR MONITORING REQUIREMENTS

Priority:

Other Significant

Legal Authority:

42 USC 7403; 42 USC 7410; 42 USC 7601(a); 42 USC 7611; 42 USC 7619

CFR Citation:

40 CFR 58

Legal Deadline:

None

Abstract:

On November 12, 2008, the Environmental Protection Agency (EPA revised the National Ambient Air Quality Standards (NAAQS) for lead and associated monitoring requirements. The finalized monitoring requirements require state and local monitoring agencies to conduct Pb monitoring near Pb sources emitting 1.0 tons per year (tpy) or more and in large urban areas referred to as Core Based Statistical Areas (CBSA) with a population of 500,000 people or more. In January 2009, EPA received a petition to reconsider the 1.0 tpy emission threshold from the Missouri Coalition for the Environment Foundation, Natural Resources Defense Council, the Coalition to End Childhood Poisoning, and Physicians for Social Responsibility requesting EPA reconsider the 1.0 tpy emission threshold. EPA granted the petition to reconsider on July 22, 2009. This action represents the results of the EPA's reconsideration of the Pb monitoring requirements.

Statement of Need:

This action is in response to a petition to reconsider that the Agency received and granted on the Pb monitoring requirements contained in the revision to the Pb NAAQS (73 FR 66964).

Summary of Legal Basis:

Clean Air Act Title I

Alternatives:

To be determined.

Anticipated Cost and Benefits:

To be determined.

Risks:

To be determined.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Local, State

Additional Information:

SAN No. 5370; EPA Docket information: EPA-HQ-OAR-2006-0735

URL For More Information:

http://epa.gov/air/lead

Agency Contact:

Kevin Cavender
Environmental Protection Agency
Air and Radiation
C304–06
RTP, NC 27711
Phone: 919 541–2364
Fax: 919 541–1903
Email: cavender.kevin@epamail.epa.gov

Lewis Weinstock
Environmental Protection Agency
Air and Radiation
C304–06
RTP, NC 27711
Phone: 919 541–3661
Fax: 919 541–1903
Email: weinstock.lewis@epamail.epa.gov

RIN: 2060–AP77

EPA

141. • PREVENTION OF SIGNIFICANT DETERIORATION/TITLE V GREENHOUSE GAS TAILORING RULE

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

Clean Air Act Title I

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

In this rule, EPA will apply a tailored approach to the applicability major source thresholds for greenhouse gases under the Prevention of Significant Deterioration (PSD) and title V programs of the Clean Air Act (CAA or Act) by temporarily raising those thresholds and setting a PSD significance level for greenhouse gases. EPA is anticipating that greenhouse gas (GHG) emissions may soon be subject to regulation pursuant to the CAA.

One consequence of our subjecting GHG emissions to regulatory controls is that the requirements of existing air permit programs, namely the prevention of significant deterioration (PSD) preconstruction permitting program for major stationary sources and the title V operating permits program, would be triggered for GHG emission sources. At the current applicability levels under the CAA, tens of thousands of projects every year would need permits under the PSD program, and millions of sources would become subject to the title V program. These numbers of permits are orders of magnitude greater than the current number of permits under these permitting programs and would vastly exceed the administrative capacity of the permitting authorities. By tailoring the applicability thresholds, we will allow actions to be taken by EPA and states to build capacity and streamline permitting.

Statement of Need:

This action will implement a tailored approach to PSD and Title V applicability for GHG sources when GHG emissions become subject to regulation pursuant to the CAA. This will avoid the scenario where each year tens of thousands of new sources and modifications would potentially become subject to PSD review and millions of sources would require title V operating permits, instead replacing it with a phased approach that allows permitting authorities to manage or obtain the necessary resources to handle the increased workload.

Summary of Legal Basis:

Doctrine of Administrative Necessity.

Alternatives:

Alternatives are being developed and will be presented in the preamble to the proposed rule.

Anticipated Cost and Benefits:

EPA has not completed the necessary analytical work that supports developing the regulatory relief costs savings associated with this rule. Once the analysis plan/work is completed, the Agency will compile and present the information.

Risks:

Not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Undetermined

Additional Information:

SAN No. 5192; EPA Docket information: EOPA-HQ-OAR-2009-0517

URL For More Information:

www.epa.gov/nsr

Agency Contact:

Joseph Mangino
Environmental Protection Agency
Air and Radiation
C504–03
RTP, NC 27711
Phone: 919 541–9778
Fax: 919 685–3105
Email: mangino.joseph@epamail.epa.gov

Jennifer Snyder
Environmental Protection Agency
Air and Radiation
C504–05
Research Triangle Park, NC 27711
Phone: 919 541–3003
Fax: 919 541–5509
Email: snyder.jennifer@epamail.epa.gov

RIN: 2060–AP86

EPA

142. • RECONSIDERATION OF THE 2008 OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

Undetermined

Legal Authority:

42 USC 7409

CFR Citation:

Not Yet Determined

Legal Deadline:

NPRM, Judicial, December 21, 2009, Promised proposal to court by 12/21/2009.

Abstract:

On March 12, 2008, EPA announced the final decision on the ozone national ambient air quality standards (NAAQS). Soon after that decision was signed on 3/27/08 (73 FR 16436), the Clean Air Scientific Advisory Committee (CASAC) held an unsolicited public meeting and criticized EPA for setting primary and secondary standards that were not consistent with advice provided by the CASAC during review of the NAAQS. On 7/25/08, several environmental and industry petitioners, as well as a number of States, sued EPA on the NAAQS decision, and the Court set a briefing schedule for the consolidated cases on 12/23/08. On 3/10/09, EPA requested that the Court vacate the briefing schedule and hold the consolidated cases in abeyance for 180 days. This request for extension was made to allow time for appropriate

EPA officials appointed by the new Administration to determine whether the standards established in March 2008 should be maintained, modified or otherwise reconsidered. Announcement of reconsideration of the March 2008 NAAQS decision occurred on 9/16/09. The current rulemaking schedule calls for a NAAQS proposal (including a proposal to stay implementation designations for the March 2008 NAAQS) to be signed by 12/15/09, with the final rule to be signed by 8/31/10. Reconsideration of the NAAQS will be limited to information and supporting documentation available to EPA and in the docket at the time of the March 2008 decision.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for ozone are to be reviewed every five years. As outlined in the abstract of this Regulatory Plan entry, this reconsideration is in response to actions by the courts regarding the last review in 2008.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for ozone are whether to reaffirm or revise the existing standards. Decisions on these alternatives will be summarized in the Notice of Proposed Rulemaking.

Anticipated Cost and Benefits:

A regulatory impact analysis (RIA) is being prepared that presents the costs and benefits associated with the proposed revised ozone standards and potential alternative standards. This RIA will be made available when the Notice of Proposed Rulemaking is published.

Risks:

The current national ambient air quality standards for ozone are intended to protect against public health risks associated with morbidity and/or premature mortality and public welfare risks associated with adverse vegetation and ecosystem effects. During the course of this review, risk assessments will be conducted to evaluate health and welfare risks associated with retention or revision of the ozone standards.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	

Regulatory Flexibility Analysis Required:

No

Government Levels Affected:

None

URL For More Information:

www.epa.gov/air/criteria.html

Agency Contact:

David McKee
Environmental Protection Agency
Air and Radiation
C504–06
Research Triangle Park, NC 27711
Phone: 919 541–5288
Fax: 919 541–0237
Email: mckee.dave@epa.gov

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

Related RIN: Related to 2060–AN24

RIN: 2060–AP98

EPA

143. • LEAD; CLEARANCE AND CLEARANCE TESTING REQUIREMENTS FOR THE RENOVATION, REPAIR, AND PAINTING PROGRAM

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

Undetermined

Legal Authority:

15 USC 2601(c); 15 USC 2682(c)(3); 15 USC 2684; 15 USC 2686; 15 USC 2687

CFR Citation:

40 CFR 745

Legal Deadline:

NPRM, Judicial, April 22, 2010, Signature.

Final, Judicial, July 15, 2011, Signature.

Abstract:

EPA intends to propose several revisions to the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule that established accreditation, training, certification, and recordkeeping requirements as well as work practice standards for persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities. Current requirements include training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. EPA is particularly concerned about dust lead hazards generated by renovations because children, especially younger children, are at risk for high exposures of lead-based paint dust via hand-to-mouth exposure. For this particular action, EPA will consider whether to establish additional requirements to ensure that renovation work areas are adequately cleaned after renovation work is finished and before the areas are re-occupied. These additional requirements may include dust wipe testing after renovations and ensuring that renovation work areas meet clearance standards before re-occupancy.

Statement of Need:

EPA is particularly concerned about dust lead hazards generated by renovations because children, especially younger children, are at risk for high exposures of lead-based paint dust via hand-to-mouth exposure. This rulemaking revision is being considered in response to a settlement agreement.

Summary of Legal Basis:

Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities that create lead-based paint hazards in target housing, which is defined by statute to cover most pre-1978 housing, public buildings built before 1978, and commercial buildings.

Alternatives:

The additional requirements may include dust wipe testing after

renovations and ensuring that renovation work areas meet clearance standards before re-occupancy.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

Not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

None

Additional Information:

SAN No. 5380

URL For More Information:

http://www.epa.gov/lead/pubs/renovation.htm

Agency Contact:

Cindy Wheeler
Environmental Protection Agency
Office of Prevention, Pesticides and Toxic Substances
7404T
Washington, DC 20460
Phone: 202 566–0484
Fax: 202 566–0471
Email: wheeler.cindy@epa.gov

Michelle Price
Environmental Protection Agency
Office of Prevention, Pesticides and Toxic Substances
7404T
Washington, DC 20460
Phone: 202 566–0744
Fax: 202 566–0471
Email: price.michelle@epa.gov

RIN: 2070–AJ57

EPA

144. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION RESIDUALS GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

Undetermined

Legal Authority:

Not Yet Determined

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

This action is for the development of regulations for coal combustion residuals (formerly coal combustion waste). The regulations will apply to waste management units at facilities that manage coal combustion residuals generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), which concluded that waste management regulations under RCRA are appropriate for certain coal combustion residuals (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, while monitoring the benefits of beneficial use of coal ash residues. 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. EPA is currently preparing a proposed rule for the regulation of coal combustion residuals.

Statement of Need:

There is a need to assess risks associated with the management of coal combustion residuals and the most effective regulatory option to address them.

Summary of Legal Basis:

Resource Conservation and Recovery Act

Alternatives:

To be determined.

Anticipated Cost and Benefits:

To be determined.

Risks:

To be determined.

Timetable:

Action	Date	FR Cite
NODA	08/29/07	72 FR 49714
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Federal, Local, State, Tribal

Federalism:

This action may have federalism implications as defined in EO 13132.

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 will also affect 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

Agency Contact:

Alexander Livnat
Environmental Protection Agency
Solid Waste and Emergency Response
5304P
Washington, DC 20460
Phone: 703 308–7251
Fax: 703 605–0595
Email: livnat.alexander@epa.gov

Steve Souders
Environmental Protection Agency
Solid Waste and Emergency Response
5306P
Washington, DC 20460
Phone: 703 308–8431
Fax: 703 605–0595
Email: souders.steve@epamail.epa.gov

RIN: 2050–AE81

EPA

145. CRITERIA AND STANDARDS FOR COOLING WATER INTAKE STRUCTURES

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

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

Legal Authority:

CWA 101; CWA 301; CWA 304; CWA 308; CWA 316; CWA 401; CWA 402; CWA 501; CWA 510

CFR Citation:

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) for minimizing adverse environmental impacts. In developing regulations to implement section 316(b), EPA divided its effort into three rulemaking 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 review, the U.S. Court of Appeals for the Second Circuit remanded several key provisions. In July 2007, EPA suspended Phase II and has now initiated a new 316(b) Phase II rulemaking. Following the decision in the Second Circuit, several parties petitioned the U.S. Supreme Court to review that decision, and the Supreme Court granted the petitions, limited to the issue of whether the Clean Water Act authorized EPA to consider the relationship of costs and benefits in establishing section 316(b) standards. On April 1, 2009, the Supreme Court reversed the Second Circuit, finding that the Agency may consider cost-benefit analysis in its decision-making. This finding did not hold that the Agency must consider costs and benefits in these decisions. EPA issued the Phase III regulation, covering existing electric generating plants using less than 50 MGD of cooling water, and all existing manufacturing facilities, in June 2006. EPA will accept a voluntary remand of the Phase III regulation for existing facilities, in order to issue a regulation covering both Phase II and III facilities, and to do so in a consistent manner. EPA expects this new rulemaking will similarly apply to the approximately 900 existing electric generating and manufacturing plants.

Statement of Need:

In the absence of national regulations, NPDES permit writers have developed requirements to implement section 316(b) on a case-by-case basis. This may result in a range of different requirements, and, in some cases, delays in permit issuance or reissuance. This regulation may have substantial ecological benefits.

Summary of Legal Basis:

The Clean Water Act requires EPA to establish best technology available standards to minimize adverse environmental impacts from cooling water intake structures. On February 16, 2004, EPA took final action on regulations governing cooling water intake structures at certain existing power producing facilities under section 316(b) of the Clean Water Act (Phase II rule). 69 FR 41576 (July 9, 2004). These regulations were challenged, and the Second Circuit remanded several provisions of the Phase II rule on various grounds. Riverkeeper, Inc. v. EPA, 475 F.3d 83, (2d Cir., 2007). EPA suspended most of the rule in response to the remand. 72 FR 37107 (July 9, 2007). The remand of Phase III does not change permitting requirements for these facilities. Until the new rule is issued, permit directors continue to issue permits on a case-by-case, Best Professional Judgment basis for Phase II facilities.

Alternatives:

This analysis will cover various sizes and types of potentially regulated facilities, and control technologies. EPA is considering whether to regulate on a national basis, by subcategory, or by broad water body category.

Anticipated Cost and Benefits:

The technologies under consideration in this rulemaking are similar to the technologies considered for the original Phase II and Phase III rules. Those costs evaluated for the Phase II remanded rule, in 2002 dollars, ranged from $389 million (the final rule option) to $440 million (the final rule option at proposal) to $1 billion to $3.5 billion (closed cycle cooling for facilities on certain waterbodies, or at all facilities). The monetized benefits of the original final rule were estimated to be $82 million. The monetized benefits include only the use value associated with quantifiable increases in commercial and recreational fisheries. Non-use benefits were not analyzed. The costs and benefits of the Phase III option most closely aligned with the Phase II option co-promulgated were $38.3 million and $2.3 million respectively, in 2004 dollars. EPA will develop new costs and benefits estimates for this new effort.

Risks:

Cooling water intake structures may pose significant risks for aquatic ecosystems.

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	
Final Action	07/00/12	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses, Governmental Jurisdictions

Government Levels Affected:

Federal, Local, State

Additional Information:

SAN No. 5210; EPA Docket information: EPA-HQ-OW-2008-0667

URL For More Information:

www.epa.gov/waterscience/316b

Agency Contact:

Paul Shriner
Environmental Protection Agency
Water
4303T
Washington, DC 20460
Phone: 202 566–1076
Email: shriner.paul@epamail.epa.gov

Jan Matuszko
Environmental Protection Agency
Water
4303T
Washington, DC 20460
Phone: 202 566–1035
Email: matuszko.jan@epamail.epa.gov

RIN: 2040–AE95

EPA

FINAL RULE STAGE

146. 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:

NPRM, Judicial, June 26, 2009.

Final, Judicial, January 22, 2010.

Abstract:

Under the Clean Air Act, EPA is required to review and, if appropriate,

revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 8, 1996, 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, EPA's Office of Research and Development 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. Subsequently, the decision was made to separate the reviews of the primary and secondary NO2 standards, and to combine the NO2 secondary-standard review with the secondary-standard review of Sulfur Dioxide (SO2) due to their linkage in terms of effects and atmospheric chemistry. That joint review of the SO2 and NO2 secondary standards is part of a separate regulatory action described elsewhere in this Regulatory Plan under the identifying number RIN-2060-AO72. The regulatory action described here is for the Agency's review of the primary NO2 NAAQS. This includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. On July 15, 2009, a proposed rule was published that would establish a new, short-term (1-hour) standard in the range of 80 to 100 parts per billion. This action included a proposal to revise the NO2 monitoring network to include monitors near major roadways.

Statement of Need:

As established in the Clean Air Act, the national ambient air quality standards for NO2 are to be reviewed every five years.

Summary of Legal Basis:

Section 109 of the Clean Air Act (42 USC 7409) directs the Administrator to propose and promulgate ''primary'' and ''secondary'' national ambient air quality standards for pollutants identified under section 108 (the ''criteria'' pollutants). The ''primary'' standards are established for the protection of public health, while ''secondary'' standards are to protect against public welfare or ecosystem effects.

Alternatives:

The main alternatives for the Administrator's decision on the review of the national ambient air quality standards for NO2 are whether to retain or revise the existing standards.

Anticipated Cost and Benefits:

The Clean Air Act makes clear that the economic and technical feasibility of attaining standards are not to be considered in setting or revising the NAAQS, although such factors may be considered in the development of State plans to implement the standards. Accordingly, the Agency prepares cost and benefit information in order to provide States information that may be useful in considering different implementation strategies for meeting proposed or final standards. Cost and benefit information is not developed to support a NAAQS rulemaking until sufficient policy and scientific information is available to narrow potential options for the form and level associated with any potential revisions to the standard. Therefore, work on the developing the plan for conducting the cost and benefit analysis will generally start 1 1/2 to 2 years following the start of a NAAQS review.

Risks:

During the course of this review, risk assessments will be conducted to evaluate health risks associated with retention or revision of the NO2 standards

Timetable:

Action	Date	FR Cite
NPRM	07/15/09	74 FR 34403
Final Action	02/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 5111; EPA publication information: NPRM - http://edocket.access.gpo.gov/2009/pdf/E9-15944.pdf; EPA Docket information: EPA-HQ-OAR-2006-0922

URL For More Information:

http://www.epa.gov/air/nitrogenoxides/

Agency Contact:

Scott Jenkins
Environmental Protection Agency
Air and Radiation
C445–01
RTP, NC 27711
Phone: 919 541–1167
Email: jenkins.scott@epa.gov

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

RIN: 2060–AO19

EPA

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

Priority:

Other Significant

Legal Authority:

42 USC 7545; 42 USC 7547

CFR Citation:

40 CFR 80; 40 CFR 94; 40 CFR 1042; 40 CFR 1065

Legal Deadline:

Final, Judicial, December 17, 2009.

Abstract:

Category 3 marine diesel engines (those with per cylinder displacement greater than 30 liters) are very large engines that are used for propulsion power in ocean-going vessels. Emissions from these engines contribute significantly to unhealthful levels of ambient particulate matter and ozone in many parts of the United States. These engines are highly mobile and are not easily controlled at a state or local level. EPA currently regulates emissions from Category 3 marine diesel engines on ships flagged in the United States. This rulemaking will consider long-term nitrogen oxides (NOx) standards for new Category 3 marine diesel engines that would require the use of high efficiency aftertreatment technology. We are considering standards equivalent to the limits for NOx recently adopted by the International Maritime Organization,

which are based on the position advanced by the United States Government as part of the international negotiations. We are also considering a revision to our diesel fuel program under the Act to allow for the manufacture and sale of marine diesel fuel with a sulfur content up to 1,000 ppm for use in Category 3 engines. The proposal would be part of a coordinated strategy, the other components of which would consist of the new amendments to MARPOL Annex VI that will extend these standards to foreign vessels (through the Act to Prevent Pollution from Ships) and pursuing Emission Control Area (ECA) designation for U.S. coastal areas in accordance with MARPOL Annex VI. Implementation of this coordinated strategy will ensure that all ships that affect U.S. air quality meet stringent NOx and fuel sulfur requirements. A recent D.C. Circuit decision (February 2009) upheld EPA's deadline of 12/17/09 based on EPA's commitment in the regulation to meet that deadline for the final Category 3 rule.

Statement of Need:

There is a need to reduce emissions from Category 3 marine diesel engines to achieve significant public health benefits and help states and localities attain and maintain PM and ozone National Ambient Air Quality Standards. These large diesel engines generate significant emissions of fine particulate matter (PM2.5), Nitrogen oxides (NOx) and sulfur oxides (SOx), as well as hydrocarbons (HC), carbon monoxide (CO), and hazardous air pollutants or air toxics that are associated with adverse health effects. Without further action, by 2030, NOx emissions from ships are projected to more than double, growing to 2.1 million tons a year, while annual PM2.5 emissions are expected to almost triple to 170,000 tons. By 2030, the coordinated strategy described in this rule is expected to reduce annual emissions of NOx in the United States by about 1.2 million tons and particulate matter (PM) emissions by about 143,000 tons, and prevent between 13,000 and 32,000 premature deaths annually.

Summary of Legal Basis:

Authority for this regulatory action is granted to the Environmental Protections Agency by sections 114, 203, 205, 206, 207, 208, 211, 213, 216, and 301(a) of the Clean Air Act as amended in 1990 (42 U.S.C. 7414, 7522, 7524, 7525, 7541, 7542, 7545, 7547, 7550 and 7601(a)), and by sections 1901-1915 of the Act to Prevent Pollution from Ships (33 USC 1909 et seq.).

The authority for the fuel requirements is provided in section 211 (c) of the Clean Air Act, which allow EPA to regulate fuels that contribute to air pollution which endangers public health or welfare (42 U.S.C. 7545 (c)). Additional support for the procedural and enforcement-related aspects of the fuel controls in the proposed rule, including the record keeping requirements, comes from sections 114 (a) and 301 (a) of the CAA (42 U.S.C. Sections 7414 (a) and 7601 (a)). The authority for the engine requirements is provided in section 213(a)(3) of the Clean Air Act, which directs the Administrator to set standards regulating emissions of NOx, volatile organic compounds (VOCs), or CO for classes or categories of engines, like marine diesel engines, that contribute to ozone or carbon monoxide concentrations in more than one nonattainment area. Section 208, which requires manufacturers and other persons subject to Title II requirements to ''provide information the Administrator may reasonably require . . . to otherwise carry out the provisions of this part. . . '' provides authority for a PM measurement requirement. The authority to implement and enforce the Category 3 marine diesel emission standard is provided in Section 213(d) which specifies that the standards EPA adopts for marine diesel engines ''shall be subject to Sections 206, 207, 208, and 209 of the Clean Air Act, with such modifications that the Administrator deems appropriate to the regulations implementing these sections.'' In addition, the marine standards ''shall be enforced in the same manner as [motor vehicle] standards prescribed under section 202'' of the Act. Section 213 (d) also grants EPA authority to promulgate or revise regulations as necessary to determine compliance with and enforce standards adopted under section 213. Authority to implement MARPOL Annex VI is provided in section 1903 of the Act to Prevent Pollution from Ships (APPS). Section 1903 gives the Administrator the authority to prescribe any necessary or desired regulations to carry out the provisions of Regulations 12 through 19 of Annex VI.

Alternatives:

Several alternatives were considered as part of this rulemaking, including a mandatory cold ironing requirement; earlier adoption of the Tier 3 NOx limits; and standards for existing engines, including a mandatory remanufacture program, the MARPOL Annex VI program for existing engines, and a Voluntary Marine Verification Program.

Anticipated Cost and Benefits:

A benefit-cost analysis was performed for the entire coordinated strategy that involves this rulemaking and the international agreements described above. Specifically, the estimated annual benefits of the coordinated strategy range between $110 and $280 billion annually in 2030 using a three percent discount rate, or between $100 and $260 billion assuming a 7 percent discount rate, compared to estimated social costs of approximately $3.1 billion in that same year. Though there are a number of health and environmental effects associated with the coordinated strategy that we are unable to quantify or monetize, the projected benefits of the coordinated strategy far outweigh the projected costs. Using a conservative benefits estimate, the 2030 benefits are expected to outweigh the costs by at least a factor of 32 and could be as much as a factor of 90.

Risks:

The failure to set new tiers of standards for Category 3 marine diesel engines risks continued increases in exposure to elevated levels of ambient ozone and particulate matter emissions, particularly for populations in port areas and along coastal waterways but also for populations located well inland. These elevated levels risk additional premature mortality and other health and environmental impacts that could otherwise be avoided.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/07	72 FR 69521
ANPRM Comment Period End	03/06/08	
NPRM	08/28/09	74 FR 44441
NPRM Comment Period End	09/28/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses

Government Levels Affected:

Federal

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

URL For More Information:

www.epa.gov/otaq/oceanvessels.htm

Agency Contact:

Jean Revelt
Environmental Protection Agency
Air and Radiation
OAR/OTAQ/ASD
Ann Arbor, MI 48105
Phone: 734 214–4822
Fax: 734 214–4050
Email: revelt.jean-marie@epa.gov

Michael Samulski
Environmental Protection Agency
Air and Radiation
OAR/OTAQ/ASD
Ann Arbor, MI 48105
Phone: 734 214–4532
Fax: 734 214–4816
Email: samulski.michael@epa.gov

RIN: 2060–AO38

EPA

148. RENEWABLE FUELS STANDARD PROGRAM

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

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

Legal Authority:

Clean Air Act Section 211(o)

CFR Citation:

40 CFR 86; 40 CFR 80

Legal Deadline:

Final, Statutory, December 19, 2008.

Abstract:

This rulemaking will implement provisions in Title II of the 2007 Energy Independence and Security Act (EISA) that amend Section 211(o) of the Clean Air Act. The amendments revise the National Renewable Fuels Standard Program in the United States, increasing the national requirement to a total of 36 billion gallons of total renewable fuel in 2022. Application of the new standards now apply to diesel fuel producers in addition to gasoline producers and to nonroad fuels in addition to highway fuels. The new requirements also establish new renewable fuel categories and specific volume standards for cellulosic and advanced renewable fuels, biomass based diesel and total renewable fuels. Further, the amendments establish new eligibility requirements for meeting the renewable fuel standards including application of a specific definition for biomass, restrictions on what land feedstocks can come from and establish minimum lifecycle greenhouse gas reduction thresholds for the various categories of renewable fuels.

Statement of Need:

This action is directed by the 2007 Energy Independence and Security Act. It requires EPA to implement the amendments to Clean Air Act Section 211(o) - The Renewable Fuels Standard Program.

Summary of Legal Basis:

Clean Air Act Section 211(o).

Alternatives:

A notice of proposed rulemaking was published in the Federal Register on May 26, 2009. The proposal includes a number of proposed approaches as well as alternative approaches to implement the new standards. The public comment period will close on September 25, 2009.

Anticipated Cost and Benefits:

The economic analyses that support the proposed rule do not reflect all of the potentially quantifiable economic impacts. There are several key impacts that remain incomplete as a result of time and resource constraints necessary to complete the proposed rule, including the economic impact analysis and the air quality and health impacts analysis (see Section II.B.3). As a result, this proposal does not combine economic impacts in an attempt to compare costs and benefits, in order to avoid presenting an incomplete and potentially misleading characterization. For the final rule, when the planned analyses are complete and current analyses updated, we will provide a consistent cost-benefit comparison. However, the following is offered in reflection of some of the benefits and costs associated with certain aspects of the proposed rule. Initial estimates indicate that the expanded use of renewable fuels will result in a reduction of 6.8 billion tons of CO2 equivalent GHG emissions in 2022. This is equivalent to removing about 24 million vehicles off the road. Also, 36 billion gallons of renewable fuel will displace about 15 billion gallons of petroleum-based gasoline and diesel fuel, which represents about 11% of annual gasoline and diesel consumption in 2022. Total energy security benefits associated with a reduction of U.S. imported oil is $12.38/barrel. Based upon the $12.38/barrel figure, total energy security benefits associated with this proposal were calculated at $3.7 billion. Increases in gasoline and diesel fuel costs are equivalent to $4 billion to $18 billion in 2022. Estimates on U.S. food costs would increase by $10 per person per year by 2022 while net U.S. farm income would increase by $7.1 billion dollars (10.6%).

Risks:

Analysis of criteria and toxic emission impacts is performed relative to several different reference cases. Overall we project the proposed program will result in significant increases in ethanol and acetaldehyde emissions. We project more modest but still significant increases in acrolein, NOx, formaldehyde and PM. However, we project today's action will result in decreased ammonia emissions (due to reductions in livestock agricultural activity), decreased CO emissions (driven primarily by the impacts of ethanol on exhaust emissions from vehicles and nonroad equipment), and decreased benzene emissions (due to displacement of gasoline with ethanol in the fuel pool). Discussion and a breakdown of these results by the fuel production / distribution and vehicle and equipment emissions are presented in the NPRM. The aggregate nationwide emission inventory impacts presented here will likely lead to health impacts throughout the U.S. due to changes in future-year ambient air quality. However, emissions changes alone are not a good indication of local or regional air quality and health impacts, as there may be highly localized impacts such as increased emissions from ethanol plants and evaporative emissions from cars, and decreased emissions from gasoline refineries. For the final rule, a national-scale air quality modeling analysis will be performed to analyze the impacts of the proposed standards. Further, as the production of biofuels increases to meet the requirements of this proposed rule, there may be adverse impacts on both

water quality and quantity. Increased production of biofuels may lead to increased application of fertilizer and pesticides and increased soil erosion, which could impact water quality.

Timetable:

Action	Date	FR Cite
NPRM	05/26/09	74 FR 24903
NPRM Comment Period End	07/27/09	
NPRM Comment Period Extended	07/07/09	74 FR 32091
NPRM Extended Comment Period End	09/25/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information:

SAN No. 5250. EPA publication information: NPRM - http://edocket.access.gpo.gov/2009/pdf/E9-10978.pdf — EPA Docket information: EPA—HQ— OAR—2005—0161

URL For More Information:

http://www.epa.gov/otaq/renewablefuels/index.htmınotices

Agency Contact:

Paul Argyropoulos
Environmental Protection Agency
Air and Radiation
6520J ARN
Washington, DC 20460
Phone: 202 564–1123
Fax: 202 564–1686
Email: argyropoulos.paul@epa.gov

David Korotney
Environmental Protection Agency
Air and Radiation
AAFC
Ann Arbor, MI 48105
Phone: 734 214–4507
Email: korotney.david@epamail.epa.gov

RIN: 2060–AO81

EPA

149. ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(A) OF THE CLEAN AIR ACT

Priority:

Other Significant

Legal Authority:

42 USC 7521(a)

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

On April 24, 2009, the Administrator published a proposed Endangerment Finding under section 202(a) of the Clean Air Act. This proposed finding had two components. First, the Administrator proposed to find that the current and projected concentrations of the mix of six key greenhouse gases - carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6) - in the atmosphere endanger the public health and welfare of current and future generations through climate change. In the second component of the proposal, known as the Cause or Contribute Finding, the Administrator further proposed to find that the combined emissions of four of these six greenhouse gases from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key greenhouse gases and hence to the threat of climate change. EPA has not proposed in this action any new regulation of motor vehicle or motor vehicle emissions.

Statement of Need:

This action responds to the Supreme Court's decision in Massachusetts v. EPA, 549 U.S. 497 (2007), in which the court found that greenhouse gases are air pollutants under the CAA. The Court held that the Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles and new motor vehicle engines cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

Summary of Legal Basis:

The legal basis is Section 202(a) of the Clean Air Act.

Alternatives:

Not yet determined.

Anticipated Cost and Benefits:

This action does not include any proposed standards and does not itself impose any requirements on industry or other entities.

Risks:

The effects of climate change observed to date and projected to occur in the future include, but are not limited to, more frequent and intense heat waves, more severe wildfires, degraded air quality, more heavy downpours and flooding, increased drought, greater sea level rise, more intense storms, harm to water resources, harm to agriculture, and harm to wildlife and ecosystems.

Timetable:

Action	Date	FR Cite
Proposal	04/24/09	74 FR 18886
Final	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

Previously reported as RIN 2060-ZA14. SAN No. 5335; EPA publication information: Proposal - http://www.epa.gov/fedrgstr/EPA-AIR/2009/April/Day-24/a9339.pdf. EPA Docket information: EPA-HQ-OAR-2009-0171

URL For More Information:

www.epa.gov/climatechange/endangerment.html

Agency Contact:

Rona Birnbaum
Environmental Protection Agency
Air and Radiation
6207J
Washington, DC 20460
Phone: 202 343–9076
Fax: 202 565–2140
Email: birnbaum.rona@epamail.epa.gov

Ben DeAngelo
Environmental Protection Agency
Air and Radiation
6207J
Washington, DC 20460
Phone: 202 343–9107
Email: deangelo.ben@epamail.epa.gov

RIN: 2060–AP55

EPA

150. ● EPA/NHTSA JOINT RULEMAKING TO ESTABLISH LIGHT–DUTY GREENHOUSE GAS EMISSION STANDARDS AND CORPORATE AVERAGE FUEL ECONOMY STANDARDS

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

Undetermined

Legal Authority:

Clean Air Act Section 202(a)

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

EPA plans to set national emissions standards under section 202 (a) of the Clean Air Act to control greenhouse gas (GHG) emissions from passenger cars and light-duty trucks, and medium-duty passenger vehicles, as part of a joint rulemaking with National Highway Traffic and Safety Administration (NHTSA). This joint rulemaking effort was announced by President Obama on May 19, 2009. The GHG standards would significantly reduce the GHG emissions from these light-duty vehicles. The standards would be phased in beginning with the 2012 model year through model year 2016. EPA and NHTSA expect to propose the rules by late summer 2009. EPA's final action would only occur if EPA determines that emissions of greenhouse gases may reasonably be anticipated to endanger public health or welfare, and that emissions from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these greenhouse gases and hence to the threat of climate change. EPA has already proposed these findings. (74 FR 18886; April 24, 2009)

Statement of Need:

EPA recently proposed to find that emissions of greenhouse gases from new motor vehicles and engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare. Therefore, there is a need to reduce GHG emissions from light-duty vehicles to protect public health and welfare. The light-duty vehicle sector, which includes passenger cars, light-duty trucks, and medium-duty passenger vehicles, accounts for approximately 60% of all U.S. transportation sector GHG emissions. This rulemaking would significantly reduce GHG emissions from model year 2012 through 2016 light-duty vehicles. This rulemaking is also consistent with the National Fuel Efficiency Policy announced by President Obama on May 19, 2009, responding to the country's critical need to address global climate change and reduce oil consumption.

Summary of Legal Basis:

Section 202(a)(1) provides broad authority to regulate new ''motor vehicles,'' which include light duty vehicles, light-duty trucks, and medium-duty passenger vehicles (hereafter light vehicles). While other provisions of Title II address specific model years and emissions of motor vehicles, section 202(a)(1) provides the authority that EPA would use to regulate GHGs from new light vehicles. Section 202(a)(1) states ''the Administrator shall by regulation prescribe (and from time to time revise). . . standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles . . . , which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.'' Any such standards ''shall be applicable to such vehicles . . . for their useful life.'' Finalizing the light vehicle regulations would be contingent upon EPA finalizing both the endangerment finding and cause or contribute finding that emissions of GHGs from new motor vehicles and motor vehicle engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare.

Alternatives:

The rulemaking proposal will include an evaluation of regulatory alternatives that can be considered in addition to the Agency's primary proposal. In addition, the proposal is expected to include tools such as averaging, banking and trading of emissions credits as alternative approaches for compliance with the proposed program.

Anticipated Cost and Benefits:

According to EPA's preliminary analysis, the standards under consideration are projected to reduce GHGs by approximately 900 million metric tons and save 1.8 billion barrels of oil over the life of the program for MY 2012 — 2016 vehicles. The program would reduce GHG emissions from the U.S. light-duty fleet by 19 percent by 2030. EPA estimates an average increased cost of about $1,300 per vehicle in 2016 compared to today's vehicles. However, the typical driver would save enough in lower fuel costs over the first three years to offset the higher vehicle cost. Over the life of a vehicle, drivers would save about $2,800 through the fuel savings that come from controlling GHG emissions. Detailed analysis of economy-wide cost impacts, greenhouse gas emission reductions, and societal benefits will be performed during the rulemaking process.

Risks:

GHG emissions from light-duty vehicles are responsible for almost 60 percent of all U.S. transportation-related GHGs, and increase the risk of unacceptable climate change impacts.

Timetable:

Action	Date	FR Cite
NPRM	09/28/09	74 FR 49454
NPRM Comment Period End	11/27/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 5344; EPA Docket information: EPA-HQ-OAR-2009-0472

Agency Contact:

Robin Moran
Environmental Protection Agency
Air and Radiation
ASD
Ann Arbor, MI 48105
Phone: 734 214–4781
Fax: 734 214–4816
Email: moran.robin@epamail.epa.gov

Chris Lieske
Environmental Protection Agency
Air and Radiation
ASD
Ann Arbor, MI 48105
Phone: 734 214–4584
Fax: 734 214–4816
Email: lieske.christopher@epamail.epa.gov

Related RIN: Related to 2127–AK50

RIN: 2060–AP58

EPA

151. ● PREVENTION OF SIGNIFICANT DETERIORATION (PSD): RECONSIDERATION OF INTERPRETATION OF REGULATIONS THAT DETERMINE POLLUTANTS COVERED BY THE FEDERAL PSD PERMIT PROGRAM

Priority:

Other Significant

Legal Authority:

Administrative Procedure Act sec 553(e)

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

This action concerns the EPA's interpretation of the regulatory phrase ''subject to regulation'' as it applies to the federal Prevention of Significant Deterioration (PSD) program (more specifically, in 40 CFR 52.21(b)(50)). At issue is a December 18, 2008, memorandum, titled ''EPA's Interpretation of Regulations that Determine Pollutants Covered By Federal Prevention of Significant Deterioration (PSD) Permit Program,'' which specified that a pollutant is only ''subject to regulation'' when its emissions are actually controlled or limited under a provision of the Clean Air Act (CAA) or a final EPA rule issued under the authority of the CAA. Following issuance of the memo, EPA received a petition for reconsideration from the Sierra Club and several other organizations. The petitioners argued that EPA's issuance of the Memo violated the procedural requirements of the Administrative Procedures Act and the CAA, and the Memo's interpretation conflicted with prior agency actions. On February 17, 2009, the Administrator granted reconsideration on the December 18, 2008, memorandum in order to allow for public comment on the issues raised in the Memo and in a related decision of the Environmental Appeals Board (EAB). Thus, EPA will proceed with a reconsideration proceeding and conduct rulemaking regarding the proper interpretation of this regulatory phrase.

Statement of Need:

This rulemaking is needed to ensure a common understanding of when a new pollutant becomes ''subject to regulation'' and thereby subject to PSD permitting requirements. In light of the petitioners' request, EPA believes that soliciting comment on the December 18, 2008, interpretation, as well as other feasible options, is warranted.

Summary of Legal Basis:

APA 553(e).

Alternatives:

Not yet determined.

Anticipated Cost and Benefits:

Not yet determined.

Risks:

Not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	10/07/09	74 FR 51535
Final Action	03/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 5377

URL For More Information:

www.epa.gov/nsr

Agency Contact:

Dave Svendsgaard
Environmental Protection Agency
Air and Radiation
C504–03
RTP, NC 27711
Phone: 919 541–2380
Fax: 919 685–3105
Email: svendsgaard.dave@epamail.epa.gov

Raj Rao
Environmental Protection Agency
Air and Radiation
C504–02
RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AP87

EPA

152. ● LEAD; AMENDMENT TO THE OPT–OUT AND RECORDKEEPING PROVISIONS IN THE RENOVATION, REPAIR, AND PAINTING PROGRAM

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

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

Legal Authority:

15 USC 2601(c); 15 USC 2682(c)(3); 15 USC 2684; 15 USC 2686; 15 USC 2687

CFR Citation:

40 CFR 745

Legal Deadline:

NPRM, Judicial, October 20, 2009, Signature.

Final, Judicial, April 22, 2010, Signature.

Abstract:

EPA intends to propose several revisions to the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule that established accreditation, training, certification, and recordkeeping requirements as well as work practice standards on persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities. This particular action will involve proposing amendments to the opt-out provision that currently exempts a renovator from the training and work practice requirements of the rule where he or she obtains a certification from the owner of a residence he or she occupies that no child under age 6 or pregnant women resides in the home and the home is not a child-occupied facility. EPA will propose revisions that involve renovation firms providing the owner with a copy of the records they are currently required to maintain to demonstrate compliance with the training and work practice requirements of the RRP rule and, if different, providing the information to the occupant of the building being renovated or the operator of the child-occupied facility. EPA will also propose various minor amendments to the regulations concerning applications for training provider accreditation, amending accreditations, course completion certificates, recordkeeping, State and Tribal program requirements, and grandfathering (i.e., taking a refresher training in lieu of the initial training). In addition, the proposed amendments intend to clarify that certain requirements apply to the RRP rule as well as the Lead-based Paint Activities (abatement) regulations, that a certified inspector or risk assessor can act as a dust sampling technician, which hands-on training topics are required for renovator and dust sampling technician courses, and

requirements for States and Tribes that apply to become authorized to implement the RRP program.

Statement of Need:

This rulemaking revisions is being considered in response to a settlement agreement.

Summary of Legal Basis:

Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities that create lead-based paint hazards in target housing, which is defined by statute to cover most pre-1978 housing, public buildings built before 1978, and commercial buildings.

Alternatives:

The original proposal considered several options on these points. In addition, EPA will identify other alternatives to evaluate. The alternatives were not, however, available at the time that this form was completed.

Anticipated Cost and Benefits:

Under development and not available at the time that this form was completed.

Risks:

Under development and not available at the time that this form was completed.

Timetable:

Action	Date	FR Cite
NPRM	10/28/09	74 FR 55506
NPRM Comment Period End	11/27/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

Additional Information:

SAN No. 5379

URL For More Information:

http://www.epa.gov/lead/pubs/renovation.htm

Agency Contact:

Marc Edmonds
Environmental Protection Agency
Office of Prevention, Pesticides and Toxic Substances
7404T
Washington, DC 20460
Phone: 202 566–0758
Fax: 202 566–0741
Email: edmonds.marc@epa.gov

Michelle Price
Environmental Protection Agency
Office of Prevention, Pesticides and Toxic Substances
7404T
Washington, DC 20460
Phone: 202 566–0744
Fax: 202 566–0471
Email: price.michelle@epa.gov

RIN: 2070–AJ55

EPA

153. 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 December 5, 2008, EPA amended the Spill Prevention, Control, and Countermeasure (SPCC) rule to provide increased clarity with respect to specific regulatory requirements, to tailor requirements to particular industry sectors, and to streamline certain rule requirements. The Agency subsequently delayed the effective date of these amendments to January 14, 2010 to allow the Agency time to review the amendments to ensure that they properly reflect consideration of all relevant facts. EPA also requested public comment on the delay of the effective date and its duration, and on the December 2008 amendments. EPA is reviewing the record for the amendments and the additional comments to determine if any changes are warranted.

Statement of Need:

The final rule is necessary to clarify the regulatory obligations of SPCC facility owners and operators and to reduce the regulatory burden where appropriate.

Summary of Legal Basis:

33 USC 1321 et seq.

Alternatives:

EPA considered alternative options for various aspects of this final rule, following receipt of public comments.

Anticipated Cost and Benefits:

The principal effect of the final amendments would be lower compliance costs for owners and operators of certain types of facilities and equipment. Preliminary cost savings for this rulemaking effort is estimated to be between $92-100 million.

Risks:

In the absence of quantitative information on the change in risk related to the specific proposed amendments, EPA conducted a qualitative assessment, which suggests that the final amendments will not lead to a significant increase in oil discharge risk.

Timetable:

Action	Date	FR Cite
Notice Clarifying Certain Issues	05/25/04	69 FR 29728
NPRM 1–Year Compliance Extension	06/17/04	69 FR 34014
Final 18 Months Compliance Extension	08/11/04	69 FR 48794
NODA : Certain Facilities	09/20/04	69 FR 56184
NODA: Oil–Filled and Process Equipment	09/20/04	69 FR 56182
NPRM	10/15/07	72 FR 58377
Final Action	12/05/08	73 FR 74236
Notice to Delay Effective Date	02/03/09	74 FR 5900
Delay of Effective Date	04/01/09	74 FR 14736
Final Action #2	12/00/09	

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

Agency Contact:

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

RIN: 2050–AG16

EPA

154. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

CWA 301; CWA 304; CWA 306; CWA 501

CFR Citation:

Not Yet Determined

Legal Deadline:

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:

In a November 28, 2008 proposed rulemaking, EPA proposed to establish effluent limitations guidelines (ELGs) and new source performance standards (NSPSs) for the Construction and Development point source category. This rulemaking and its schedule respond to a court order that requires the Agency to publish final regulations by December 1, 2009. The ELGs and NSPSs would control the discharge of pollutants such as sediment, turbidity, nutrients and metals in discharges from construction activities and will be implemented through the issuance of NPDES permits. EPA solicited comments on a range of erosion and sediment control measures and pollution prevention measures. The proposed requirements vary by size of the construction site and by other factors, such as rainfall intensity and clay content of soil. The proposed rule was intended to work in concert with existing state and local programs, adding a technology-based ''floor'' that establishes minimum requirements that would apply nationally. Once implemented, these new requirements would significantly reduce the amount of sediment, turbidity, and other pollutants discharged from construction sites.

Statement of Need:

Despite substantial improvements in the nation's water quality since the inception of the Clean Water Act, 45 percent of assessed river and stream miles, 47 percent of assessed lake acres, and 32 percent of assessed square miles of estuaries show impairments from a wide range of sources. Improper control of stormwater discharges from construction activity is among the many contributors to remaining water quality problems throughout the United States. Sediment is one of the primary pollutants that cause water quality impairment for streams and rivers. Construction generates significantly higher loads of sediment per acre than other sources. The rulemaking would constitute the nationally applicable, technology-based ELGs and NSPS applicable to all dischargers required to obtain a National Pollutant Discharge Elimination System (NPDES) permit.

Summary of Legal Basis:

The Clean Water Act authorizes EPA to establish ELGs and NSPS to limit the pollutants discharged from point sources. In addition, EPA is bound by the district court decision, in NRDC v. EPA, 437 F.Supp.2d 1137, (C.D. Cal.2006), to propose ELGs and NSPS for the construction and development industry by December 1, 2008 and to promulgate ELGs and NSPS as soon as practicable, but in no event later than December 1, 2009.

Alternatives:

The Clean Water Act directs EPA to establish a technology basis for the ELGs and NSPS, which are based on the performance of specific technology levels, such as the best available technology economically achievable. EPA is considering a range of pollution control approaches and technologies, and is also considering waivers based on construction site size, rainfall, and soil erosivity to reduce the impact on small dischargers.

Anticipated Cost and Benefits:

The annualized social costs of the proposed rulemaking were estimated to range from $141 million to $3.8 billion, and the annualized monetized benefits were estimated to range from $11 million to $327 million. The costs include compliance costs, administrative costs, and partial equilibrium estimates of quantity effects and deadweight loss to society. The monetized benefit categories include avoided costs of dredging for navigation and water storage, avoided costs of drinking water treatment, and monetizable water quality benefits. These costs may change in the final rule.

Risks:

Sediment is currently one of the primary pollutants that cause water quality impairment for streams and rivers and present a risk to aquatic life. The ELGs and NSPS are expected to result in a reduction of the discharge of pollutants to surface waters, primarily as sediment and turbidity.

Timetable:

Action	Date	FR Cite
NPRM	11/28/08	73 FR 72561
NPRM Comment Period End	02/26/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses, Governmental Jurisdictions

Government Levels Affected:

Federal, Local, State

Additional Information:

SAN No. 5119; EPA publication information: NPRM - http://edocket.access.gpo.gov/2008/pdf/E8-27848.pdf; EPA Docket information: EPA-HQ-OW-2008-0465

URL For More Information:

http://www.epa.gov/waterscience/guide/construction/

Agency Contact:

Jesse Pritts
Environmental Protection Agency
Water
4303T
Washington, DC 20460
Phone: 202 566–1038
Fax: 202 566–1053
Email: pritts.jesse@epamail.epa.gov

Janet Goodwin
Environmental Protection Agency
Water
4303T
Washington, DC 20460
Phone: 202 566–1060
Email: goodwin.janet@epamail.epa.gov

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AGENDA

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-8950-1]

EPA-HQ-OA-2007-1172

EPA-HQ-OW-2009-0082

Fall 2009 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory agenda and semiannual regulatory flexibility agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-agenda) at www.reginfo.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 on rulemakings that, until May 2007, was published in the **Federal Register,** but which now is only available through an online database.

The Regulatory Plan provides more detailed information than the regulatory agenda on the most important significant rulemakings that we will be developing over the coming years.

''Monthly Action Initiation List'' (AIL) refers to a list that EPA posts online each month of the regulations newly approved for development.

''Unified 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 introduces both EPA's e-agenda and regulatory flexibility agenda.

''Regulatory Flexibility Agenda'' refers to a document that contains a limited amount of information (less than is in the e-agenda) about regulations that may have a significant impact on a substantial number of small entities. The Regulatory Flexibility Act of 1980 requires that we publish the Regulatory Flexibility Agenda in the **Federal Register**.

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: Caryn Muellerleile (muellerleile.caryn@epa.gov; 202-564-2855) or Phil Schwartz (schwartz.philip@epa.gov; 202-564-6564).

TO BE PLACED ON AN 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 regularly receive information about the rules newly approved for development, sign up for our monthly Action Initiation List by going to http://www.epa.gov/lawsregs/search/ail.html#notification and completing the five steps listed there.

If you would like to receive a hard copy of the semiannual agenda about 2 months after publication, 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.

SUPPLEMENTARY INFORMATION:

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A. Map of Regulatory Agenda Information

Type of Information	Online Locations	Federal Register Location
Semiannual Regulatory Agenda (The e-Agenda; the online Agenda)	www.reginfo.gov/, www.regulations.gov, and http://www.epa.gov/lawsregs/search/regagenda.html	Not in FR
The Regulatory Plan	www.reginfo.gov/, www.regulations.gov, and http://www.epa.gov/lawsregs/search/regagenda.html	Part II of today's issue
Monthly Action Initiation List	http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail& d=EPA-HQ-OA-2008-0265 and http://www.epa.gov/lawsregs/search/ail.html	Not in FR

EPA

Type of Information	Online Locations	Federal Register Location
Semiannual Regulatory Flexibility Agenda	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 Values, and What Key Principles, Statutes, and Executive Orders Guide Our Rule and Policymaking Process?

For a detailed discussion of the goals and values we aspire to in rulemaking please see our Statement of Regulatory Priorities at http://www.reginfo.gov/public/jsp/eAgenda/StaticContent/200910/Statement 2000.html and published in part II of today's issue of the **Federal Register**.

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 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 section307(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 one rule concluding review in 2009.

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 may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of

reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

2. Proposed Rule–This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rule–This section includes rules that will be issued as a final rule within a year.
4. Long-Term Actions–This section includes rulemakings for which the next scheduled regulatory action is after October 2010.
5. Completed Actions–This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2009 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 E-Agenda and Regulatory Flexibility Agenda?

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 U.S.C. 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.

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.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

EPA

Agency Contact: The name, address, phone number, and e-mail address 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.

Regulatory Flexibility Agenda entries contain a **Federal Register** sequence number and a subset of the information in the e-Agenda:

RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, Contact Person's name, mailing address and phone number.

G. How Can I Find Out About Rulemakings That Start Up After the Regulatory Agenda Is Signed?

EPA posts monthly updates of the rulemakings that the Agency's senior managers have decided that we should work on. We also distribute this list via e-mail. You can see the current list, which we call the Action Initiation List, at http://www.epa.gov/lawsregs/search/ail.html where you will also find information about how to get an e-mail notification when a new list is posted.

H. What Tools for Mining Regulatory Agenda Data and for Finding More About EPA Rules and Policies Are Available at Reginfo.gov, EPA.gov, and Regulations.gov?

1.The Reginfo.gov Searchable Database

GSA's Regulatory Information Service Center, which coordinates publication of the Agenda for the Office of Management and Budget, has developed and continues to improve a regulatory agenda database that includes powerful search, display, and data transmission options. You can:

- See the preamble. On the Main Agenda Page, select Current Agenda Agency Preambles.
- Get a complete list of EPA's entries. On the Main Agenda Page, under Agency, select Environmental Protection Agency.
- View the contents of all of EPA's entries. On the Agenda Search Page, select ''Advanced Search''; select Continue; Select Environmental Protection Agency and then Continue; Select ''Search.''
- Get a listing of entries with specified characteristics. Follow the procedure described immediately above for viewing the contents of all entries, but on the screen headed ''Advanced Search-Select Additional Fields'' select the characteristics you are seeking before clicking on ''Search.'' For example, if you wish to see a listing of all economically significant actions that may have a significant economic impact on a substantial number of small businesses, you would check Economically Significant under Priority and check Business under Regulatory Flexibility Analysis required.
- Download the results of your searches in XML format.

2. Subject Matter EPA Web sites

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

3. 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. URL's for many of EPA's dockets are included in the agenda entry. To enter the docket, copy the URL into a browser window. To locate a docket you can also use the docket search features at regulations.gov.

I. 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 completed one Section 610 review in 2009.

EPA concluded that there is a continued need for this rule.

Rule Being Reviewed	RIN	Docket ID
Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells (Section 610 Review)	2040–AF04	EPA-HQ-OW-2009-0082

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J. 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/SBREFA (the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act), the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit the RFA/SBREFA Web site at http://www.epa.gov/sbrefa/.

For a list of the rules underdevelopment 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, please use the advanced search function at http://www.reginfo.gov/public/do/eAgendaAdvancedSearch.

K. 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 valuable tool for addressing the problems we face and the regulatory agenda is an important part of that process.

Dated: September 9, 2009.

Louise Wise,

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

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
658	SAN No. 5121 Age Discrimination Regulations—EPA-Assisted Programs—Age Discrimination Act of 1975	2090–AA37

GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
659	SAN No. 5262 Waste Energy Recovery Registry	2060–AP14
660	SAN No. 5291 Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency	2015–AA01
661	SAN No. 5325 Technical Corrections to Title 40 To Conform to the Civil Monetary Penalty Inflation Adjustment Rule	2020–AA49

GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
662	SAN No. 5371 Cross-Media Electronic Reporting Regulation (CROMERR)—Technical Amendment To Exempt All Grant and Financial Assistance Programs	2025–AA26
663	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest	2030–AA67
664	SAN No. 5308 Government Property and Contract Property Administration Requirements	2030–AA98

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
665	National Emission Standards for Hazardous Air Pollutants for Elemental Phosphorous Production	2060–AP97
666	Reconsideration of the 2008 Ozone National Ambient Air Quality Standards **(Reg Plan Seq No. 73)**	2060–AP98
667	Corporate Parent and NAICS Code in the Greenhouse Gas Mandatory Reporting Rule Requirements	2060–AQ02

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

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CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
668	Regulation To Establish Mandatory Reporting of GHGs From Industrial Landfills, Wastewater, Underground Coal Mines, and Magnesium Production	2060–AQ03

CLEAN AIR ACT (CAA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
669	SAN 5307; Regulation of Fuels and Fuel Additives: Federal Volatility Control Program in the Denver-Boulder-Greeley-Ft. Collins-Loveland, CO, 8-Hour Ozone Nonattainment Area	2060–AP40

CLEAN AIR ACT—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
670	SAN No. 5168 New Source Performance Standards (NSPS) Review Strategy	2060–AO60
671	SAN No. 5196 Risk and Technology Review Phase II Group 3	2060–AO97
672	SAN No. 5357 Emissions Factors Program Improvements	2060–AP63
673	SAN No. 5373 Endangerment Finding for Lead Emissions From Piston-Engine Aircraft Using Leaded Aviation Gasoline	2060–AP79

CLEAN AIR ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
674	SAN No. 5269 Revision to Definition of Volatile Organic Compounds—Exclusion of Methyl Bromide and Methyl Iodide	2060–AP22
675	SAN No. 4266 Review of the National Ambient Air Quality Standards for Carbon Monoxide	2060–AI43
676	SAN No. 5169 Review of the National Ambient Air Quality Standards for Particulate Matter **(Reg Plan Seq No. 67)**	2060–AO47
677	SAN No. 5163 Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide **(Reg Plan Seq No. 68)**	2060–AO48
678	SAN No. 5170 Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur **(Reg Plan Seq No. 69)**	2060–AO72
679	SAN No. 4752.5 Reconsideration of Implementation of the New Source Review Program for PM2.5	2060–AP72
680	SAN No. 4752.4 Implementation of the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers—Proposed Rulemaking To Repeal Grandfathering Provision and End Early the PM10 Surrogate Policy	2060–AP75
681	SAN No. 5036 Petroleum Refineries—New Source Performance Standards (NSPS)	2060–AN72
682	SAN No. 4782 Petition To Delist Hazardous Air Pollutant: 4,4'-Methylene Diphenyl Diisocyanate	2060–AK84
683	SAN No. 4309 National VOC Emission Standards for Consumer Products; Amendments	2060–AI62
684	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives	2060–AJ61
685	SAN No. 5115 Air Quality Index Reporting and Significant Harm Level for PM2.5	2060–AO11
686	SAN No. 5017 Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.	2060–AN48
687	SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations	2060–AM09
688	SAN No. 5155 Measurement of PM2.5 and PM10 Emissions by Dilution Sampling	2060–AO50
689	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
690	SAN No. 4846 NESHAP and NSPS for Municipal Solid Waste Landfills—Amendments	2060–AM08
691	SAN No. 4884. Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources **(Reg Plan Seq No. 66)**	2060–AM44
692	SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment	2060–AM84

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CLEAN AIR ACT—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
693	SAN No. 4699.2 Implementing Periodic Monitoring in Federal and State Operating Permit Programs	2060–AN00
694	SAN No. 4970 Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Remand Response and Amendments	2060–AN17
695	SAN No. 4866.1 NESHAP: Site Remediation Amendments—Response to Litigation	2060–AN36
696	SAN No. 5079 Improving Implementation of the Operating Permit Rules in Response to CAAA Committee Recommendations	2060–AN93
697	SAN No. 5095 NESHAP: Mercury Cell Chlor-Alkali Plants—Amendments	2060–AN99
698	SAN No. 5106 National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations—Amendment	2060–AO03
699	SAN No. 5105 Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines	2060–AO12
700	SAN No. 5131 Revision to Definition of Volatile Organic Compounds—Exclusion of Family of Four Hydrofluoropolyethers (HFPEs) and HFE-347pc-f	2060–AO17
701	SAN No. 5120 Response to Request for Reconsideration of Final Air Emission MACT Rules for Large Municipal Waste Combustors (MWCs)	2060–AO18
702	SAN No. 5116 Reconsideration of Stationary Combustion Turbine NSPS	2060–AO23
703	SAN No. 5153 Adoption of International NOx Standard for Aircraft Engines	2060–AO70
704	SAN No. 5216 Prevention of Air Pollution Emergency Episodes	2060–AP00
705	SAN No. 5232 NESHAP: Reinforced Plastic Composites Production Rule Amendments	2060–AP05
706	SAN No. 5233 New Source Performance Standards for Grain Elevators—Amendments	2060–AP06
707	SAN No. 5236 Reconsideration of Halogenated Solvent Cleaning Final Residual Risk Rule	2060–AP07
708	SAN No. 5257 Protection of Stratospheric Ozone: New Substitute in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program	2060–AP11
709	SAN No. 5260 NESHAP: Gasoline Distribution; Amendments—Area Source Standard	2060–AP16
710	SAN No. 5261 Regulation of Fuel and Fuel Additives: Gasoline and Diesel Fuel Test Methods	2060–AP17
711	SAN No. 5275 Implementation of the 2008 National Ambient Air Quality Standard for 8-Hour Ozone	2060–AP24
712	SAN No. 5194.2 Implementation of the 1997 8-Hour Ozone National Ambient Air Quality Standard: NSR Anti-Backsliding	2060–AP30
713	SAN No. 5289 Protocols for Monitoring and Measuring Mercury Emissions	2060–AP31
714	SAN No. 5035.2 NSPS Equipment Leaks (Subpart VV SOCMI and GGG Petroleum Refineries); Amendments	2060–AP34
715	SAN No. 5318 In-Use Emissions Testing for Non-road Diesel Engines	2060–AP41
716	SAN No. 5329 National Emissions Standard for Hazardous Air Pollutants for Gold Mine Ore Processing	2060–AP48
717	SAN No. 5336 Clean Air Transport Rule **(Reg Plan Seq No. 70)**	2060–AP50
718	SAN No. 5339 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances-Hydrocarbon Refrigerants	2060–AP54
719	SAN No. 5348 Transportation Conformity Rule Restructuring Amendments	2060–AP57
720	SAN No. 5345 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2010	2060–AP59
721	SAN No. 5356 Protection of Stratospheric Ozone: The 2010 Critical Use Exemption From the Phaseout of Methyl Bromide	2060–AP62
722	SAN No. 5359 Regulations for Alternative Fuel Conversions	2060–AP64
723	SAN No. 5364 Alternative Work Practices for Leak Detection and Repair; Amendments	2060–AP66
724	SAN No. 5365 Compression Ignition Engine NSPS; Amendments	2060–AP67
725	SAN No. 5370 Revision to Pb Ambient Air Monitoring Requirements **(Reg Plan Seq No. 71)**	2060–AP77
726	SAN No. 4793.2 Reconsideration of the Prevention of Significant Deterioration and Nonattainment New Source Review NSR: Aggregation	2060–AP80
727	SAN No. 5093.8 NESHAP Standard Standards for Petroleum Refineries—Heat Exchangers	2060–AP84
728	SAN No. 5192 Prevention of Significant Deterioration/Title V Greenhouse Gas Tailoring Rule **(Reg Plan Seq No. 72)**	2060–AP86
729	SAN No. 5386 Carbon Dioxide Injection and Geologic Sequestration Reporting Rule	2060–AP88
730	SAN No. 5392 NSPS/Emission Guidelines (EG) for Sewage Sludge Incinerators	2060–AP90
731	SAN No. 5395 Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections	2060–AP91
732	SAN No. 5394 Protection of Stratospheric Ozone: The 2011 Critical Use Exemption From the Phaseout of Methyl Bromide	2060–AP92
733	SAN No. 5396 Revision of New Source Performance Standards for New Residential Wood Heaters	2060–AP93
734	SAN No. 5391 National VOC Emission Standards for Architectural Coatings; Amendments	2060–AP94
735	SAN No. 5389 National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins	2060–AP95
736	SAN No. 5397 Startup, Shutdown, and Malfunction Amendments to Certain MACT Standards	2060–AP96
737	Oil and Natural Gas Systems Greenhouse Gas Reporting Rule	2060–AP99

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CLEAN AIR ACT—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
738	Greenhouse Gas Reporting Rule for Additional Sources of Fluorinated GHGs	2060–AQ00

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

CLEAN AIR ACT—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
739	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	2009–AA00
740	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
741	SAN No. 5302 Air Quality Designations and Classifications for the 2008 Ozone National Ambient Air Quality Standards	2060–AP37
742	SAN No. 5111 Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide **(Reg Plan Seq No. 77)**	2060–AO19
743	SAN No. 3975 Review of New Sources and Modifications in Indian Country	2060–AH37
744	SAN No. 4752.3 Reconsideration of 2008 Final Implementation Rule for PM2.5 NSR: Stay of Effective Date for Grandfathering Provisions	2060–AP65
745	SAN No. 3958 Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements	2060–AH23
746	SAN No. 5015 NESHAP: Area Source Standards—Chemical Preparations Industry	2060–AN46
747	SAN No. 5016 NESHAP: Area Source Standards—Paints and Allied Products Manufacturing	2060–AN47
748	SAN No. 4585.1 NESHAP: Portland Cement Notice of Reconsideration	2060–AO15
749	SAN No. 5114 Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides	2060–AO31
750	SAN No. 5191 NESHAP: Area Source Standards—Asphalt Processing and Asphalt Roofing Manufacturing	2060–AO94
751	SAN No. 5201 NESHAP: Area Source Standards—Prepared (Animal) Feeds Manufacturing	2060–AO98
752	SAN No. 5071 Hospital/Medical/Infectious Waste Incineration Units—Response to Remand	2060–AO04
753	SAN No. 4070 Revisions to the General Conformity Regulations	2060–AH93
754	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline	2060–AJ82
755	SAN No. 4757.1 Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks, and Heavy Duty Vehicles	2060–AN01
756	SAN No. 5129. Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder **(Reg Plan Seq No. 78)**	2060–AO38
757	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	2060–AK26
758	SAN No. 5052 Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances	2060–AN58
759	SAN No. 5143 Review of New Source Performance Standards—Portland Cement	2060–AO42
760	SAN No. 4348 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment	2060–AI97
761	SAN No. 4722 California Gasoline Technical Correction	2060–AK56
762	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition	2060–AK69
763	SAN No. 4874 NESHAP: Area Source Standards for Miscellaneous Chemical Manufacturing	2060–AM19
764	SAN No. 4885 Flexible Air Permit Rule	2060–AM45
765	SAN No. 5029 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule	2060–AN68
766	SAN No. 5068 Prevention of Significant Deterioration for PM2.5—Increments, Significant Impact Levels, and Significant Monitoring Concentrations	2060–AO24
767	SAN No. 5124 Fuel Economy Regulations for Automobiles: Technical Amendments and Corrections	2060–AO36
768	SAN No. 5146 Addition of Method 208, Protocol for the Source Testing, Analysis, and Reporting of VOC Emissions From Hot Mix Asphalt Plant Dryers	2060–AO51
769	SAN No. 5156 National Emission Standards for Hazardous Air Pollutants: Appendix A—Test Methods; Amendments to Method 301	2060–AO53
770	SAN No. 5093.1 Petroleum Refinery Residual Risk Standards	2060–AO55
771	SAN No. 5144 Standards of Performance for Coal Preparation Plants Amendments	2060–AO57
772	SAN No. 5147 Methods for Measurement of Filterable PM10 and PM2.5 and Measurement of Condensable Particulate Matter Emissions From Stationary Sources	2060–AO58
773	SAN No. 5154 Regulation of Fuels and Fuel Additives: Alternative Affirmative Defense Requirements for Ultra-Low Sulfur Diesel and Gasoline Benzene Technical Amendment	2060–AO71

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CLEAN AIR ACT—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
774	SAN No. 5224 Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export	2060–AO76
775	SAN No. 5250. Renewable Fuels Standard Program **(Reg Plan Seq No. 79)**	2060–AO81
776	SAN No. 5093.2 Risk Technology Phase II Group 2A	2060–AO91
777	SAN No. 5194 Implementation of the 1997 8-Hour Ozone NAAQS: Classification of Subpart 1 Areas and Revision to AntiBacksliding Provisions; Deletion of Obsolete 1-Hour Ozone Standard Provisions	2060–AO96
778	SAN No. 5237 Revisions to Test Method for Determining Stack Gas Velocity Taking Into Account Velocity Decay Near the Stack Walls	2060–AP08
779	SAN No. 5259 Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements	2060–AP15
780	SAN No. 5273 Restructuring of the Stationary Source Audit Program	2060–AP23
781	SAN No. 5286 Transportation Conformity PM2.5 and PM10 Amendments	2060–AP29
782	SAN No. 5300 National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines	2060–AP36
783	SAN No. 5323 Stay of CAIR and CAIR FIP for Minnesota	2060–AP46
784	SAN No. 5335 Endangerment and Cause or Contr bute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act **(Reg Plan Seq No. 80)**	2060–AP55
785	SAN No. 5344 EPA/NHTSA Joint Rulemaking to Establish Light-Duty Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards **(Reg Plan Seq No. 81)**	2060–AP58
786	SAN No. 4940.1 Reconsideration of Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions	2060–AP73
787	SAN No. 5372 Air Quality Designations for the 2008 Lead National Ambient Air Quality Standards	2060–AP78
788	SAN No. 5377 Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by the Federal PSD Permit Program **(Reg Plan Seq No. 82)**	2060–AP87

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

CLEAN AIR ACT—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
789	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas	2060–AH01
790	SAN No. 5306 Review of the National Ambient Air Quality Standards for Ozone	2060–AP38
791	SAN No. 5011 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004	2060–AN43
792	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	2060–AK54
793	SAN No. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines—Petition To Delist	2060–AK73
794	SAN No. 4849 Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)	2060–AM20
795	SAN No. 5281 NESHAP Subpart W: Standards for Radon Emissions From Operating Uranium Mill Tailings: Review	2060–AP26
796	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	2060–AL94
797	SAN No. 4916 Protection of Stratospheric Ozone: Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants	2060–AM49
798	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	2060–AM55
799	SAN No. 5151 Protection of Stratospheric Ozone: Labeling of Products Using HCFCs	2060–AO68
800	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
801	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
802	SAN No. 4607 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act	2050–AE95
803	SAN No. 4988 NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments	2060–AN33
804	SAN No. 3380 NSPS: SOCMI—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60	2060–AE94
805	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems	2060–AJ86

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CLEAN AIR ACT—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
806	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
807	SAN No. 4908 NESHAP: General Provisions (Once In Always In)—Amendments	2060–AM75
808	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments	2060–AM87
809	SAN No. 5025 Revisions to the Definition of Potential To Emit (PTE)	2060–AN65
810	SAN No. 4891.1 NESHAP: Miscellaneous Organic Chemical Manufacturing—Amendments	2060–AO07
811	SAN No. 5185 Plywood and Composite Wood Products (PCWP) NESHAP—Amendments To Address ''No Emission Reduction'' MACT Floors	2060–AO66
812	SAN No. 5206 Protection of the Stratospheric Ozone: Motor Vehicle Air Conditioning System Servicing	2060–AO75
813	SAN No. 5093.3 Risk Technology Phase II Group 2B	2060–AO92
814	SAN No. 5268 Response to Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana	2060–AP21
815	SAN No. 5280 NESHAP: Group I and IV Polymers and Resins: Amendments	2060–AP25
816	SAN No. 4889.1 National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities; Amendments	2060–AP44
817	SAN No. 5347 Response to Section 126 Petition From North Carolina	2060–AP51
818	SAN No. 5349 National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units	2060–AP52
819	SAN No. 5353 Response to Section 126 Petition From Delaware	2060–AP60
820	SAN No. 5194.3 Implementing the 1997 8-hour Ozone NAAQS: Section 185 Penalty Fee Provisions	2060–AP68
821	SAN No. 5367 NESHAP: Brick and Structural Clay and Clay Ceramics	2060–AP69
822	SAN No. 5093.4 NESHAP Standard Standards for Petroleum Refineries—Wastewater	2060–AP70
823	SAN No. 5076.1 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reasonable Possibility in Recordkeeping; Reconsideration	2060–AP71
824	SAN No. 5369 Review of New Source Performance Standards and Control Techniques Guidelines—Oil and Natural Gas Activities	2060–AP76
825	SAN No. 5093.5 NESHAP Standard Standards for Petroleum Refineries—Equipment Leaks	2060–AP81
826	SAN No. 5093.6 NESHAP Standard Standards for Petroleum Refineries—Process Vents and Control Devices	2060–AP82
827	SAN No. 5093.7 NESHAP Standard Standards for Petroleum Refineries—Storage Vessels and Transfer Operations	2060–AP83
828	SAN No. 5388 Federal Reference Method for Lead in Total Suspended Particulate Matter	2060–AP89

CLEAN AIR ACT—Completed Actions

Sequence Number	Title	Regulation Identifier Number
829	SAN No. 5189 NESHAP: Area Source Standards—Aluminum, Copper, and Other Nonferrous Foundries	2060–AO93
830	SAN No. 5189.1 NESHAP: Area Source Standards—Aluminum, Copper, and Other Nonferrous Foundries; Technical Amendment	2060–AP85
831	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations	2060–AI03
832	SAN No. 5235 Protection of Stratospheric Ozone: The 2009 Critical Use Exemption From the Phaseout of Methyl Bromide	2060–AO78
833	SAN No. 4793 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation, and Project Netting	2060–AL75
834	SAN No. 5043 Defect Reporting for On-Highway Motor Vehicles and Engines	2060–AN73
835	SAN No. 5145 New Source Performance Standards Review for Nonmetallic Mineral Processing Plants	2060–AO41
836	SAN No. 5234 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009	2060–AO77
837	SAN No. 5242 Greenhouse Gas Mandatory Reporting Rule	2060–AO79
838	SAN No. 5035.1 NSPS Equipment Leaks—Extension of Stay	2060–AO90
839	SAN No. 5194.1 Implementation of the 1997 8-Hour Ozone NAAQS: Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas	2060–AP10
840	SAN No. 5265 Greenhouse Gases Under the Clean Air Act	2060–AP12
841	SAN No. 5282 Air Quality Designations for the 24-Hour Fine Particle (PM2.5) National Ambient Air Quality Standards	2060–AP27
842	SAN No. 5297 National Volatile Organic Compound Emission Standards for Aerosol Coatings; Amendments	2060–AP33
843	SAN No. 5299 Rulemaking To Reaffirm the Promulgation of Revisions of the Acid Rain Program Rules	2060–AP35

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CLEAN AIR ACT—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
844	SAN No. 5327 Implementation of the Primary National Ambient Air Quality Standards (NAAQS) for Nitrogen Dioxide	2060–AP47
845	SAN No. 4793.1 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation	2060–AP49
846	SAN No. 5283 Revised Exceptional Event Data Flagging Submittal and Documentation Schedule for 2008 Ozone NAAQS Monitoring Data	2060–AP56
847	SAN No. 5249 Renewable Fuel Standard Technical Amendments	2060–AP74

ATOMIC ENERGY ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
848	SAN No. 4003 Technical Change to Dose Methodology	2060–AH90

ATOMIC ENERGY ACT—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
849	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste	2060–AH63
850	SAN No. 5319 Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings and Uranium In Situ Leaching Processing Facilities	2060–AP43

NOISE CONTROL ACT—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
851	SAN No. 5102 Revision of Hearing—Protector Regulations	2060–AO25

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

Sequence Number	Title	Regulation Identifier Number
852	SAN No. 5385 Pesticides; Public Availability of Identities of Inert Ingredients in Pesticides	2070–AJ62

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

Sequence Number	Title	Regulation Identifier Number
853	SAN No. 5005 Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)	2070–AJ27
854	SAN No. 5382 Pesticides; Satisfaction of Data Requirements; Minor Revisions to the Procedures To Ensure Protection of Data Submitters' Rights	2070–AJ58
855	SAN No. 5031 Pesticides; Expansion of Crop Grouping Program	2070–AJ28
856	SAN No. 5393 Pesticides; Clarifying Changes to Labeling	2070–AJ61
857	SAN No. 4985 Pesticides; Determination of Status of Prions as Pests	2070–AJ26
858	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	2015–AA00

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

Sequence Number	Title	Regulation Identifier Number
859	SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants	2070–AD55
860	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	2070–AD56
861	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
862	SAN No. 5050 Pesticide Agricultural Container Recycling Program	2070–AJ29
863	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials	2070–AD30
864	SAN No. 5331 Pesticides; Data Requirements for Product Performance	2070–AJ49
865	SAN No. 4027 Pesticides; Tolerance Processing Fees	2070–AJ23
866	SAN No. 5358 Pesticides; Regulation To Clarify Labeling of Pesticides for Export	2070–AJ53
867	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes	2070–AD49
868	SAN No. 5082 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)	2070–AJ32
869	SAN No. 5007 Pesticides; Competency Standards for Occupational Users	2070–AJ20
870	SAN No. 5006 Pesticides; Agricultural Worker Protection Standard Revisions	2070–AJ22
871	SAN No. 5183 Pesticides; Reconsideration of Exemptions for Insect Repellents	2070–AJ45
872	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products	2070–AD14

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

Sequence Number	Title	Regulation Identifier Number
873	SAN No. 4728 Endocrine Disruptor Screening Program (EDSP); Policy and Procedures for Initial Screening	2070–AD61

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
874	SAN No. 5381 Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings **(Reg Plan Seq No. 64)**	2070–AJ56
875	SAN No. 5256 Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations	2070–AJ38

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
876	SAN No. 4878 TSCA Inventory Nomenclature for Enzymes and Proteins	2070–AJ04
877	SAN No. 5279 TSCA Inventory Update Reporting Modifications	2070–AJ43
878	SAN No. 5380 Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program **(Reg Plan Seq No. 74)**	2070–AJ57
879	SAN No. 5342 Significant New Use Rule for Glymes	2070–AJ52
880	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals	2070–AD16
881	SAN No. 3493.3 Testing Agreement for Decabromodiphenyl Ether (DECA)	2070–AJ08
882	SAN No. 5313 Test Rule; Certain Nanoscale Materials	2070–AJ47
883	SAN No. 5366 Nanoscale Materials	2070–AJ54

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TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
884	SAN No. 5305 TSCA Section 13 Amendment: Electronic Reporting of TSCA Chemical Import Data in the Automated Commercial Environment (ACE)	2070–AJ50
885	SAN No. 5378 Amendments to the Procedural Rules for Enforceable Consent Agreements (ECAs)	2070–AJ59

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
886	SAN No. 5379 Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program **(Reg Plan Seq No. 83)**	2070–AJ55
887	SAN No. 5340 Mercury; Regulation To Update Outdated ASTM References in EPA Regulations That Require the Use of Mercury Thermometers	2070–AJ51
888	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Certain Polymers	2070–AD58
889	SAN No. 4984 Clarification on TSCA Inventory Status of Activated Phosphors	2070–AJ21
890	SAN No. 5270 Electronic Premanufacture Notice (PMN) Reporting	2070–AJ41
891	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances	2070–AA59
892	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders	2070–AB27
893	SAN No. 1923.1 Significant New Use Rule for Chloranil	2070–AJ31
894	SAN No. 5238 Significant New Use Rule for Elemental Mercury in Flow Meters, Manometers, and Pyrometers	2070–AJ36
895	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	2070–AB79

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

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

Sequence Number	Title	Regulation Identifier Number
896	SAN No. 3148 Asbestos Model Accreditation Plan Revisions	2070–AC51
897	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban	2070–AC21
898	SAN No. 4376 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule	2070–AC64
899	SAN No. 5312 Mercury; Regulation of Use in Certain Products	2070–AJ46
900	SAN No. 5387 Mercury Export Ban Act; Procedures for Essential Use Exemptions	2070–AJ60
901	SAN No. 2150.2 Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption For Disposal	2050–AG42
902	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Placeholder for Petitions Seeking a Manufacturing (Import) Exemption for Use	2070–AJ39
903	SAN No. 5287 Formaldehyde Emissions From Pressed Wood Products	2070–AJ44
904	SAN No. 4975 Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA	2070–AJ15
905	SAN No. 1923 Follow-Up Rules on Existing Chemicals	2070–AA58
906	SAN No. 3528 Refractory Ceramic Fibers (RCFs)	2070–AC37
907	SAN No. 3493 Testing for Existing Chemicals (Overview Entry for Future Needs)	2070–AB94
908	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs)	2070–AC76
909	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity	2070–AD44
910	SAN No. 3493.2 Testing Agreement for Aryl Phosphates (ITC List 2)	2070–AJ07
911	SAN No. 5187 Test Rule; Nonylphenol (NP) and Its Ethoxylates (NPE)	2070–AJ34
912	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules	2070–AB08
913	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules	2070–AB11
914	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
915	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	2070–AD53

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TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
916	SAN No. 5334 Lead; Minor Amendments to the Renovation, Repair, and Painting Program	2070–AJ48

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

Sequence Number	Title	Regulation Identifier Number
917	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
918	SAN No. 2425.3 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals	2025–AA19
919	SAN No. 5368 TRI: Notice of Intent To Consider Dissolution of Administrative Stay Regarding Hydrogen Sulfide Reporting Requirements; Opportunity for Public Comment	2025–AA27
920	SAN No. 5384 Toxics Release Inventory; Addition of National Toxicology Program Carcinogens	2025–AA28
921	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for Metal Mining Activities	2025–AA11
922	SAN No. 5296 Toxics Release Inventory (TRI) Articles Exemption Clarification Rule	2025–AA24

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

Sequence Number	Title	Regulation Identifier Number
923	SAN No. 3215.1 Emergency Planning and Community Right-To-Know Act: Amendments and Streamlining Rule	2050–AG40
924	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
925	SAN No. 2425.1 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals	2025–AA17

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

Sequence Number	Title	Regulation Identifier Number
926	SAN No. 5343 Toxics Release Inventory Form A Eligibility Revisions Implementing the 2009 Omnibus Appropriations Act	2025–AA25

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

Sequence Number	Title	Regulation Identifier Number
927	SAN No. 4470. Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers **(Reg Plan Seq No. 75)**	2050–AE81
928	SAN No. 5309 Episodic Generation Rulemaking	2050–AG51
929	SAN No. 5266 Identification of Non-Hazardous Materials That Are Solid Wastes	2050–AG44
930	SAN No. 5322 Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removing Saccharin and Its Salts From the Lists of Hazardous Constituents, Hazardous Wastes, and Hazardous Substances	2050–AG55
931	SAN No. 4977.1 Withdrawal of Expansion of RCRA Comparable Fuels Exclusion	2050–AG57
932	SAN No. 5310 Hazardous Waste Technical Corrections and Clarifications Rule	2050–AG52

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

Sequence Number	Title	Regulation Identifier Number
933	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	2050–AE51
934	SAN No. 4606 Requirements for Transboundary Shipments of Wastes, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes and Imports of Hazardous Wastes	2050–AE93

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

Sequence Number	Title	Regulation Identifier Number
935	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials	2050–AE23
936	SAN No. 3856 Management of Cement Kiln Dust (CKD)	2050–AE34
937	SAN No. 5274 Standards for the Safe and Environmentally Protective Placement of Coal Combustion Residuals as Minefill in Coal Mines Not Regulated Under the Surface Mining Control and Reclamation Act	2050–AG45
938	SAN No. 3147.1 Hazardous Waste Manifest Revisions—Standards and Procedures for Electronic Manifests	2050–AG20
939	SAN No. 5127 Amendment to the Universal Waste Rule: Addition of Pharmaceuticals	2050–AG39
940	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
941	SAN No. 4735 RCRA Smarter Waste Reporting	2050–AF01
942	SAN No. 4920.1 Identifying the Universe of Government Research in Laboratories and Determining Student Involvement in Generating Laboratory Hazardous Waste	2050–AG54
943	SAN No. 2647 RCRA Subtitle C Financial Test Criteria Regulatory Determination	2050–AC71

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
944	SAN No. 5350 CERCLA 108(b) Financial Responsibility **(Reg Plan Seq No. 65)**	2050–AG56

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

Sequence Number	Title	Regulation Identifier Number
945	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
946	SAN No. 5376 Revise Cooperative Agreements and Superfund State Contracts for Superfund Response Actions	2050–AG58

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

Sequence Number	Title	Regulation Identifier Number
947	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities	2050–AF03

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

Sequence Number	Title	Regulation Identifier Number
948	SAN No. 4971 National Contingency Plan Revisions To Align With the National Response Plan	2050–AG22

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Completed Actions

Sequence Number	Title	Regulation Identifier Number
949	SAN No. 5328 Inclusion of CERCLA State Response Programs and Tribal Response Programs	2050–AG53

CLEAN WATER ACT—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
950	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan	2050–AE87
951	SAN No. 4948 Effluent Limitations Guidelines and Standards for Airport Deicing Operations	2040–AE69
952	SAN No. 5363 Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures	2040–AF09
953	SAN No. 5210 Criteria and Standards for Cooling Water Intake Structures **(Reg Plan Seq No. 76)**	2040–AE95
954	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II	2040–AD39
955	SAN No. 3786 NPDES Applications Revisions	2040–AC84
956	SAN No. 5320 2010 Effluent Guidelines Program Plan	2040–AF06
957	SAN No. 5362 Amendment to Effluent Guidelines for Primary Aluminum Smelting Subcategory of the Nonferrous Metals Manufacturing Point Source Category	2040–AF12
958	SAN No. 5251 NPDES Program Management Information Rulemaking	2020–AA47
959	SAN No. 4746 Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters	2040–AD89
960	SAN No. 5311 Development of Best Management Practices for Recreational Boats Under the Clean Water Act	2040–AF03
961	SAN No. 5330 Oil and Gas Construction Stormwater Rule	2040–AF05
962	SAN No. 5361 Water Quality Standards (Numeric Nutrient Criteria) for Florida's Lakes and Flowing Waters	2040–AF11

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

CLEAN WATER ACT—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
963	SAN No. 2634.2 Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule **(Reg Plan Seq No. 84)**	2050–AG16
964	SAN No. 5119 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category **(Reg Plan Seq No. 85)**	2040–AE91
965	SAN No. 5098 Guidance for Implementing the Methylmercury Water Quality Criterion	2040–AE87

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CLEAN WATER ACT—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
966	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
967	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

EPA

CLEAN WATER ACT—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
968	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
969	SAN No. 2634.8 Oil Pollution Prevention: Spill Prevention, Control, and Countermeasure Rule Requirements—Amendments for Milk Containers	2050–AG50
970	SAN No. 4980 Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process	2040–AE82
971	SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters	2040–AE77

CLEAN WATER ACT—Completed Actions

Sequence Number	Title	Regulation Identifier Number
972	SAN No. 3663.1 Availability of and Procedures for Removal Credits	2040–AE88
973	SAN No. 2634.7 Oil Pollution Prevention; Nontransportation-Related Onshore Facilities Compliance Dates	2050–AG49

SAFE DRINKING WATER ACT (SDWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
974	SAN No. 5066 Second 6-Year Review of Existing National Primary Drinking Water Regulations	2040–AE90

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
975	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule	2040–AD94
976	SAN No. 5284 Revising Underground Storage Tank Regulations—Revisions to Existing Requirements and Additions To Incorporate the Provisions of the Energy Policy Act	2050–AG46

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

Sequence Number	Title	Regulation Identifier Number
977	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040–AA94
978	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb	2040–AC13
979	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	2040–AD54
980	SAN No. 4821.1 Perchlorate Regulatory Determination	2040–AF08
981	SAN No. 4236 Underground Injection Control: Update of State Programs	2040–AD40
982	SAN No. 5360 Unregulated Contaminant Monitoring Regulation (UCMR 3) for Public Water Systems Revisions	2040–AF10
983	SAN No. 5211 Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO2) Geologic Sequestration (GS) Wells	2040–AE98

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
984	SAN No. 4966 Drinking Water Regulations for Aircraft Public Water System	2040–AE84
985	SAN No. 4745 Drinking Water Contaminant Candidate List Three	2040–AD99

EPA

SAFE DRINKING WATER ACT (SDWA)—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
986	SAN No. 5272 National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants & Disinfection Byproducts Rule and Changes Related to References of Analytical Methods in the CFR	2040–AF00
987	SAN No. 5332 Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells **(Completion of a Section 610 Review)**	2040–AF04

SHORE PROTECTION ACT (SPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
988	SAN No. 2820 Shore Protection Act Regulations	2040–AB85

Environmental Protection Agency (EPA) — Proposed Rule Stage

General

658. 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.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	
Direct Final Rule	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5121

Agency Contact: Thomas Walker, Environmental Protection Agency, Office of the Administrator, 1201A, Washington, DC 20460
Phone: 202 343–9680
Fax: 202 233–0630
Email: walker.tom@epa.gov

Yasmin Yorker, Environmental Protection Agency, Office of the Administrator, 1201A, Washington, DC 20460
Phone: 202 343–9682
Fax: 202 233–0630
Email: yorker.yasmin@epa.gov

RIN: 2090–AA37

Environmental Protection Agency (EPA) — Final Rule Stage

General

659. WASTE ENERGY RECOVERY REGISTRY

Priority: Other Significant

Legal Authority: 42 USC 6342

CFR Citation: 40 CFR 1200

Legal Deadline: Final, Statutory, September 19, 2008, The Energy Independence and Security Act of 2007 says that EPA must publish a rule 270 days from its enactment.

Abstract: Title IV of the Energy Independence and Security Act of 2007 directs EPA to establish a ''recoverable waste energy inventory program'' in cooperation with the Department of Energy and state energy offices. This inventory program is comprised of a Survey of major industrial and large commercial combustion sources, and a Registry of Recoverable Waste Energy Sources. Under this action, EPA will publish a rule establishing criteria for including sites in the Registry.

Timetable:

Action	Date	FR Cite
NPRM	07/23/09	74 FR 36430
NPRM Comment Period End	09/21/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5262; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-23/a17550.pdf; EPA

Docket information: EPA-HQ-OAR-2008-0201

Agency Contact: Katrina Pielli, Environmental Protection Agency, Air and Radiation, 6202J, Washington, DC 20460
Phone: 202 343–9610
Email: pielli.katrina@epamail.epa.gov

RIN: 2060–AP14

660. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY

Priority: Info./Admin./Other

Legal Authority: 5 USC 7301

CFR Citation: 5 CFR 6401 (Revision)

Legal Deadline: None

Abstract: The Environmental Protection Agency will, with the concurrence of the Office of Government Ethics (OGE), revise the Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency (regulation) at 5 CFR part 6401. The regulation supplements the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) issued by OGE. The revisions to the regulation are necessary to update, clarify, and address ethical issues unique to EPA employees. The regulation prohibits certain EPA employees from holding certain financial interests, including compensated outside employment with certain persons; and it requires EPA employees to obtain prior approval to engage in certain categories of outside employment.

Timetable:

Action	Date	FR Cite
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5291

Agency Contact: Jennie Keith, Environmental Protection Agency, Office of General Counsel, 2310A, Washington, DC 20460
Phone: 202 564–3412
Email: keith.jennie@epamail.epa.gov

Justina Fugh, Environmental Protection Agency, Office of General Counsel, 2310A, Washington, DC 20460
Phone: 202 564–1786
Email: fugh.justina@epa.gov

RIN: 2015–AA01

661. TECHNICAL CORRECTIONS TO TITLE 40 TO CONFORM TO THE CIVIL MONETARY PENALTY INFLATION ADJUSTMENT RULE

Priority: Info./Admin./Other

Legal Authority: 31 USC 3701

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On December 11, 2008, EPA promulgated the 2008 Civil Monetary Penalty Inflation Adjustment Rule (73 FR 75340) to adjust all statutory civil monetary penalties for inflation. This rule was issued pursuant to the Debt Collection Improvement Act (DCIA), which requires each Federal agency to adjust statutory penalty amounts under its jurisdiction to account for inflation. During the course of that rulemaking, EPA discovered that certain regulatory provisions of title 40 referred to outdated statutory civil penalty amounts. This rulemaking will amend all regulatory references to specific civil penalty amounts to refer to the operative effective statutory maximum penalty amount reflected in 40 CFR part 19.4.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5325

Agency Contact: David Abdalla, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2248A, Washington, DC 20460
Phone: 202 564–2413
Email: abdalla.david@epamail.epa.gov

Susan O'Keefe, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2248A, Washington, DC 20460
Phone: 202 564–4021
Email: okeefe.susan@epamail.epa.gov

RIN: 2020–AA49

Environmental Protection Agency (EPA) General — Completed Actions

662. ● CROSS–MEDIA ELECTRONIC REPORTING REGULATION (CROMERR)—TECHNICAL AMENDMENT TO EXEMPT ALL GRANT AND FINANCIAL ASSISTANCE PROGRAMS

Priority: Info./Admin./Other

Legal Authority: 7 USC 136

CFR Citation: 40 CFR 3

Legal Deadline: None

Abstract: This technical amendment extends the current Cross-Media Electronic Reporting Regulation (CROMERR) applicability exemption for grant and financial assistance programs (grants) to include all grants under title 40, providing regulatory relief to State, tribe, and local government grant applicants and grantees and addressing a newly discovered inadvertent error in CROMERR: That CROMERR does apply to documents and data submitted electronically (including emails) to EPA by grant applicants or grantees pursuant to EPA's grant and financial assistance program (grants) regulations found under title 40.

Currently, CROMERR does not apply to non-title 40 EPA grant and financial assistance program regulations (such as those under title 48) or to title 40 grant programs linked to EPA-authorized programs. In developing CROMERR, EPA did not intend for the final rule to apply to grant programs at all. However, due to misinformation at the time, the workgroup believed that all grant program regulations were contained in non-title 40 programs, primarily under title 48, and that by limiting the reach of CROMERR to 40 CFR, CROMERR would not cover grants. This misunderstanding is evidenced by the statement in the

CROMERR preamble that the ''new part 3 does not address contracts, grants or financial management regulations contained in title 48 of the CFR.'' (70 FR 59853, Oct. 13, 2005.)

The issue of CROMERR applicability to the grants program recently surfaced in the context of the new Stimulus Recovery Act Grant Program that the Agency is developing, under which EPA plans to accept electronic documents with e-signatures. The Agency's Office of Grants and Debarment asked if these grants are subject to CROMERR and Office of General Counsel (OGC) opined that grants awarded under title 40 that are not linked to an EPA-authorized program and fall under the section 3.1(c) exemption, are subject to CROMERR (the majority of the relevant regulations are found at 40 CFR parts 30 to 49). To address this issue, OGC recommends the Office of Environmental Information (OEI) promulgate a final rule revising CROMERR to exempt all grant and financial assistance documents and data under title 40 from the scope of the rule. OGC informed OEI that because the final rule would be a grants rule it would not be subject to APA notice and comment rulemaking requirements. Section 553 of the APA specifically exempts rulemakings involving grants from the Administrative Procedures Act (APA)'s rulemaking requirements. Section 553(a) states: ''This section applies . . . except to the extent that there is involved . . . (2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.'' Thus, EPA is not required to promulgate a proposed rule or take comment on the rule, and can proceed directly with a final rule that becomes effective upon publication, because the Agency has good cause to promulgate immediately since the action relieves an unintended regulatory burden on States, tribes, and local government grant applicants and grantees.

If this action is not finalized, states, tribes, and local government grant and grantees will incur an additional regulatory burden and not be able to submit paperless electronic grant information/data, or, if they do, find themselves out of compliance with EPA's CROMERR regulation. Also, CROMERR would hinder electronic submission of applications under the new Recovery Act Grant program and provide significant unintended consequences for EPA's Agency-wide Integrated Grants Management System used to collect grant and grantee information/data. OEI has consulted with the Office of Grants and Debarment before proceeding, which concurs with OEI that this action is necessary and should be expedited.

Timetable:

Action	Date	FR Cite
Final Action	11/17/09	74 FR 59104

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 5371; EPA Docket information: EPA-HQ-OEI-2003-0001

URL For More Information: http://www.epa.gov/cromerr

Agency Contact: Evi Huffer, Environmental Protection Agency, Office of Environmental Information, 2136T, Washington, DC 20460
Phone: 202 566–1697
Fax: 202 566–1639
Email: huffer.evi@epamail.epa.gov

David Schwarz, Environmental Protection Agency, Office of Environmental Information, 2136T, Washington, DC 20460
Phone: 202 566–1704
Email: schwarz.david@epamail.epa.gov

RIN: 2025–AA26

663. 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 was to revise the Agency's conflict of interest (COI) acquisition regulations for more stringent requirements on the submission of relevant information from Agency contractors and potential contractors regarding their relationships with parent companies, affiliates, subsidiaries, and sister companies and to codify several COI clauses that have been developed since the issuance of the previous rule in 1994. EPA is withdrawing this rule to evaluate the impact that anticipated new Federal Acquisition Regulation (FAR) coverage will have on the proposed clauses.

Timetable:

Action	Date	FR Cite
Withdrawn	11/04/09	

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

Agency Contact: Valen Wade, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202 564–2284
Fax: 202 565–2475
Email: wade.valen@epa.gov

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

RIN: 2030–AA67

664. GOVERNMENT PROPERTY AND CONTRACT PROPERTY ADMINISTRATION REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 418b

CFR Citation: 48 CFR 1545 and 1552

Legal Deadline: None

Abstract: EPA plans to amend the EPA Acquisition Regulation (EPAAR) to update policy, procedures, and contract clauses. The recent proposal included consolidating the EPAAR physical property clauses (Decontamination, Fabrication, and Government Property), re-designating the prescription number in the data clause, and updating the roles and responsibilities of the contractor, DCMA and CPC.

EPA—General — Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	06/23/09	74 FR 29650
NPRM Comment Period End	07/23/09	
Final Action	09/15/09	74 FR 47108

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5308; EPA publication information: NPRM—http://edocket.access.gpo.gov/2009/pdf/E9-14460.pdf; EPA Docket information: EPA—HQ—OARM—2008—0817

Agency Contact: Iris Redmon, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460
Phone: 202 564–2644
Email: redmon.iris@epamail.epa.gov

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

RIN: 2030–AA98

Environmental Protection Agency (EPA) — Prerule Stage

Clean Air Act

670. NEW SOURCE PERFORMANCE STANDARDS (NSPS) REVIEW STRATEGY

Priority: Other Significant

Legal Authority: 42 USC 7411; 42 USC 7429

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The goal of EPA's New Source Performance Standards (NSPS) Management Strategy is to address our obligation under section 111(b)(1)(B) of the Clean Air Act to review and revise each NSPS at a minimum of every 8 years. The strategy envisions setting a priority for reviewing and potentially revising the NSPS based on maximizing the environmental results. The strategy also seeks to minimize the administrative burden of the NSPS program by initially addressing those NSPS that remain effective based on ''readily available information'' and do not need to be revised.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5168

Agency Contact: Tina Ndoh, Environmental Protection Agency, Air and Radiation, D220J, Research Triangle Park, NC 27711
Phone: 919 541–2750
Fax: 919 541–5600
Email: ndoh.tina@epa.gov

Lisa Conner, Environmental Protection Agency, Air and Radiation, D205–02, RTP, NC 27711
Phone: 919 541–5060
Fax: 919 541–5600
Email: conner.lisa@epamail.epa.gov

RIN: 2060–AO60

671. RISK AND TECHNOLOGY REVIEW PHASE II GROUP 3

Priority: Other Significant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Under the ''technology review'' provision of CAA section 112, EPA is required to review maximum achievable control technology (MACT) standards and to revise them ''as necessary (taking into account developments in practices, processes and control technologies)'' no less frequently than every 8 years. Under the ''residual risk'' provision of CAA section 112, EPA must evaluate the MACT standards within 8 years after promulgation and promulgate standards if required to provide an ample margin of safety to protect public health or prevent an adverse environmental effect. EPA has combined the remaining MACT source categories requiring residual risk and technology reviews into several groups of ''risk and technology'' (RTR) reviews. This action focuses on RTR Group 3 which consists of 19 MACT standards (covering 21 source categories) with MACT compliance dates of 2003 and earlier.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5196

Agency Contact: Paula Hirtz, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–2618
Fax: 919 541–0246
Email: hirtz.paula@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AO97

672. ● EMISSIONS FACTORS PROGRAM IMPROVEMENTS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 60, 61, and 63

Legal Deadline: None

Abstract: EPA intends to implement a multi-part process to improve the air pollutant emissions factors program. Emissions factors, based on averaged data from industrial process performance tests, were established to fill emissions data gaps when developing emissions inventories. Most EPA emissions factors reside in a database called AP-42. We believe that implementing this multi-part effort will result in a self-sustaining emissions factors program receiving ongoing data submittals that will greatly improve emissions estimation for regulatory authorities and others to use in: (1) Developing emissions inventories, (2) updating emissions standards, (3) identifying and evaluating control strategies, (4) determining applicability

of permit and regulatory requirements, (5) assessing risks, and (6) other air pollution control activities. The first part involves further development of the existing electronic reporting tool (ERT) to make it easier for State, local, and tribal air pollution control agencies, industry, and other stakeholders to access, assess the quality of, and submit emissions test data. The second part involves upgrading the AP-42 factors information compilation and retrieval system, making it an interactive, current, and easy to expand and enhance foundation for the Internet application renamed WebFIRE. Additionally, to make the emissions factors development process more transparent, EPA plans to rewrite the existing emissions factors development procedures document. Finally, in order to acquire adequate data for the development or improvement of the emissions factors, we are seeking comment on requiring the submission (via electronic reporting) of certain performance testing information already collected by industry. Performance tests are conducted to measure the air pollutant emissions from an industrial process and used as an indicator of compliance with regulations. This last element of the process of improving the emissions factors program will require formal rulemaking and will encompass performance testing required by Federal rules codified in 40 CFR parts 60, 61, and 63.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/09	
NPRM	08/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 5357

Agency Contact: Tom Driscoll, Environmental Protection Agency, Air and Radiation, D243–05, RTP, NC 27711
Phone: 919 541–5135
Fax: 919 541–4028
Email: driscoll.tom@epamail.epa.gov

Bob Schell, Environmental Protection Agency, Air and Radiation, D243–05, RTP, NC 27711
Phone: 919 541–4116
Fax: 919 541–3207
Email: schell.bob@epamail.epa.gov

RIN: 2060–AP63

673. ● ENDANGERMENT FINDING FOR LEAD EMISSIONS FROM PISTON–ENGINE AIRCRAFT USING LEADED AVIATION GASOLINE

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7571

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The purpose of this action is to further respond to a petition submitted by Friends of the Earth (FOE) in 2006. In the petition, FOE requests that EPA find that lead emissions from general aviation aircraft may reasonably be anticipated to endanger public health and welfare and that EPA propose emissions standards under the Clean Air Act for lead from general aviation aircraft. Alternatively, FOE requests that EPA commence a study and investigation of the health and environmental impacts of lead emissions from general aviation aircraft, if EPA believes that insufficient information exists to make such a finding. In 2007, EPA issued a Federal Register notice seeking comment on FOE's petition. The notice asked a series of questions seeking information on exposure to lead emissions from general aviation aircraft, lead emission rates from general aviation aircraft, unleaded aviation fuel options, and engine technology.

EPA has long-standing concerns regarding exposure to lead, particularly during childhood. The most recent lead National Ambient Air Quality Standards review, finalized in 2008, found that serious health effects occur at much lower levels of lead in blood than previously identified and did not identify a safe level of lead exposure. Emissions of lead from piston-engine aircraft using leaded aviation gasoline (avgas) comprise over half of the national inventory of lead emitted to air. There are almost 20,000 airport facilities in the U.S. at which leaded avgas is used. This action will describe the lead inventory related to use of leaded avgas, air quality and exposure information, additional information the Agency is collecting related to the impact of lead emissions from piston-engine aircraft on air quality and will request comments on this information.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5373

Agency Contact: Marion Hoyer, Environmental Protection Agency, Air and Radiation, AAHEBTC, Ann Arbor, MI 48105
Phone: 734 214–4513
Email: hoyer.marion@epamail.epa.gov

Meredith Pedde, Environmental Protection Agency, Air and Radiation, AAHEBTC, Ann Arbor, MI 48105
Phone: 734 214–4748
Email: pedde.meredith@epamail.epa.gov

RIN: 2060–AP79

Environmental Protection Agency (EPA) — Proposed Rule Stage

Clean Air Act (CAA)

665. ● NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR ELEMENTAL PHOSPHOROUS PRODUCTION

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Elemental Phosphorus Production was not listed as one of the categories on the Source Category list to be regulated under Clean Air Act section 112. However, we have received petitions from States to develop a Maximum Available Control Technology (MACT) standard for this category, and have heard interest in its development from environmental groups. Therefore, in this rulemaking,

we plan to list and regulate this source category.

One elemental phosphorous plant remains in the U.S.

The production of elemental phosphorous involves mining of phosphate ore, sizing of the mined material, calcining the processed ore, and blending it with silica and coke before melting it in a furnace under reduced (no oxygen) conditions. During the furnace process, elemental phosphorous is evolved as a gas and captured, then condensed in a cooling process and transferred into tanks and cylinders under pressure.

All of the elemental phosphorous in the US is produced at one plant and about 90 percent of it is used as a raw material for the production of Roundup(c), a Monsanto product. The remainder is used as a food grade additive and for military purposes.

The production processes emit particulate matter (PM), radionuclides, mercury (Hg), hydrogen cyanide (HCN) and carbon dioxide (CO2).

About a half ton of mercury is known to be emitted from the source annually. Mercury deposition in this area is a health problem in part due to the source's location in Idaho's recreation areas, near formerly pristine lakes and streams. Small residential areas and schools are within a few miles of the plant. Mercury is bioaccumulative (that is, it accumulates in the body's tissues), and crosses the blood/brain barrier and the placental barrier. Therefore, women and children are disproportionately affected by mercury emissions. Serious health effects are known to be caused by exposure to mercury. Additionally, mercury accumulates in the environment in fish, water, and soil. Because of this, it is also absorbed by wild game such as deer, fish, and fowl. Coincidentally, Idaho is a popular area for sportsmen, so although the native population of the area is relatively low, the potential for exposure to tourists (in the hot springs, camping, hiking, fishing and hunting) arenas may be significant.

The single remaining elemental phosphorous plant is not in Indian Lands, however, the effects of current mercury deposition from this plant may be affecting tribes, especially the children and women of those tribes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/10	
Final Action	01/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan Fairchild, Environmental Protection Agency, Air and Radiation, D 243–02, RTP, NC 27711
Phone: 919 541–5167
Fax: 919 541–3207
Email: fairchild.susan@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–2837
Fax: 919 541–3207
Email: fruh.steve@epa.gov

RIN: 2060–AP97

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666. • RECONSIDERATION OF THE 2008 OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS

Regulatory Plan: This entry is Seq. No. 73 in part II of this issue of the **Federal Register**.

RIN: 2060–AP98

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667. • CORPORATE PARENT AND NAICS CODE IN THE GREENHOUSE GAS MANDATORY REPORTING RULE REQUIREMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 98

Legal Deadline: None

Abstract: EPA recently finalized the Greenhouse Gas (GHG) Mandatory Reporting Rule (signed September 22, 2009). This rule requires facilities with direct GHG emissions over 25,000 metric tons of CO2e, suppliers of petroleum, natural gas, and industrial gases as well as vehicle and engine manufacturers outside the light duty sector to report to EPA annually. The data collection starts on January 1, 2010, and the first reports to EPA are due on March 31, 2011. As part of that first report, EPA is proposing that reporters also include the name of their Corporate Parent and NAICS code. In developing the final rule, EPA received comments that this type of information would be useful to the public and EPA, particularly in assisting corporations in assessing emissions at their different facilities and operations. Therefore, EPA is proposing to include these two data elements in the reports and seeking public comments on the most efficient way of defining and collecting these elements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	
Final Action	11/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

URL For More Information: www.epa.gov/climatechange/emissions/ghgrulemaking.html

Agency Contact: Lisa Grogan–McCulloch, Environmental Protection Agency, Air and Radiation, 6207J, 1200 Pennsylvania Ave NW, Washington , DC 20460
Phone: 202 343–9743
Fax: 202–343–2210
Email: grogan-mcculloch.lisa@epa.gov

Shana Harbour, Environmental Protection Agency, 1807T, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 566–2959
Fax: 202–564–2994
Email: harbour.shana@epa.gov

Related RIN: Related to 2060–AO79

RIN: 2060–AQ02

Environmental Protection Agency (EPA) **Proposed Rule Stage**

Clean Air Act

674. REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF METHYL BROMIDE AND METHYL IODIDE

Priority: Substantive, Nonsignificant

Legal Authority: CAA 301

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

Abstract: The EPA lists for regulation certain volatile organic compounds (VOCs) as precursors to ozone formation under section 302(s) of the Clean Air Act (CAA) and 40 CFR 51.100(s). While all VOCs have the ability to react in the atmosphere to form ozone, some VOCs react at such a slow rate their contribution to ground-level ozone is negligible. Through regulation, the Agency can exempt negligibly reactive compounds from the definition of VOCs. VOCs that are exempted from the CAA definition are no longer necessary to control in state implementation plans for attaining the national ambient air quality standard for ozone. This rule would address whether EPA should exempt methyl bromide and methyl iodide based on their reactivity. These compounds are used as pesticides.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5269; We are receiving assistance from the Significant New Alternatives Policy (SNAP) Program and from Regional Office 4 and 9.

Agency Contact: Dave Sanders, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919 541–3356
Fax: 919 541–0824
Email: sanders.dave@epamail.epa.gov

William L. Johnson, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919 541–5245
Fax: 919 541–0824
Email: johnson.williaml@epamail.epa.gov

RIN: 2060–AP22

675. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7408 and 7409

CFR Citation: 40 CFR 50

Legal Deadline: NPRM, Judicial, October 28, 2010, US District Court Northern District of CA San Francisco Division 5/5/08.
Final, Judicial, May 13, 2011, US District Court Northern District of CA San Francisco Division 5/5/08.

Abstract: Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. The last CO NAAQS review occurred in 1994 with a decision by the Administrator not to revise the existing standards. The current review which initiated in September 2007 includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's decision as to whether to retain or revise the standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	
Final Action	05/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 4266; EPA Docket information: EPA-HQ-OAR-2008-0015

URL For More Information: www.epa.gov/ttn/naaqs/standards/co/s co index.html

Agency Contact: Ines Pagan, Environmental Protection Agency, Air and Radiation, C504–06, RTP, NC 27711
Phone: 919 541–5469
Email: pagan.ines@epa.gov

Deirdre Murphy, Environmental Protection Agency, Air and Radiation, C504–06, RTP, NC 27711
Phone: 919 541–0729
Email: murphy.deirdre@epa.gov

RIN: 2060–AI43

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

Regulatory Plan: This entry is Seq. No. 67 in part II of this issue of the **Federal Register**.

RIN: 2060–AO47

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

Regulatory Plan: This entry is Seq. No. 68 in part II of this issue of the **Federal Register**.

RIN: 2060–AO48

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

Regulatory Plan: This entry is Seq. No. 69 in part II of this issue of the **Federal Register**.

RIN: 2060–AO72

679. ● RECONSIDERATION OF IMPLEMENTATION OF THE NEW SOURCE REVIEW 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 action begins the proceeding for reconsidering the challenged provisions. Accordingly, we anticipate that we will propose options for changing the existing provisions.On May 16, 2008, EPA amended its Prevention of Significant Deterioration (PSD) rules to include new requirements for Particulate Matter (PM)2.5. Among other things, the final rule (1) allowed States with State Implementation Plan-approved PSD programs up to 3 years to revise and submit the new PM2.5 requirements to EPA for approval; (2) allowed permit applicants to exclude, until January 1, 2010, any amounts of condensable

particulate matter from the calculation of the proposed source's potential to emit for applicability purposes; and (3) allowed sources in PM2.5 nonattainment areas to use emissions from precursors of PM2.5 as offsets for significant increases of PM2.5 emissions, using ratios developed by EPA or ratios developed and demonstrated by the State. EPA received and granted a petition for reconsideration of these new provisions from the National Resource Defense Council and Sierra Club.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4752.5; Split from RIN A2060. Split from RIN 2060-AN86. Split from RIN 2060-AK74; EPA Docket information: EPA-HQ-OAR-2003-0062

Agency Contact: Dan deRoeck, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5593
Fax: 919 541–5509
Email: deroeck.dan@epamail.epa.gov

Raj Rao, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AP72

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680. ● IMPLEMENTATION OF THE NEW SOURCE REVIEW PROGRAM FOR PARTICULATE MATTER LESS THAN 2.5 MICROMETERS—PROPOSED RULEMAKING TO REPEAL GRANDFATHERING PROVISION AND END EARLY THE PM10 SURROGATE POLICY

Priority: Other Significant

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

CFR Citation: 40 CFR 52.21

Legal Deadline: None

Abstract: On May 16, 2008, EPA amended its Prevention of Significant Deterioration (PSD) rules to include new requirements for Particulate Matter (PM)2.5. Included in the rule was a grandfathering provision under the federal PSD program at 40 CFR 52.21, which allowed sources that submitted complete PSD permit applications before the effective date of the final rule, but had not yet received their permit by the effective date, to continue using the PM10 Surrogate Policy to satisfy the requirements for PM2.5. EPA received a petition for reconsideration and request for an administrative stay of this provision from the National Resource Defense Council and Sierra Club, claiming that the provision was not proposed for public comment and was no longer technically justified. EPA granted reconsideration, agreed to stay the grandfathering provision for three months—effective June 1, 2009, and committed to propose to repeal the provision. This action proposes to repeal the grandfathering provision and address the conditions under which the PM10 Surrogate Policy is applicable.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	
Final Action	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4752.4; Split from RIN A2060. Split from RIN 2060-AN86. Split from RIN 2060-AK74; EPA Docket information: EPA-HQ-OAR-2003-0062

Agency Contact: Dan deRoeck, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5593
Fax: 919 541–5509
Email: deroeck.dan@epamail.epa.gov

Raj Rao, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AP75

681. PETROLEUM REFINERIES—NEW SOURCE PERFORMANCE STANDARDS (NSPS)

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

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: On June 24, 2008, EPA promulgated amendments to the Standards of Performance for Petroleum Refineries and new standards for process units constructed, reconstructed, or modified after May 14, 2007. EPA received three petitions for reconsideration of the final rule. On September 26, 2008, EPA granted reconsideration and issued a stay for the issues raised in the petitions regarding process heaters and flares. On December 22, 2008, EPA addressed those specific issues by proposing amendments to certain provisions for process heaters and flares. EPA also proposed various technical corrections in that action that were raised in the petitions for reconsideration. EPA will take action on other issues raised by Petitioners in future notices. The notice deferred action on all the other reconsideration requests, including greenhouse gas controls. A direct final rule issued on 12/22/08 extended the stay until a final decision on reconsideration has been reached.

Timetable:

Action	Date	FR Cite
NPRM	05/14/07	72 FR 27178
NPRM Comment Period Extended	06/28/07	72 FR 35375
NPRM Comment Period End	07/13/07	
Final Action	06/24/08	73 FR 35838
Response to Reconsideration–Other Issues–NPRM	11/00/10	
Response to Reconsideration–Other Issues–Final	05/00/11	

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

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–0884
Fax: 919 541–0246
Email: lucas.bob@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AN72

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

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Clean Air Act requires EPA to regulate 187 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 adverse human health problems. The law requires 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 support their petition. 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. This petition was deemed complete in March 2006. There appears to be no question about the toxicity of MDI; rather the industry argues that there are little or no exposures due to the extremely low vapor pressure of MDI.

Timetable:

Action	Date	FR Cite
Notice of Complete Petition	05/26/05	70 FR 30407
Proposed Response	05/00/10	

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

Agency Contact: KC Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Email: hustvedt.ken@epa.gov

Scott Jenkins, Environmental Protection Agency, Air and Radiation, C445–01, RTP, NC 27711
Phone: 919 541–1167
Email: jenkins.scott@epa.gov

RIN: 2060–AK84

683. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59

Legal Deadline: None

Abstract: This action consists of amendments to the consumer products part 59 VOC rule under Clean Air Act section 183(e). The amendments are being undertaken to address Clean Air Act Advisory Committee recommendation AQM2.3, which called for aligning the CP rule with the model rule adopted by the Ozone Transport Commission.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	05/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4309

Sectors Affected: 32599 All Other Chemical Product Manufacturing

Agency Contact: Bruce Moore, Environmental Protection Agency, Air and Radiation, E143–03, Research Triangle Park, NC 27711
Phone: 919 541–5460
Fax: 919 541–3470
Email: moore.bruce@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, RTP, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AI62

684. 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.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4531

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

RIN: 2060–AJ61

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

Priority: Other Significant

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: EPA's Air Quality Index (AQI) is used by States for daily air quality reporting to the general public in accordance with section 319 of the Clean Air Act (Act). The AQI must be updated whenever EPA revises one of the National Ambient Air Quality Standards (NAAQS). In 2006, EPA revised the NAAQS for fine particulates. The purpose of this rulemaking is to make revisions to the AQI for fine particulates to be consistent with the revised NAAQS.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	01/00/10	

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

Agency Contact: Susan Stone, Environmental Protection Agency, Air and Radiation, C504–06, Research Triangle Park, NC 27711
Phone: 919 541–1146
Fax: 919 541–0237
Email: stone.susan@epa.gov

Phil Lorang, Environmental Protection Agency, Air and Radiation, C304–04, Research Triangle Park, NC 27711
Phone: 919 541–5463
Email: lorang.phil@epa.gov

RIN: 2060–AO11

686. 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: EPA is proposing to revise the requirements for import of Class I and Class II controlled ozone-depleting substances (controlled substances) into the United States by streamlining provisions for importing controlled substances specifically for purposes of destruction. The proposed provisions would no longer require used imports for destruction to abide by the petition process but instead require a more efficient pre-notification process to EPA in the form of a certification of intent to import for destruction for all imports for destruction—both used and virgin. The regulation would revise associated recordkeeping and reporting requirements for persons who import controlled substances for destruction—replacing an existing set of requirements with a new, more effective set of requirements. EPA is also proposing to revise the regulations governing the destruction of controlled substances under 40 CFR part 82, subpart A, by revising the definitions governing destruction of controlled substances and revising recordkeeping and reporting requirements for persons who destroy controlled substances. While overall burden for respondents will increase, this is due to the additional participants that EPA expects will take advantage of the new regulatory process by importing additional controlled substances for destruction. If there were no additional respondents projected to participate in the import process, overall burden to respondents would decrease. EPA believes that the streamlined regulatory provisions being proposed for importers would ease overall burden, encouraging more imports into the United States for responsible destruction and thus would result in the destruction of additional quantities of controlled substances in the United States that would have otherwise been emitted into the atmosphere, where they deplete the stratospheric ozone layer.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	
Final Action	08/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

URL For More Information: http://www.epa.gov/ozone/destruction.html

Agency Contact: Staci Gatica, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9469
Fax: 202 343–2338
Email: gatica.staci@epamail.epa.gov

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

RIN: 2060–AN48

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

Priority: Other Significant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 82, subpart F

Legal Deadline: None

Abstract: This rulemaking would amend the refrigerant leak repair regulations (40 CFR 82, subpart F) promulgated under section 608 of the Clean Air Act. This rule would require 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	03/00/10	
Final Action	12/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 4856; EPA Docket information: EPA-HQ-OAR-2003-0167

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

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

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

RIN: 2060–AM09

688. MEASUREMENT OF PM2.5 AND PM10 EMISSIONS BY DILUTION SAMPLING

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 101; 42 USC 7401 to 7671q

CFR Citation: 40 CFR 51 app M

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 emissions sources such as electric utilities, municipal incinerators, cement manufacturing etc in areas which do not meet the ambient air standards of the national ambient air quality standards. We do not plan to publish a proposal until the completion of the Method 201A/202 Revisions

Timetable:

Action	Date	FR Cite
NPRM	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5155

URL For More Information: n/a

Agency Contact: Jason Dewees, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–9724
TDD Phone: N/A
Fax: 919 541–0516
Email: dewees.jason@epamail.epa.gov

Candace Sorrell, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–1064
Fax: 919 541–0516
Email: sorrell.candace@epa.gov

RIN: 2060–AO50

689. 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 rule-makings, but to do so in a way that will not degrade the performance of the overall measurement system. Introduction of statistical quality control for all methods should improve measurement precision and accuracy in actual practice across all methods.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	
Final Action	03/00/11	

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

Agency Contact: Joe Sopata, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202 343–9034
Fax: 202 343–2801
Email: sopata.joe@epamail.epa.gov

RIN: 2060–AK03

690. NESHAP AND NSPS FOR MUNICIPAL SOLID WASTE LANDFILLS—AMENDMENTS

Priority: Other Significant

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 amendment is being issued to clarify what constitutes treated landfill gas, clarify responsibilities for compliance activities when multiple parties are involved in the ownership and operation of a landfill and the gas collection, control or treatment system,

address fugitive emissions, and address emissions released prior to the current triggers for landfill gas collection. This action will also include a mandatory review of the New Source Performance Standards and the Maximum Achievable Control Technology.

Timetable:

Action	Date	FR Cite
NPRM	09/08/06	71 FR 53272
NPRM Comment Period End	11/07/09	
Supplemental NPRM	04/00/10	

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/fedrgstr/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

Agency Contact: Hillary Ward, Environmental Protection Agency, Air and Radiation, E143–01, Research Triangle Park, NC 27711
Phone: 919 541–3154
Email: ward.hillary@epamail.epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Email: hustvedt.ken@epa.gov

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

RIN: 2060–AM08

691. COMBINED RULEMAKING FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS AT MAJOR SOURCES OF HAP AND INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AT AREA SOURCES

Regulatory Plan: This entry is Seq. No. 66 in part II of this issue of the **Federal Register**.

RIN: 2060–AM44

692. NESHAP: DEFENSE LAND SYSTEMS AND MISCELLANEOUS EQUIPMENT

Priority: Other Significant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: In this action the EPA is proposing emission standards for hazardous air pollutants (HAP) emissions 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), the National Aeronautics and Space Administration, and the National Nuclear Security Administration. Additionally, this proposed regulation will consider potential control of HAP emissions from 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 proposed rulemaking is related to surface coating activities at installations which do not meet the applicability criteria of either the Aerospace Manufacturing and Rework or Shipbuilding and Ship Repair MACT standards.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4926; EPA Docket information: EPA-HA-OAR-2005-0527

Agency Contact: Kim Teal, Environmental Protection Agency, Air and Radiation, E143–03, Research Triangle Park, NC 27711
Phone: 919 541–5580
Fax: 919 541–3470
Email: teal.kim@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, RTP, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AM84

693. 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 existing Compliance Assurance Monitoring rule (40 CFR part 64) to be implemented through the operating permits rules (40 CFR parts 70 and 71). The revised CAM rule would define when periodic monitoring must be created for sources to use in determining compliance status relative to applicable requirements (e.g., emissions limits). The revisions would specify criteria and procedures that source owners must address in creating effective periodic monitoring. The revisions will build on the success of the 1997 rule by expanding applicability to include emissions units that do not use add-on control devices but minimize pollutant emissions using other types of control measures. This federal rule will provide for greater consistency in monitoring requirements than can be achieved through processes applied State-by-State and permit-by-permit. The result will also further satisfy the Clean Air Act requirement that EPA require enhanced monitoring sufficient to assure compliance for all major sources.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	01/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

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

Agency Contact: Peter Westlin, Environmental Protection Agency, Air and Radiation, D243–05, RTP, NC 27711
Phone: 919 541–1058
Fax: 919 541–1039
Email: westlin.peter@epamail.epa.gov

Bob Schell, Environmental Protection Agency, Air and Radiation, D243–05, RTP, NC 27711
Phone: 919 541–4116
Fax: 919 541–3207
Email: schell.bob@epamail.epa.gov

RIN: 2060–AN00

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

Priority: Other Significant

Legal Authority: CAA sec 111; CAA sec 129

CFR Citation: 40 CFR 60, subpart AAAA; 40 CFR 60, subpart BBBB; 40 CFR 62, subpart JJJ

Legal Deadline: None

Abstract: This rule would amend the final (Dec. 2000) small municipal waste combustors (MWC) new source performance standards (NSPS), emission guidelines (EG), and Federal 111(d) plan. The small MWC rule regulates owners and operators of small MWC, which are MWC units with capacities between 35 tons per day (tpd) and 250 tpd. This action will respond to the DC Circuit Court's remand of the small MWC standards, including assessment of the MACT floors and all related analyses.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	

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

Agency Contact: Brian Shrager, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–7689
Fax: 919 541–5450
Email: shrager.brian@epa.gov

Walt Stevenson, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–5264
Fax: 919 541–5450
Email: stevenson.walt@epa.gov

RIN: 2060–AN17

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695. 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 NESHAP regulation was promulgated on October 8, 2003. EPA was challenged by the Sierra Club on several provisions in the rule. The main issues involve exemptions to the rule's requirements for cleanups performed under Resource Conservation and Recovery Act (RCRA) or Superfund authorities, and an exemption for units handling radioactive mixed waste. The litigation was stayed while the parties discuss settlement.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	

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

Agency Contact: Greg Nizich, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–3078
Email: nizich.greg@epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Email: hustvedt.ken@epa.gov

RIN: 2060–AN36

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696. IMPROVING IMPLEMENTATION OF THE OPERATING PERMIT RULES IN RESPONSE TO CAAA COMMITTEE RECOMMENDATIONS

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 70; 40 CFR 71

Legal Deadline: None

Abstract: This action addresses potential improvements to the regulations implementing the Clean Air Act's title V operating permits program. Under the title V program, each facility that is a major source of specified air pollutants is required to obtain a permit that describes allowable emissions and other conditions. The improvements to the program were recommended to EPA by a 18-member Task Force formed by the Clean Air Act Advisory Committee, with representatives from industry, environmental groups, and State and local agencies. The action would focus on recommendations in three areas: (1) Clarifying the use of permit modification processes for administrative amendments and minor permit modifications, (2) the treatment of insignificant emission units (IEUs) in permits, and (3) alternatives to newspaper notices for public notice requirements.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5079

Agency Contact: Jennifer Snyder, Environmental Protection Agency, Air and Radiation, C504–05, Research Triangle Park, NC 27711
Phone: 919 541–3003
Fax: 919 541–5509
Email: snyder.jennifer@epamail.epa.gov

Juan Santiago, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–1084
Fax: 919 541–5509
Email: santiago.juan@epamail.epa.gov

RIN: 2060–AN93

697. NESHAP: MERCURY CELL CHLOR–ALKALI PLANTS—AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Other, Judicial, May 31, 2010, Joint stipulation filed with DC Circuit court.

Abstract: This action is a supplemental proposal for amendment of the national emission standards for hazardous air pollutants (NESHAP) for mercury emissions from mercury cell chlor-alkali plants that was promulgated in 2003. The 2003 NESHAP limited mercury air emissions from existing plants and prohibited the use of mercury in new plants. Following promulgation of the 2003 NESHAP, EPA received a petition to reconsider several aspects of the rule from the Natural Resources Defense Council (NRDC). NRDC also filed a petition for judicial review of the rule in the U.S. Court of Appeals for the D.C. Circuit. By a letter dated April 8, 2004, EPA granted NRDC's petition for reconsideration, and on July 20, 2004, the Court placed the petition for judicial review in abeyance pending EPA's action on the reconsideration. In May 2008, EPA proposed amendments in response to NRDC's petition for reconsideration. The 2008 amendments proposed changes to the regulation for cell room fugitive mercury emissions to require work practice standards for the cell rooms as well as to require instrumental monitoring of cell room fugitive mercury emissions. The 2008 proposed rule also amended aspects of the 2003 NESHAP to correct errors and inconsistencies that had been brought to EPA's attention since the NESHAP was promulgated. This supplemental proposal will add an additional control option to prohibit mercury emissions from existing plants that, in effect, requires conversion to an alternate chlorine production technology.

Timetable:

Action	Date	FR Cite
NPRM	06/11/08	73 FR 33258
NPRM Comment Period End	08/11/08	
Supplemental NPRM	05/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5095; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-11/a12618.pdf; We are planning a supplemental proposal to add an additional control option; EPA Docket information: EPA—HQ—OAR—2002—0017

Agency Contact: Donna Jones, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27709
Phone: 919 541–5251
Fax: 919 541–3207
Email: jones.donnalee@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–2837
Fax: 919 541–3207
Email: fruh.steve@epa.gov

RIN: 2060–AN99

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

Priority: Other Significant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

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 sets Maximum Achievable Control Technology (MACT) standards for existing and new major sources of hazardous air pollutant emissions. 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 shipbuilding NESHAP. This proposed action will ensure that all activities such as pleasure vessels (yachts) 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 Rule	12/29/06	71 FR 78369
NPRM Comment Period End	01/29/07	
Withdrawal of Direct Final Rule	02/27/07	72 FR 8630
Reproposal	06/00/10	

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-2004-0357

Agency Contact: Mohamed Serageldin, Environmental Protection Agency, Air and Radiation, E–143–03, RTP, NC 27711
Phone: 919 541–2379
Fax: 919 541–3470
Email: serageldin.mohamed@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, RTP, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AO03

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

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60; 40 CFR 62

Legal Deadline: NPRM, Judicial, April 15, 2009.
Final, Judicial, December 16, 2010.

Abstract: This action will respond to the remand of the Commercial and Industrial Solid Waste Incineration (CISWI) New Source Performance Standards and Emission Guidelines

under section 129 of the Clean Air Act. Among other things, we will respond to the Court's 2003 remand of the CISWI rule and the Court's June 2007 vacatur of the CISWI Definitions Rule, and examine and revise, as appropriate, the methodology for developing the MACT floors and emission limits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5105; EPA Docket information: EPA-HQ-OAR-2003-0119

Agency Contact: Brian Shrager, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–7689
Fax: 919 541–5450
Email: shrager.brian@epa.gov

Mary Johnson, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–5025
Fax: 919 541–5450
Email: johnson.mary@epa.gov

RIN: 2060–AO12

700. REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF FAMILY OF FOUR HYDROFLUOROPOLYETHERS (HFPES) AND HFE–347PC–F

Priority: Other Significant

Legal Authority: Clean Air Act sec 301

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

Abstract: The EPA lists for regulation certain volatile organic compounds (VOCs) as precursors to ozone formation under section 302(s) of the Clean Air Act (CAA) and 40 CFR 51.100(s). While all VOCs have the ability to react in the atmosphere to form ozone, some VOCs react at such a slow rate their contribution to ground-level ozone is negligible. Through regulation, the Agency can exempt negligibly reactive compounds from the definition of VOCs. VOCs that are exempted from the CAA definition are no longer necessary to control in state implementation plans for attaining the national ambient air quality standard for ozone. In 2005 and 2007 the EPA received petitions to exclude a family of four HFPE's and also HFE-347pc-f from the list of regulated VOCs on the basis that, as precursors, these compounds make a negligible contribution to the formation of ground level ozone. These compounds have the potential for use as refrigerants because they are not stratospheric ozone depleters.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5131

Agency Contact: Dave Sanders, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919 541–3356
Fax: 919 541–0824
Email: sanders.dave@epamail.epa.gov

William L. Johnson, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919 541–5245
Fax: 919 541–0824
Email: johnson.williaml@epamail.epa.gov

RIN: 2060–AO17

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

Priority: Other Significant

Legal Authority: Clean Air Act sec 129

CFR Citation: 40 CFR 60

Legal Deadline: None

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 Clean Air Act, 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 filed litigation on various aspects of the standards. Moreover, the Agency received a separate petition to reopen the section 129(a)(2) standards. EPA agreed to initiate such an action. Accordingly, EPA petitioned the court to remand the 2006 LMWC rule to EPA. The court issued the remand in February 2008.

Timetable:

Action	Date	FR Cite
Notice of Reconsideration of Final Rule	03/20/07	72 FR 13016
NPRM	02/00/10	

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

Agency Contact: Walt Stevenson, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–5264
Fax: 919 541–5450
Email: stevenson.walt@epa.gov

Brian Shrager, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–7689
Fax: 919 541–5450
Email: shrager.brian@epa.gov

RIN: 2060–AO18

702. RECONSIDERATION OF STATIONARY COMBUSTION TURBINE NSPS

Priority: Substantive, Nonsignificant

Legal Authority: CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: On March 20, 2009 (74 FR 11858), EPA promulgated, by direct final rule, an amendment to 40 CFR part 60, subpart KKKK, addressing issues regarding the SO2 limit for turbines burning biogas (landfill gas, etc). EPA also plans to issue a proposal to reconsider several issues raised by the utility air regulatory group (UARG) on the original final rulemaking published on July 6, 2006 (71 FR

38482). The primary issues include the NOx standard and the monitoring and reporting requirements for owners/operators that elect to install NOx CEMS.

Timetable:

Action	Date	FR Cite
Direct Final Rule—Landfill Gas	03/20/09	74 FR 11858
NPRM	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5116; EPA publication information: Direct Final Action-Landfill Gas—http://edocket.access.gpo.gov/2009/pdf/E9-6163.pdf; EPA Docket information: EPA-HQ-OAR-2004-0490

Agency Contact: Christian Fellner, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue, RTP, NC 27711
Phone: 919 541–4003
Fax: 919 541–5450
Email: fellner.christian@epamail.epa.gov

Melanie King, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–2469
Email: king.melanie@epamail.epa.gov

RIN: 2060–AO23

703. 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. 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.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	
Final Action	10/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5153

Agency Contact: Bryan Manning, Environmental Protection Agency, Air and Radiation, 2000 Traverwood Dr., Ann Arbor, MI 48105
Phone: 734 214–4832
Fax: 734 214–4816
Email: manning.bryan@epa.gov

Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2000 Traverwood Drive, Ann Arbor, MI 48105
Phone: 734 214–4408
Fax: 734 214–4816
Email: passavant.glenn@epamail.epa.gov

RIN: 2060–AO70

704. PREVENTION OF AIR POLLUTION EMERGENCY EPISODES

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action proposes to revise the rules in subpart H of 40 CFR part 51 that govern state implementation plan requirements to address air pollution emergency episodes for sulfur dioxide (SO2), particulate matter (PM), carbon monoxide (CO), nitrogen oxide (NO2), and ozone (O3). The revisions will simplify the emergency episode classification system for air quality control regions and include for the first time requirements to address PM2.5. Appendix L of 40 CFR part 51 (an example state emergency episode regulation) will be updated to reflect the rule revisions.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5216; EPA Docket information: EPA-HQ-OAR-2007-1046

Agency Contact: Dave Sanders, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919 541–3356
Fax: 919 541–0824
Email: sanders.dave@epamail.epa.gov

RIN: 2060–AP00

705. NESHAP: REINFORCED PLASTIC COMPOSITES PRODUCTION RULE AMENDMENTS

Priority: Other Significant

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 WWWW), and this was followed by amendments in 2005. Following these amendments industry and States have asked for clarification and amendments of some rule requirements. This action will provide the needed clarifications and amendments.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5232

Agency Contact: Steve Shedd, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5397
Fax: 919 685–3195
Email: shedd.steve@epamail.epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP05

706. NEW SOURCE PERFORMANCE STANDARDS FOR GRAIN ELEVATORS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 111; 15 USC 2005; 42 USC 7411

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	12/00/09	
Final Action	12/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5233

Agency Contact: Bill Schrock, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue, RTP, NC 27711
Phone: 919 541–5032
Fax: 919 541–3470
Email: schrock.bill@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, RTP, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AP06

707. 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. EPA issued a proposed reconsideration rule on October 20, 2008, and we are now reviewing the comments submitted on that proposal.

Timetable:

Action	Date	FR Cite
NPRM	10/20/08	73 FR 62384
NPRM Comment Period Extended	12/03/08	73 FR 73631
NPRM Comment Period End	12/04/08	
Supplemental NPRM	02/00/10	
Final Action	09/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5236; EPA publication information: NPRM extension of comment period—http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-03/a28675.htm; EPA Docket information: EPA-HQ-OAR-2002-0009

Agency Contact: Amy Hambrick, Environmental Protection Agency, Air and Radiation, E143–03, RTP, NC 27711
Phone: 919 541–0964
Fax: 919 541–3470
Email: hambrick.amy@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, RTP, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AP07

708. PROTECTION OF STRATOSPHERIC OZONE: NEW SUBSTITUTE 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, subpart G

Legal Deadline: None

Abstract: In this action, the Agency proposes to list the refrigerant HFO-1234yf as an acceptable substitute in motor vehicle air conditioning (MVAC) systems, and outlines the conditions necessary for its safe use. This refrigerant has very low global warming potential. Current MVAC refrigerants are highly potent greenhouse gases.

Timetable:

Action	Date	FR Cite
NPRM	10/19/09	74 FR 53445
NPRM Comment Period End	12/18/09	
Final Action	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5257; EPA Docket information: EPA-HQ-OAR-2008-0664

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

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

RIN: 2060–AP11

709. NESHAP: GASOLINE DISTRIBUTION; AMENDMENTS—AREA SOURCE STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

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 area source bulk terminals, bulk plants, pipeline facilities, and gasoline dispensing facilities. Subsequently, we received two petitions for reconsideration from industry to clarify some applicability and implementation provisions of the final rule. This action would propose and promulgate amendments to address the issues raised by the petitioners as well as compliance-related questions raised by other stakeholders.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5260; EPA Docket information: EPA-HQ-OAR-2006-0406

Agency Contact: Steve Shedd, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5397
Fax: 919 685–3195
Email: shedd.steve@epamail.epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP16

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710. REGULATION OF FUEL AND FUEL ADDITIVES: GASOLINE AND DIESEL FUEL TEST METHODS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 211

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rule would allow refiners and laboratories to use more current and improved fuel testing procedures for certain American Society for Testing and Materials (ASTM) analytical test methods. Once these test method changes are adopted, they will supersede the corresponding earlier versions of these test methods in EPA's motor vehicle fuel regulations. Finally, the rule would allow an alternative test method for olefins in gasoline. This rule would allow improvements in the test method procedure to ensure better operation and provide additional flexibility to the regulated community. The clean air benefits of EPA's gasoline and diesel motor vehicle fuel programs will continue to be realized. There will be no adverse health or environmental impact as a result of these test method changes or updates.

Timetable:

Action	Date	FR Cite
NPRM	12/08/08	73 FR 74403
Direct Final Rule	12/08/08	73 FR 74350
NPRM Comment Period End	01/07/09	
Partial Withdrawl of Direct Final Rule	02/06/09	74 FR 6233
Supplemental NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5261; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-08/a28372.pdf

Agency Contact: Joe Sopata, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202 343–9034
Fax: 202 343–2801
Email: sopata.joe@epamail.epa.gov

RIN: 2060–AP17

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711. IMPLEMENTATION OF THE 2008 NATIONAL AMBIENT AIR QUALITY STANDARD FOR 8–HOUR OZONE

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7409 and 7410; 42 USC 7511 to 7511f; 42 USC 7601(a)(1)

CFR Citation: 40 CFR 50 and 51

Legal Deadline: None

Abstract: This action proposes to establish rules for implementation of the revised 0.075 ppm National Ambient Air Quality Standard for 8-hour ozone (73 FR 16436 (March 27, 2008). The rulemaking will cover the various elements of implementation plans that states must submit under the Clean Air Act to attain that standard. These elements include the attainment demonstration, reasonable further progress requirements, and reasonably available control measure requirements. The rule will address how to transition from the 1997 8-hour ozone standard, and will also establish the classifications scheme for nonattainment areas for the 2008 ozone standard.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5275; EPA Docket information: EPA-HQ-OAR-2008-0744

Agency Contact: John Silvasi, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919 541–5666
Fax: 919 541–0824
Email: silvasi.john@epamail.epa.gov

RIN: 2060–AP24

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712. IMPLEMENTATION OF THE 1997 8–HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD: NSR ANTI–BACKSLIDING

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 action proposes to revise the rule for implementing the 1997 8-hour ozone national ambient air quality standard (NAAQS). The rule address how nonattainment major new source review (NSR) requirements apply under the anti-backsliding provisions of the implementation rule in response to a partial vacatur by the U.S. Court of Appeals for the District of Columbia Circuit.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	03/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5194.2; Split from RIN 2060-AO96; EPA Docket information: EPA-HQ-OAR-2007-0956

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

Agency Contact: David Painter, Environmental Protection Agency, Air and Radiation, C339–03, Washington, DC 20460
Phone: 919 541–5515
Fax: 919 541–5509
Email: painter.david@epa.gov

Raj Rao, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AP30

713. PROTOCOLS FOR MONITORING AND MEASURING MERCURY EMISSIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7601

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This action would codify two optional mercury emissions test methods and two optional performance specifications for mercury emissions monitoring. These standardized test methods and monitoring specifications may be used at the discretion of emission sources, States, testing organizations, and others to characterize vapor phase mercury emissions from boilers and other sources of mercury; the test methods may also be used to perform relative accuracy test audits of mercury emissions monitoring systems. The mercury test methods, an instrumental test method and a sorbent trap-based test method, may be preferred over existing standardized mercury test methods because of decreased costs, simpler implementation, and/or more timely results; they will be codified in appendix A of 40 CFR part 60. The mercury monitoring specifications will provide for standardization of mercury monitoring measurements and would be codified in appendix B of 40 CFR part 60. This action does not change any emission standards or add any recordkeeping or reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5289

Agency Contact: William Grimley, Environmental Protection Agency, Air and Radiation, E143–02, Research Triangle Park, NC 27711
Phone: 919 541–1065
Fax: 919 541–0516
Email: grimley.william@epamail.epa.gov

Robin Segall, Environmental Protection Agency, Air and Radiation, E143–02, Research Triangle Park, NC 27711
Phone: 919 541–0893
Fax: 919 541–0516
Email: segall.robin@epamail.epa.gov

RIN: 2060–AP31

714. NSPS EQUIPMENT LEAKS (SUBPART VV SOCMI AND GGG PETROLEUM REFINERIES); AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: On November 16, 2007 we published amendments to the new source performance standards for equipment leaks in 40 CFR part 60, subparts VV and GGG, and promulgated new subparts VVa and GGGa. After promulgation of the rule we received a petition for reconsideration from the American Chemistry Council (ACC), American Petroleum Institute (API), and National Petrochemical Refiners Association (NPRA), which we granted in part on March 4, 2008. This action will address those reconsideration issues.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5035.2; Split from RIN 2060-AO90. Split from RIN 2060-AN71; EPA Docket information: EPA-HQ-OAR-2006-0699

Agency Contact: Jodi Howard, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–4607
Fax: 919–541–0246
Email: howard.jodi@epamail.epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP34

715. IN–USE EMISSIONS TESTING FOR NON–ROAD DIESEL ENGINES

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking will establish a manufacturer-run, in-use emissions testing program for 2013 and later model year non-road diesel engines used in non-road equipment. The new program will assess in-use gaseous and particulate exhaust emission rates from non-road diesel engines using portable emission measurement systems. Manufacturers will monitor compliance with the applicable not-to-exceed emission standards by typically testing in-use diesel engines during normal operation. If potentially non-complying engines are identified, the manufacturer will test more engines for the purpose of determining if any further action is necessary. EPA will likewise evaluate the in-use emissions data to make independent determinations about the possible need to pursue further testing or to initiate remedial actions. The in-use test data will not only be used by EPA to assure that emission standards are being met, but also by manufacturers to improve their engine designs. This program will address a serious, long-standing need for ''real-world' in-use testing data to gauge the performance of engine emission controls.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5318

Agency Contact: Rich Wilcox, Environmental Protection Agency, Air and Radiation, AAAQMC, Ann Arbor, MI 48105
Phone: 734 214–4390
Email: wilcox.rich@epamail.epa.gov

Philip Carlson, Environmental Protection Agency, Air and Radiation, AANC, Ann Arbor, MI 48105
Phone: 734 214–4270
Email: carlson.philip@epamail.epa.gov

RIN: 2060–AP41

716. NATIONAL EMISSIONS STANDARD FOR HAZARDOUS AIR POLLUTANTS FOR GOLD MINE ORE PROCESSING

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: CAA sec 112(c)(6)

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, April 15, 2010.
Final, Judicial, December 16, 2010.

Abstract: EPA is developing a national emissions standard for hazardous air pollutants (NESHAP) for gold mine ore processing facilities under section 112 of the Clean Air Act. This action is being developed to help fulfill a mandate under section 112(c)(6) of the Clean Air Act, which requires EPA to list categories and subcategories of sources assuring that sources accounting for not less than 90 per centum of the aggregate emissions of mercury are subject to standards under subsection 112(d)(2) or 112(d)(4) of the Clean Air Act. This action will help protect human health and the environment by proposing controls for mercury emissions from this source category.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5329; EPA Region 9 office may be able to assist and facilitate in various ways because of their knowledge and experience with this industry and the geographic concentration of these sources in their region.

Agency Contact: Chuck French, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711
Phone: 919 541–7912
Fax: 919 541–3207
Email: french.chuck@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–2837
Fax: 919 541–3207
Email: fruh.steve@epa.gov

RIN: 2060–AP48

717. CLEAN AIR TRANSPORT RULE

Regulatory Plan: This entry is Seq. No. 70 in part II of this issue of the **Federal Register**.

RIN: 2060–AP50

718. ● PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE–DEPLETING SUBSTANCES–HYDROCARBON REFRIGERANTS

Priority: Other Significant

Unfunded Mandates: Undetermined

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

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This action would propose to list a number of hydrocarbon refrigerants as substitutes to ozone depleting substances for certain household and commercial uses under EPA's Significant New Alternatives Policy (SNAP) Program. The SNAP Program evaluates alternatives to ozone-depleting substances to ensure that they do not increase overall risks to human health and the environment and lists these substitutes as acceptable, acceptable subject to use conditions, acceptable with narrowed use limits, or unacceptable. This action would propose to find a number of hydrocarbons acceptable subject to use conditions, including enforceable use conditions to ensure the safe use of hydrocarbons as refrigerants. This rule is anticipated to give industry more options with less overall environmental and health impact than current refrigerants.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	
Final Action	09/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5339; EPA Docket information: EPA-HQ-OAR-009-0286

URL For More Information: www.epa.gov/ozone/snap/index.html

Agency Contact: Monica Shimamura, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20005
Phone: 202 343–9337
Fax: 202 343–2342
Email: shimamura.monica@epamail.epa.gov

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

RIN: 2060–AP54

719. ● TRANSPORTATION CONFORMITY RULE RESTRUCTURING AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: Other, Statutory, June 11, 2010, New Ozone areas need rule by 6/2010 to make 1st conformity determination by CAA deadline, 1 yr from effective date of designations.

Abstract: The transportation conformity rule ensures that transportation planning is consistent with a State's plan for achieving air quality standards. These amendments will update the rule to apply existing conformity requirements to future NAAQS such that the need for future rulemakings merely to address conformity for a new or revised NAAQS will be minimized.

Timetable:

Action	Date	FR Cite
NPRM	05/00/10	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5348

Agency Contact: Patty Klavon, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105
Phone: 734 214–4476
Email: klavon.patty@epamail.epa.gov

Laura Berry, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105
Phone: 734 214–4858
Email: berry.laura@epamail.epa.gov

RIN: 2060–AP57

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720. ● PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2010

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 allocate essential use allowances for the import and production of Class I ozone depleting substances for 2010. Essential use allowances enable a person to produce or import 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. The production of these chemicals was phased out internationally due to their harmful effects on the earth's ozone layer. EPA has promulgated rules to allocate new production under this exemption since the 1996 phase out. The essential users under this rulemaking are manufacturers of important medical devices such as asthma inhalers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5345; EPA Docket information: EPA-HQ-OAR-2009-0566

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

Agency Contact: Jennifer Bohman, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9548
Fax: 202 343–2338
Email: bohman.jennifer@epamail.epa.gov

RIN: 2060–AP59

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721. ● PROTECTION OF STRATOSPHERIC OZONE: THE 2010 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: This action would authorize uses that will qualify for the 2010 critical use exemption from the phaseout of methyl bromide, and would also authorize the amount of methyl bromide that may be produced, imported, or supplied from inventory for those uses in 2010. 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 20th Meeting of the Parties. The Parties have approved critical use methyl bromide every year since the phaseout in 2005. Since this rulemaking would confer a benefit by exempting the production and use of a phased-out chemical, there is no significant adverse impact on small entities.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5356; EPA Docket information: EPA-HQ-OAR-2009-0351

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

Agency Contact: Jeremy Arling, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9055
Fax: 202 343–2338
Email: arling.jeremy@epamail.epa.gov

RIN: 2060–AP62

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722. ● REGULATIONS FOR ALTERNATIVE FUEL CONVERSIONS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: New regulations affecting the conversion of automobiles from the original fuel on which they were designed to operate to an alternative fuel are necessary because at this time vehicle fuel converters are only able to convert a vehicle's fuel operation if the conversion has been EPA certified. The certification process is suitable for the conversions of newer vehicles. However, converters seeking to legally convert an older vehicle, for which there are now tax and other monetary incentives, need a process more suitable for older vehicles. This rule clarifies the certification procedure for new vehicle conversions as well as creates an option for used vehicles to ensure continued air quality.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5359

Agency Contact: Amy Bunker, Environmental Protection Agency, Air and Radiation, AAIO, Ann Arbor, MI 48105
Phone: 734 214–4160
Email: bunker.amy@epamail.epa.gov

Laura Baker, Environmental Protection Agency, Air and Radiation, AAPTIG, Ann Arbor, MI 48105
Phone: 734 214–4592
Email: baker.laura@epamail.epa.gov

RIN: 2060–AP64

723. ● ALTERNATIVE WORK PRACTICES FOR LEAK DETECTION AND REPAIR; AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

Abstract: On December 22, 2008, EPA published a voluntary alternative work practice for leak detection and repair using a newly developed technology, optical gas imaging. After promulgation of the rule, the Agency received a request for administrative reconsideration from American Petroleum Institute (API) on February 20, 2009. This package will address the reconsideration issues.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5364; EPA Docket information: EPA-HQ-OAR-2003-0197

Agency Contact: Jodi Howard, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–4607
Fax: 919–541–0246
Email: howard.jodi@epamail.epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP66

724. ● COMPRESSION IGNITION ENGINE NSPS; AMENDMENTS

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, May 22, 2010, settlement agreement with API.
Final, Judicial, May 22, 2011, settlement agreement with API.

Abstract: This action will amend the New Source Performance Standards (NSPS) for stationary compression ignition internal combustion engines. These amendments are the result of a settlement agreement with the American Petroleum Institute. The revisions to the rule will include limiting the operation and maintenance (O&M) requirements to emission-related O&M and allowing certified engine owners/operators to operate/maintain their engines according to their own O&M practices if they conduct performance testing to demonstrate compliance. The amendments will also clarify the requirements for temporary replacement engines. In addition, this action will amend the NSPS to implement more stringent emission standards for engines with a displacement above 10 liters/cylinder, consistent with recent revisions to standards for similar mobile source engines. This action will propose revisions to the requirements for engines in rural portions of Alaska. The proposed amendments will also correct minor errors in the NSPS.

Timetable:

Action	Date	FR Cite
NPRM	05/00/10	
Final Action	05/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 5365

Agency Contact: Melanie King, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–2469
Email: king.melanie@epamail.epa.gov

Robert J. Wayland, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450
Email: wayland.robertj@epamail.epa.gov

RIN: 2060–AP67

725. ● REVISION TO PB AMBIENT AIR MONITORING REQUIREMENTS

Regulatory Plan: This entry is Seq. No. 71 in part II of this issue of the **Federal Register**.

RIN: 2060–AP77

726. ● RECONSIDERATION OF THE PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW NSR: AGGREGATION

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: Final, Statutory, May 18, 2010, Current effective date of the final promulgated under RIN 2060–AP49 ends 5/18/2010.

Abstract: This action follows RIN 2060-AP49, in which EPA developed and issued a final rule that addressed when a source must combine (i.e., ''aggregate'') nominally separate physical and operational changes for the purpose of determining whether they are a single change and subject to review under the New Source Review (NSR) program. Following promulgation of the NSR Aggregation final rule on 01/15/09, the Natural Resources Defense Council (NRDC) submitted a petition for reconsideration as provided for in Clean Air Act (CAA) section 307(d)(7)(B). In response to NRDC's petition, EPA has both announced the convening of a reconsideration proceeding and administratively stayed the effective date of the rule until May 18, 2010, to allow time to conduct the reconsideration. Under this RIN, we will take comment on a range of legal and policy issues related to the Aggregation rule and complete any revisions of the rule that become necessary as a result of the reconsideration process.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	
Final Action	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4793.2; Split from RIN 2060-AP49. Split from RIN 2060-AL75; EPA Docket information: EPA-HQ-OAR-2003-0064

Agency Contact: Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C504–03, RTP, NC 27711
Phone: 919 541–2380
Fax: 919 685–3105
Email: svendsgaard.dave@epamail.epa.gov

Raj Rao, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AP80

727. ● NESHAP STANDARD STANDARDS FOR PETROLEUM REFINERIES—HEAT EXCHANGERS

Priority: Other Significant

Legal Authority: CAA sec 112(f)(2); CAA 112(d)(6); CAA 112(d)(2) and 112(d)(3)

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: Under the Clean Air Act (CAA) section 112 (d)(6), EPA is required to review standards issued under section 112 and to revise them no less frequently than every 8 years. EPA also must evaluate the Maximum Achievable Control technology (MACT) standards within 8 years and promulgate standards under section 112 (f)(2) if required to provide an ample margin of safety. EPA is also required to conduct review of our new source performance standards under Section 111 every 8 years. We are currently reviewing our existing standards and also the underlying rules that are often referenced by these standards. As a result of this review, we have noted the need to consolidate rule requirements, and to update control requirements based on the risk and technology reviews under both section 112 and 111. Additionally, we recognize that most chemical and refinery sector operations have similar emission sources that are often required to be controlled to the similar levels by the same type of control devices and work practice standards, although on a piecemeal fashion such that the requirements may differ slightly from source to source without any tangible environmental benefits. We are therefore developing a limited number of rules (standard standards) that are consistent and that can be applied to numerous sources in the chemicals and refining sector. This effort will consist of developing the storage vessels and transfer operations standard, including developing control options to address technology review under both section 112 and 111, addressing the control of VOC, HAP, and other pollutants, as appropriate, estimating the impacts of regulatory options, emission reductions, impacts on risk, costs, cost effectiveness, and economic impacts for the refining and chemicals sector.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5093.8; EPA publication information: Supplemental NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-10/a26403.pdf; Split from RIN 2060-AP70. Split from RIN 2060-AO55. Split from RIN 2060-AN85.

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–0884
Fax: 919 541–0246
Email: lucas.bob@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP84

728. ● PREVENTION OF SIGNIFICANT DETERIORATION/TITLE V GREENHOUSE GAS TAILORING RULE

Regulatory Plan: This entry is Seq. No. 72 in part II of this issue of the **Federal Register**.

RIN: 2060–AP86

729. ● CARBON DIOXIDE INJECTION AND GEOLOGIC SEQUESTRATION REPORTING RULE

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 98

Legal Deadline: None

Abstract: EPA has finalized a rule that would require mandatory reporting of greenhouse gases (GHGs) from large emissions sources in the United States, as required by the FY 2008 Consolidated Appropriations Act. This is a reporting rule to collect accurate and comprehensive emissions data to inform future policy decisions. During notice-and-comment for the proposal, EPA received comments that the Agency should include downstream end-users of carbon dioxide (CO2)—in particular, CO2 used for enhanced oil recovery and/or CO2 geologically sequestered. EPA did not include those end-users in the final mandatory reporting rule. Instead, the Agency is initiating this separate rulemaking to specifically address geologic sequestration (GS). The rule would outline new requirements for GHG reporting for CO2 injection, including GS sites. In addition to tracking CO2 emissions across CO2 capture and injection, this rule would allow EPA to collect data on efficacy of GS sites for long-term storage of CO2.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	
Final Action	09/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5386

URL For More Information: www.epa.gov/climatechange/emissions/co2 geosequest.html

Agency Contact: Lisa Bacanskas, Environmental Protection Agency, Air

and Radiation, 6207J, Washington, DC 20460
Phone: 202 343–9758
Email: bacanskas.lisa@epamail.epa.gov

Barbora Master, Environmental Protection Agency, Air and Radiation, 6207J, Washington, DC 20460
Phone: 202 343–9899
Fax: 202 343–2202
Email: master.barbora@epamail.epa.gov

RIN: 2060–AP88

730. ● NSPS/EMISSION GUIDELINES (EG) FOR SEWAGE SLUDGE INCINERATORS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

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 Sewage Sludge Incineration units (SSI). Regulations for Other Solid Waste Incinerators (OSWI) were promulgated on December 15, 2005. However, at that time, EPA did not issue standards or guidelines for SSI units and several other incinerator categories. In 2007, the D.C. Circuit Court of Appeals issued a decision vacating EPA's definition of ''solid waste incineration unit,'' holding that ''any facility that combusts any commercial or industrial solid waste material at all'' is a commercial or industrial solid waste incineration unit. Based on this decision, in this rulemaking, EPA is re-evaluating whether SSI units are in fact solid waste incineration units and whether, as such, they must be regulated under section 129.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5392

Agency Contact: Amy Hambrick, Environmental Protection Agency, Air and Radiation, E143–03, RTP, NC 27711
Phone: 919 541–0964
Fax: 919 541–3470
Email: hambrick.amy@epamail.epa.gov

Ketan Patel, Environmental Protection Agency, Air and Radiation, E143–03, RTP, NC 27711
Phone: 919 541–9736
Fax: 919 541–3470
Email: patel.ketan@epamail.epa.gov

RIN: 2060–AP90

731. ● REQUIREMENTS FOR CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: As required by Clean Air Act section 112(g), in cases where EPA fails to promulgate a Maximum Achievable Control Technology (MACT) standard for a major source category, the owner or operator of a source in that category must obtain an operating permit with case-by-case emission limitations determined to be equivalent to MACT. EPA's program for implementing this requirement is codified at 40 CFR part 63, subpart B. In this action, we are revising subpart B to address the process for obtaining case-by-case MACT determinations in the case of standards vacatur. We are also reformatting the rule to streamline it and make it easier to understand. There has been significant confusion from permitting authorities on how this program works in the case of vacaturs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5395

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, D205–02, RTP, NC 27711
Phone: 919 541–5262
Email: colyer.rick@epa.gov

Lisa Conner, Environmental Protection Agency, Air and Radiation, D205–02, RTP, NC 27711
Phone: 919 541–5060
Fax: 919 541–5600
Email: conner.lisa@epamail.epa.gov

RIN: 2060–AP91

732. ● PROTECTION OF STRATOSPHERIC OZONE: THE 2011 CRITICAL USE EXEMPTION FROM THE PHASEOUT OF METHYL BROMIDE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671c(d)(6)

CFR Citation: 40 CFR 82

Legal Deadline: Other, Statutory, December 31, 2010, Without this action, new production/import of methyl bromide would not be allowed in 2011.

Abstract: This action would authorize uses that will qualify for the 2011 critical use exemption from the phaseout of methyl bromide, and would also authorize the amount of methyl bromide that may be produced, imported, or supplied from inventory for those uses in 2011. 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 21st Meeting of the Parties. The Parties have approved critical use methyl bromide every year since the phaseout in 2005. Since this rulemaking would confer a benefit by exempting the production and use of a phased-out chemical, there is no significant adverse impact on small entities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	
Final Action	12/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5394

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

Agency Contact: Jeremy Arling, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9055
Fax: 202 343–2338
Email: arling.jeremy@epamail.epa.gov

RIN: 2060–AP92

733. • REVISION OF NEW SOURCE PERFORMANCE STANDARDS FOR NEW RESIDENTIAL WOOD HEATERS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: CAA sec 111

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is revising the New Source Performance Standard (NSPS) for residential wood heaters (60 CFR subpart AAA) under Clean Air Act section 111(b)(1)(B). This action will update the 1988 NSPS to reflect significant advancements in wood heater technologies and design, broaden the range of residential wood heating appliances covered by the regulation, and improve and streamline implementation procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5396

Agency Contact: Gil Wood, Environmental Protection Agency, Air and Radiation, C404–05, RTP, NC 27711
Phone: 919 541–5272
Fax: 919 541–0242
Email: wood.gil@epamail.epa.gov

David Cole, Environmental Protection Agency, Air and Radiation, C404–05, RTP, NC 27711
Phone: 919 541–5565
Fax: 919 541–0242
Email: cole.david@epamail.epa.gov

RIN: 2060–AP93

734. • NATIONAL VOC EMISSION STANDARDS FOR ARCHITECTURAL COATINGS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59

Legal Deadline: None

Abstract: This action amends the existing Architectural Coatings Rule at 40 CFR part 59, subpart D to update the categories and limits to make them consistent with the Ozone Transport Commission model rule. This action is being done in response to a Clean Air Act Advisory Committee recommendation. This action was originally combined with similar amendments for consumer and commercial products under the ''National VOC Emission Standards for Consumer Products; Amendments'' (RIN 2060-AI62). However, it has now been determined that the other source categories in 2060-AI62 will be delayed due to the need for further analysis, and EPA has decided to separate out the Architectural Coatings piece as a separate rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5391

Agency Contact: Bruce Moore, Environmental Protection Agency, Air and Radiation, E143–03, Research Triangle Park, NC 27711
Phone: 919 541–5460
Fax: 919 541–3470
Email: moore.bruce@epamail.epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, RTP, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AP94

735. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANT EMISSIONS: GROUP I POLYMERS AND RESINS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: Other, Statutory, May 31, 2010, Potential settlement date.

Abstract: Recent legal actions have prompted a re-evaluation of the control standards in many of the National Emission Standards for Hazardous Air Pollutants in 40 CFR part 63, including Polymers and Resins I. This rulemaking will carry out that re-evaluation for Polymers and Resins I. As part of this effort, we plan to investigate if more controls are needed for back-end process vents and halogenated vent streams.

Timetable:

Action	Date	FR Cite
NPRM	05/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5389

Agency Contact: Mary Kissell, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–4516
Fax: 919 685–3219
Email: kissell.mary@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP95

736. • STARTUP, SHUTDOWN, AND MALFUNCTION AMENDMENTS TO CERTAIN MACT STANDARDS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The DC Circuit Court of Appeals vacated the startup, shutdown,

and malfunction exemptions of the part 63 General Provisions. These amendments would establish emission standards for some SSM events for certain MACT standards that would be affected immediately by the vacatur. These amendments will be developed to limit enforcement liability to affected sources.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5397

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, D205–02, RTP, NC 27711
Phone: 919 541–5262
Email: colyer.rick@epa.gov

Lisa Conner, Environmental Protection Agency, Air and Radiation, D205–02, RTP, NC 27711
Phone: 919 541–5060
Fax: 919 541–5600
Email: conner.lisa@epamail.epa.gov

RIN: 2060–AP96

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737. ● OIL AND NATURAL GAS SYSTEMS GREENHOUSE GAS REPORTING RULE

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 98

Legal Deadline: None

Abstract: This regulation would require reporting of greenhouse gas emissions from the oil and gas industry. This rule applies to sectors of the oil and gas industry which have significant fugitive and vented emissions of carbon dioxide and methane e.g., natural gas transmission compression, distribution, etc. The rule would not require control of greenhouse gases, rather it would require only that sources above certain threshold levels monitor and report emissions. This sector was originally proposed in the Mandatory Greenhouse Gas Reporting Rule and now we are re-proposing based on comments received.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	
Final Action	09/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

URL For More Information: www.epa.gov/climatechange/emissions/ghgrulemaking.html

Agency Contact: Suzanne Waltzer, Environmental Protection Agency, 6207J, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9544
Fax: 202–564–2202
Email: waltzer.suzanne@epa.gov

Roger Fernandez, Environmental Protection Agency, Air and Radiation, 6207J, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 343–9386
Fax: 202–343–2342
Email: fernandez.roger@epa.gov

Related RIN: Related to 2060–AO79

RIN: 2060–AP99

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738. ● GREENHOUSE GAS REPORTING RULE FOR ADDITIONAL SOURCES OF FLUORINATED GHGS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 98

Legal Deadline: None

Abstract: In this action, EPA will propose reporting requirements for five different source categories which include: Electronics Manufacturing, Fluorinated Gas Production, SF6 in Electric Power Systems, Manufacturers of Electrical Equipment, and Importers of Pre-charged Equipment and Closed-Cell Foams. The purpose of this rule is to collect accurate and comprehensive emissions data to inform future climate change policies. In a notice of proposed rulemaking published in the Federal Register on April 10, 2009, as required by the FY2008 Consolidated Appropriations Act, EPA proposed reporting requirements for a number of different source categories including Electronics Manufacturing, SF6 in Electric Power Systems, and Fluorinated Gas Production. Due to the complexity of comments received, EPA did not finalize requirements for Electronics Manufacturing, SF6 in Electric Power Systems, and Fluorinated Gas Production, and is re-proposing reporting requirements for those three source categories in this action. EPA did not propose reporting requirements for Manufacturers of Electrical Equipment or for Importers of Pre-Charged Equipment and Closed-Cell Foam in the April 2009 proposed rule. In this action, EPA will propose reporting requirements for those two source categories.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	
Final Action	09/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

URL For More Information: www.epa.gov/climatechange/emissions/ghgrulemaking.html

Agency Contact: Deborah Ottinger, Environmental Protection Agency, Air and Radiation, 6207J, 1200 Pennsylvania Ave NW, Washington, DC 20460
Phone: 202 233–9149
Fax: 202–343–2359
Email: ottinger.deborah@epa.gov

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

Related RIN: Related to 2060–AO79

RIN: 2060–AQ00

Environmental Protection Agency (EPA) — Final Rule Stage

Clean Air Act (CAA)

668. ● REGULATION TO ESTABLISH MANDATORY REPORTING OF GHGS FROM INDUSTRIAL LANDFILLS, WASTEWATER, UNDERGROUND COAL MINES, AND MAGNESIUM PRODUCTION

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

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 86; 40 CFR 87; 40 CFR 89; 40 CFR 90; 40 CFR 94; 40 CFR 98

Legal Deadline: NPRM, Statutory, September 26, 2008, FY08 Consolidated Appropriations directed EPA to publish a proposal 9 mos after enactment. Final, Statutory, June 26, 2009, FY08 Consolidated Appropriations directed EPA to publish final 18 mos after enactment.

Abstract: On September 22, 2009, the Administrator signed a final rule establishing GHG reporting requirements for approximately 10,000 facilities and suppliers in the U.S. There were a few source categories originally included in the proposed rule (74 FR 16448) that were not included in the final rule signed in September in order to provide EPA more time to review and respond to the comments. Several of those delayed source categories are being re-proposed in separate actions. After further review of the comments, we determined that four of the remaining source categories, Industrial Wastewater, Industrial Landfills, Underground Coal Mines, and Magnesium Production, do not need to be re-proposed but rather we are responding to the comments and going final with those subparts in this action.

Timetable:

Action	Date	FR Cite
Final Action	05/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

URL For More Information: www.epa.gov/climatechange/emissions/ghgrulemaking.html

Agency Contact: Rachel Schmeltz, Environmental Protection Agency, Washington, DC 20460
Phone: 202 343–9124
Email: schmeltz.rachel@epa.gov

Carole Cook, Environmental Protection Agency, 6207J, Washington, DC 20460
Phone: 202 343–9334
Email: cook.carole@epa.gov

Related RIN: Related to 2060–AO79

RIN: 2060–AQ03

Environmental Protection Agency (EPA) — Final Rule Stage

Clean Air Act

739. 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 a Federal Implementation Plan to regulate emissions from the Navajo Generating Station. The plant was previously complying with emissions limits in the Arizona 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. This FIP establishes federally enforceable emissions limitations for sulfur dioxide, TSP, and opacity, and a requirement for control measures for dust.

Timetable:

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48725
NPRM Comment Period End	10/08/99	
Notice	01/26/00	65 FR 4244
Second NPRM	09/12/06	71 FR 53639
Second NPRM Comment Period End	11/06/06	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Tribal

Additional Information: SAN No. 4315; EPA publication information: NPRM 2 - http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-12/a15086.htm; Formerly listed as RIN 2060-AI79; EPA Docket information: epa-r09-oar-2006-0185

Agency Contact: Sarvy Mahdavi, Environmental Protection Agency, Regional Office San Francisco, AIR2, Washington, DC 20460
Phone: 415 972–3173
Fax: 415 947–3537
Email: mahdavi.sarvy@epa.gov

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

RIN: 2009–AA00

740. 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.

Timetable:

Action	Date	FR Cite
NPRM	06/23/06	71 FR 36042
NPRM Comment Period End	08/22/06	
Final Action	03/00/10	

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

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

Leila Cook, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105
Phone: 734 214–4820
Email: cook.leila@epa.gov

RIN: 2060–AN63

741. AIR QUALITY DESIGNATIONS AND CLASSIFICATIONS FOR THE 2008 OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: sec 107(d); sec 172(a); sec 181(a)

CFR Citation: 40 CFR 81

Legal Deadline: Final, Statutory, March 12, 2010, CAA requires EPA to issue designations no later than 2 years from the 3/12/08 promulgation of the revised ozone NAAQS.

Abstract: This action will establish the air quality designations for all areas of the United States under the revised 2008 ozone NAAQS. Designations attainment, nonattainment, or unclassifiable are based upon air quality monitoring data and other relevant information pertaining to the air quality in the affected area, including whether an area contributes to a violation of the standard in a nearby area. The schedule and process for designations is contained in CAA section 107. Under the schedule, States and tribes are to submit their designation recommendations no later than one year from promulgation of the revised NAAQS. EPA is required to notify States and tribes of any modifications that EPA intends to make to their recommendations no later than 120 days prior to promulgation of the designations. EPA must make the designations no later than 2 years from the March 12, 2008, promulgation of the revised NAAQS. However, EPA may extend that date by up to one year if EPA has insufficient information.

Timetable:

Action	Date	FR Cite
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5302; EPA Docket information: EPA-HQ-OAR-2008-0476

Agency Contact: Carla Oldham, Environmental Protection Agency, Air and Radiation, C539–04, Research Triangle Park, NC 27711
Phone: 919 541–3347
Fax: 919 541–0824
Email: oldham.carla@epamail.epa.gov

Rhea Jones, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27709
Phone: 919 541–2940
Fax: 919 541–0824
Email: jones.rhea@epa.gov

RIN: 2060–AP37

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

Regulatory Plan: This entry is Seq. No. 77 in part II of this issue of the **Federal Register**.

RIN: 2060–AO19

743. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 49

Legal Deadline: None

Abstract: EPA is developing 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. 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.

Timetable:

Action	Date	FR Cite
NPRM	08/21/06	71 FR 48696
NPRM Comment Period End	11/20/06	
Final Action	05/00/10	

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

Agency Contact: Jessica Montanez, Environmental Protection Agency, Air and Radiation, C504–03, RTP, NC 27711
Phone: 919 541–3407
Fax: 919 541–5509
Email: montanez.jessica@epamail.epa.gov

Raj Rao, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AH37

744. ● RECONSIDERATION OF 2008 FINAL IMPLEMENTATION RULE FOR PM2.5 NSR: STAY OF EFFECTIVE DATE FOR GRANDFATHERING PROVISIONS

Priority: Other Significant

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

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: EPA is extending the existing 3-month administrative stay of the grandfathering provision for PM2.5 contained in the Federal Prevention of Significant Deterioration (PSD) program. The Federal PSD program at 40 CFR 52.21 was amended to add the grandfathering provision as part of the May 16, 2008 final rule entitled, ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM2.5).'' The existing administrative stay was made in response to a February 10, 2009, petition for reconsideration and request for administrative stay by the Natural Resources Defense Council (NRDC) and Sierra Club. In a letter dated April 24, 2009, we responded to the petitioners agreeing to reconsider four specific provisions of the May 2009 final rule and to propose repealing the grandfathering provision for PM2.5 that is currently under a 3-month administrative stay. The extension of the administrative stay that we are finalizing will provide us with sufficient time to subsequently propose, take public comment on, and take final action on a repeal of the grandfathering provision for PM2.5 in the federal PSD program as agreed to in the April 24 letter.

Timetable:

Action	Date	FR Cite
Grant of Reconsideration and Stay	06/01/09	74 FR 26098
NPRM	07/23/09	74 FR 36427
NPRM Comment Period End	08/24/09	
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. 4752.3; EPA publication information: Grant of Reconsideration and Stay—http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-01/a12572.pdf; Split from RIN 2060-AN86. Split from RIN 2060-AK74; EPA Docket information: EPA-HQ-OAR-2003-0062

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

Agency Contact: Dan Deroeck, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5593
Fax: 919 541–5509
Email: deroeck.dan@epamail.epa.gov

Raj Rao, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AP65

745. AMENDMENTS TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

Legal Deadline: None

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 also cite this procedure for sources with installed COMS subject to compliance limitations. Minimum quality control (QC) and quality assurance (QA) requirements are specified to assess the quality of COMS performance. Daily zero and span checks, quarterly performance audits, and annual zero alignment checks are required in order to assure the proper functioning of the COMS and the accuracy of the COMS data.

Timetable:

Action	Date	FR Cite
NPRM	02/28/01	66 FR 12780
NPRM Comment Period End	03/21/01	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 3958; N/A; EPA Docket information: EPA-HQ-OAR-2003-0115

URL For More Information: http://www.epa.gov/ttn/emc/proposed/m-203.pdf

Agency Contact: Jason Dewees, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–9724
TDD Phone: N/A
Fax: 919 541–0516
Email: dewees.jason@epamail.epa.gov

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–7774
TDD Phone: N/A
Fax: 919 541–0516
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AH23

746. NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY

Priority: Other Significant

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, December 16, 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 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists chemical preparations as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	08/05/09	74 FR 39013
NPRM Comment Period End	09/04/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5015; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/August/Day-05/a18537.pdf; EPA Docket information: EPA-HQ-OAR-2009-0028

Agency Contact: Warren Johnson, Environmental Protection Agency, Air and Radiation, C304–05, Research Triangle Park, NC 27711
Phone: 919 541–5124

Fax: 919 541–0242
Email: johnson.warren@epa.gov

Chebryll Edwards, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711
Phone: 919 541–5428
Fax: 919 541–0242
Email: edwards.chebryll@epamail.epa.gov

RIN: 2060–AN46

747. NESHAP: AREA SOURCE STANDARDS—PAINTS AND ALLIED PRODUCTS MANUFACTURING

Priority: Other Significant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, November 16, 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 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists paints and allied products manufacturing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	06/01/09	74 FR 26142
NPRM Comment Period End	07/01/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5016; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-01/a12563.pdf; EPA Docket information: EPA-HQ-OAR-2008-0053

Agency Contact: Melissa Payne, Environmental Protection Agency, Air and Radiation, C404–05, RTP, NC 27711
Phone: 919 541–3609
Fax: 919 541–0242
Email: payne.melissa@epa.gov

Chebryll Edwards, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711
Phone: 919 541–5428
Fax: 919 541–0242
Email: edwards.chebryll@epamail.epa.gov

RIN: 2060–AN47

748. NESHAP: PORTLAND CEMENT NOTICE OF RECONSIDERATION

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.1340 to 63.1359

Legal Deadline: NPRM, Judicial, April 21, 2009.

Abstract: On December 20, 2006, EPA 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, EPA 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. The Agency took this action because there were still substantive technical issues and there was not sufficient opportunity for public comment on parts of the final action.

Since announcing our intent to reconsider the December 2006 rule, EPA has conducted extensive data gathering and analysis. As part of this effort, we requested 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. 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	05/06/09	74 FR 21135
Notice of Public Hearings and Extension of Public Comment Period	06/09/09	74 FR 27265
NPRM Comment Period End	07/06/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Tribal

Additional Information: SAN No. 4585.1; EPA publication information: Notice of public hearings & extension of public comment period—http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-09/a13438.pdf; Split from RIN 2060-AJ78; EPA Docket information: EPA-HQ-OAR-2002-0051

Agency Contact: Keith Barnett, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–5605
Fax: 919 541–3207
Email: barnett.keith@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–2837
Fax: 919 541–3207
Email: fruh.steve@epa.gov

RIN: 2060–AO15

749. AMENDMENT OF DEFINITIONS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS POLLUTANTS FOR RADIONUCLIDES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

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 Rule	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5114

Agency Contact: Dan Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9349
Fax: 202 343–2304
Email: schultheisz.daniel@epa.gov

RIN: 2060–AO31

750. NESHAP: AREA SOURCE STANDARDS—ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING

Priority: Other Significant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, November 16, 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 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists asphalt processing and asphalt roofing manufacturing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	07/09/09	74 FR 32822
NPRM Comment Period End	08/10/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5191; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-09/a16260.pdf; EPA Docket information: EPA-HQ-OAR-2009-0027

Agency Contact: Warren Johnson, Environmental Protection Agency, Air and Radiation, C304–05, Research Triangle Park, NC 27711
Phone: 919 541–5124
Fax: 919 541–0242
Email: johnson.warren@epa.gov

Chebryll Edwards, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711
Phone: 919 541–5428
Fax: 919 541–0242
Email: edwards.chebryll@epamail.epa.gov

RIN: 2060–AO94

751. NESHAP: AREA SOURCE STANDARDS—PREPARED (ANIMAL) FEEDS MANUFACTURING

Priority: Other Significant

Legal Authority: CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, December 16, 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 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists prepared feeds manufacturing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	07/27/09	74 FR 36980
NPRM Comment Period End	08/27/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5201; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-27/a17826.pdf; EPA Docket information: EPA-HQ-OAR-2008-0080

Agency Contact: Jan King, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711
Phone: 919 541–5665
Fax: 919 541–0242
Email: king.jan@epamail.epa.gov

Chebryll Edwards, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711
Phone: 919 541–5428
Fax: 919 541–0242
Email: edwards.chebryll@epamail.epa.gov

RIN: 2060–AO98

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

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: Final, Judicial, September 15, 2009, 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 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, necessitated a re-proposal, which was issued in November 2008. This action responds to the issues raised in the Court's remand and also satisfies the CAA section 129(a)(5) requirement to

conduct a review of the standards every 5 years.

Timetable:

Action	Date	FR Cite
NPRM	02/06/07	72 FR 5510
NPRM Comment Period End	04/09/07	
Supplemental NPRM	12/01/08	73 FR 72962
Supplemental NPRM Comment Period End	02/17/09	
Final Action	12/00/09	

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 re-proposal of remand response; EPA Docket information: EPA-HQ-OAR-2006-0534

URL For More Information: http://www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html

Agency Contact: Ketan Patel, Environmental Protection Agency, Air and Radiation, E143–03, RTP, NC 27711
Phone: 919 541–9736
Fax: 919 541–3470
Email: patel.ketan@epamail.epa.gov

Amy Hambrick, Environmental Protection Agency, Air and Radiation, E143–03, RTP, NC 27711
Phone: 919 541–0964
Fax: 919 541–3470
Email: hambrick.amy@epamail.epa.gov

RIN: 2060–AO04

753. REVISIONS TO THE GENERAL CONFORMITY REGULATIONS

Priority: Other Significant

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: This final action will revise the original General Conformity regulations to reduce unnecessary paperwork burden, address transition issues to new NAAQS and to respond to concerns based on the experience of implementing Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	01/08/08	73 FR 1402
NPRM Comment Period End	03/10/08	
Final Action	12/00/09	

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+0& WAISaction=retrieve; EPA Docket information: EPA-HQ-OAR-2006-0669

Agency Contact: Tom Coda, Environmental Protection Agency, Air and Radiation, C539–01, RTP, NC 27711
Phone: 919 541–3037
Fax: 919 541–0824
Email: coda.tom@epa.gov

Kimber Scavo, Environmental Protection Agency, Air and Radiation, C539–01, RTP, NC 27711
Phone: 919 541–3354
Fax: 919 541–0824
Email: scavo.kimber@epa.gov

RIN: 2060–AH93

754. 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.

Timetable:

Action	Date	FR Cite
Direct Final Rule	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4604

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, AAHEBTC, Ann Arbor, MI 48346
Phone: 734 214–4287
Email: brunner.christine@epamail.epa.gov

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

RIN: 2060–AJ82

755. COMPONENT DURABILITY PROCEDURES FOR NEW LIGHT DUTY VEHICLES, LIGHT DUTY TRUCKS, AND 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 manufacturers used to demonstrate that the emissions of their vehicles would comply with emission standards for the useful lives of those vehicles. The Court also required EPA to issue new regulations. This action fulfills the mandate. The new durability regulations will include options that a manufacturer may choose from to age pre-production vehicles to determine the rate of emission deterioration over the vehicle's useful life. The options will include a prescribed fixed driving cycle and a prescribed bench aging cycle that are used to age prototype vehicles or emission control components to the equivalent of the useful life period of the vehicle in a manner that replicates the aging that the vehicle or components would see in actual use. This rule does not change

the federal emission standards or the test procedures used to quantify emissions. Although there is no court-ordered deadline, this is a court-ordered action.

Timetable:

Action	Date	FR Cite
Supplemental 2 NPRM	01/17/06	71 FR 2843
Supplemental 2 NPRM Comment Period End	02/16/06	
Final Action	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4757.1; EPA publication information: Supplemental 2 NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/January/Day-17/a073.htm; Split from RIN 2060-AK76.

Agency Contact: David Good, Environmental Protection Agency, Air and Radiation, N03, Ann Arbor, MI 48105
Phone: 734 214–4502
Fax: 734 214–4053
Email: good.david@epamail.epa.gov

RIN: 2060–AN01

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

Regulatory Plan: This entry is Seq. No. 78 in part II of this issue of the **Federal Register**.

RIN: 2060–AO38

757. 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 make a determination as to 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. If found acceptable, this would provide industry with another alternative to solvents with higher ozone depletion potential. An acceptability determination 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 that would be sufficient to mitigate risk and that are consistent with industry practices. Any conditions would be for the purpose of ensuring that nPB is used in a manner that is as safe and environmentally protective as other available substitutes. OSHA does not currently regulate nPB. If we determine that nPB cannot be used safely in a specific end use, as compared with other substitutes available for that end use, we would find it unaccceptable.

Timetable:

Action	Date	FR Cite
NPRM	06/03/03	68 FR 33283
NPRM Comment Period End	08/04/03	
NPRM Correction	10/02/03	68 FR 56809
Second NPRM—Adhesives	05/30/07	72 FR 30168
Second NPRM Comment Period End—Adhesives	07/30/07	
Final Action	02/00/10	

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: http://www.epa.gov/ozone/snap/index.html

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

Monica Shimamura, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20005
Phone: 202 343–9337
Fax: 202 343–2342
Email: shimamura.monica@epamail.epa.gov

RIN: 2060–AK26

758. PROTECTION OF STRATOSPHERIC OZONE: BAN ON THE SALE OR DISTRIBUTION OF PRE–CHARGED APPLIANCES

Priority: Other Significant

Legal Authority: 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 domestic phaseout of the import and production 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, this rule proposes to ban the import of HCFC pre-charged products under the provisions within title VI of CAAA.

Timetable:

Action	Date	FR Cite
NPRM	12/23/08	73 FR 78705
NPRM Comment Period End	01/22/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5052; EPA publication information: NPRM—

http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-23/a29999.pdf; EPA Docket information: EPA-HQ-OAR-2007-0163

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

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

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

RIN: 2060–AN58

759. REVIEW OF NEW SOURCE PERFORMANCE STANDARDS—PORTLAND CEMENT

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: Clean Air Act sec 111

CFR Citation: 40 CFR 60, subpart F

Legal Deadline: NPRM, Judicial, May 31, 2008, Court ordered deadline. Final, Judicial, October 30, 2009, Court ordered deadline, 60–day extension granted.

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. The Sierra Club filed a lawsuit to compel us to perform this review, and we have agreed to review the NSPS and to promulgate final changes by October 30, 2009. The consent decree has been modified to reflect these changes.

Timetable:

Action	Date	FR Cite
NPRM	06/16/08	73 FR 34072
NPRM Comment Period Extended	08/13/08	73 FR 47119
NPRM Comment Period End	08/15/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Tribal

Additional Information: SAN No. 5143; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-16/a12619.pdf; EPA Docket information: EPA—HQ—OAR—2007— 0877

Agency Contact: Keith Barnett, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–5605
Fax: 919 541–3207
Email: barnett.keith@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–2837
Fax: 919 541–3207
Email: fruh.steve@epa.gov

RIN: 2060–AO42

760. INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT

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: EPA has had oversight and policy development authority for Inspection and Maintenance (I/M) programs since the passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments set forth standards for implementation of I/M programs. EPA used the statutory requirements of the Act, including I/M requirements for Federal facilities, to promulgate regulations, which States would use in the development of their I/M State Implementation Plans (SIPs). The Department of Justice has now ruled that Federal sovereign immunity was not fully waived under the CAA for those requirements and EPA should amend its rule to remove the requirement that States include those elements in their SIPs. EPA is proposing to: (1) Amend the Federal facilities I/M requirements by removing that section; (2) correct existing I/M SIP approval actions which include these elements; (3) establish new Federal facilities I/M program requirements which Federal facilities in I/M program areas must meet in order to comply with the Act; and (4) designate for each State, which section of the Act Federal agencies must comply with based on how that State promulgated its I/M regulations. These changes will have minimal to no impact on the States as no new requirements are being created. The States are under no obligation, legal or otherwise, to modify existing SIPs meeting the previously applicable requirements as a result of this action, nor will emissions reduction credit be affected. However, the changes will clarify for affected Federal facilities what they must do to meet the CAA requirements by establishing new regulations per those requirements.

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4348

Agency Contact: Kathryn Sargeant, Environmental Protection Agency, Air and Radiation, 6406, Ann Arbor, MI 48105
Phone: 734 214–4441
Fax: 734 214–4052
Email: sargeant.kathryn@epamail.epa.gov

Sara Schneeberg, Environmental Protection Agency, Air and Radiation, 2344A, Washington, DC 20460
Phone: 202 564–5592
Email: schneeberg.sara@epamail.epa.gov

RIN: 2060–AI97

761. 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 which were published in the Federal Register on March 29, 2001 (66 FR 17230). The corrected regulatory provision restores the definition of California gasoline as used in the enforcement exemptions for California

gasoline under the regulation of fuels and fuel additives.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4722

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, AAHEBTC, Ann Arbor, MI 48346
Phone: 734 214–4287
Email: brunner.christine@epamail.epa.gov

John Hannon, Environmental Protection Agency, Air and Radiation, 2344A, Washington, DC 20460
Phone: 202 564–5563
Email: hannon.john@epamail.epa.gov

RIN: 2060–AK56

762. 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 Rule	09/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4706

Agency Contact: Christine Brunner, Environmental Protection Agency, Air and Radiation, AAHEBTC, Ann Arbor, MI 48346
Phone: 734 214–4287
Email: brunner.christine@epamail.epa.gov

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

RIN: 2060–AK69

763. 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, October 15, 2009.

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the chemical manufacturing industry pursuant to Clean Air Act section 112. The rule will cover nine source categories including the manufacturing of organic chemicals (three categories), inorganic chemicals, pharmaceuticals, pesticides, inorganic pigments, synthetic rubber, and plastic materials. These source categories were listed for regulation under the Clean Air Act section 112 Urban Air Toxic Strategy to address urban HAP emissions from area sources. The rule establishes emission standards in the form of management practices as well as emission limits for certain emission points.

Timetable:

Action	Date	FR Cite
NPRM	10/06/08	73 FR 58352
NPRM Comment Period End	11/05/08	
NPRM Comment Period Extended	11/20/08	73 FR 70289
NPRM Comment Period End	01/05/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4874; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-06/a22518.pdf; EPA Docket information: http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-OAR-2008-0334

URL For Public Comments: www.regulations.gov/fdmspublic/component/main?main=docketdetail&d=epa-hq-oar-2008-0334

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, E143–01, Research Triangle Park, NC 27711
Phone: 919 541–5402
Fax: 919 541–0246
Email: mcdonald.randy@epa.gov

KC Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Email: hustvedt.ken@epa.gov

RIN: 2060–AM19

764. FLEXIBLE AIR PERMIT RULE

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title V, parts C & D

CFR Citation: 40 CFR 70; 40 CFR 71

Legal Deadline: None

Abstract: This rule would promulgate changes to the State and Federal operating permit regulations required by title V of the Clean Air Act, and clarify existing requirements governing minor and major new source review (NSR) in order to facilitate greater consideration of flexible air permits (FAPs). A FAP is an operating permit that through its design facilitates flexible operations at a source, allowing the source to be market-responsive while ensuring equal or greater environmental protection than that achieved by conventional permits. A FAP cannot circumvent, modify, or contravene any applicable requirement and must assure compliance with each requirement that is applicable, or becomes applicable. FAPs could potentially be used by a wide spectrum of sources types, encompassing over 30 SICs.

Timetable:

Action	Date	FR Cite
NPRM	09/12/07	72 FR 52206
NPRM Comment Period End	01/14/08	
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. 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

URL For More Information: www.epa.gov

Agency Contact: Mike Trutna, Environmental Protection Agency, Air and Radiation, C504–01, RTP, NC 27711
Phone: 919 541–5345
Fax: 919 541–4028
Email: trutna.mike@epa.gov

Anna Wood, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20004
Phone: 202 564–1664

RIN: 2060–AM45

765. 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: This regulation establishes criteria for certifying a vehicle as low emitting and energy-efficient. State High-Occupancy-Vehicle (HOV) programs will reference this regulation in their request to Federal Highway Administration for exceptions to the 2-person minimum occupancy HOV requirement.

Timetable:

Action	Date	FR Cite
NPRM	05/24/07	72 FR 29102
NPRM Comment Period End	07/09/07	
Final Action	03/00/10	

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

Agency Contact: Mary Manners, Environmental Protection Agency, Air and Radiation, N104, Ann Arbor, MI 48105
Phone: 734 214–4873
Email: manners.mary@epamail.epa.gov

Holly Pugliese, Environmental Protection Agency, Air and Radiation, AAIO, Ann Arbor, MI 48105
Phone: 734 214–4288
Email: pugliese.holly@epa.gov

RIN: 2060–AN68

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

Priority: Other Significant

Legal Authority: 42 USC 7410; 42 USC 7470 to 7479; 42 USC 7501 to 7503

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: None

Abstract: EPA is finalizing regulations under the Prevention of Significant Deterioration (PSD) program to establish new increments, significant impact levels (SILs) and a significant monitoring concentration (SMC) for fine particulate matter (particles with an aerometric diameter less than or equal to a nominal 2.5 micrometers, ''PM2.5''). These regulations are consistent with section 166 of the Clean Air Act, which authorizes the Environmental Protection Agency to establish regulations to prevent significant deterioration of air quality due to emissions of any pollutant for which National Ambient Air Quality Standards (NAAQS) have been promulgated. The NAAQS for PM2.5 were promulgated in 1997.

To help facilitate the States' implementation of the preconstruction review permit process, this action will also establish screening tools (SILs and SMC) to determine when sources must complete analyses to satisfy specific requirements associated with the evaluation of PM2.5 impacts.

Timetable:

Action	Date	FR Cite
NPRM	09/21/07	72 FR 54112
NPRM Comment Period Extended	11/20/07	72 FR 65282
NPRM Comment Period End	11/20/07	
NPRM Extended Comment Period End	01/21/08	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

Agency Contact: Dan deRoeck, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5593
Fax: 919 541–5509
Email: deroeck.dan@epamail.epa.gov

Raj Rao, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AO24

767. 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). 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. This action will accomplish those tasks. These changes do not change the existing EPA test procedures or calculation methods for average fuel economy.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5124

Agency Contact: David Good, Environmental Protection Agency, Air and Radiation, N03, Ann Arbor, MI 48105
Phone: 734 214–4502
Fax: 734 214–4053
Email: good.david@epamail.epa.gov

RIN: 2060–AO36

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768. 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: 42 USC 7401 et seq

CFR Citation: 40 CFR 51 app M

Legal Deadline: None

Abstract: Method 208 is a protocol for collecting, analyzing, and reporting of volatile organic compounds (VOC) emissions from asphalt paving production operations. It will produce more accurate measurement of the mass of VOC emissions from such 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. EPA is promulgating these methods to make them more widely available and acceptable for use by asphalt paving producers in meeting various environmental regulations.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5146; N/A; EPA Docket information: EPA-HQ-OAR-2008-0622

Agency Contact: Gary McAlister, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–1062
Fax: 919 541–1039
Email: mcalister.gary@epamail.epa.gov

Candace Sorrell, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–1064
Fax: 919 541–0516
Email: sorrell.candace@epa.gov

RIN: 2060–AO51

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 app A (Revision)

Legal Deadline: None

Abstract: This action amends EPA's 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
NPRM Comment Period End	02/22/05	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5156; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2004/December/Day-22/a27985.htm; Not applicable; EPA Docket information: EPA-HQ-OAR-2004-0080

Agency Contact: Gary McAlister, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–1062
Fax: 919 541–1039
Email: mcalister.gary@epamail.epa.gov

Robin Segall, Environmental Protection Agency, Air and Radiation, E143–02, Research Triangle Park, NC 27711
Phone: 919 541–0893
Fax: 919 541–0516
Email: segall.robin@epamail.epa.gov

RIN: 2060–AO53

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770. PETROLEUM REFINERY RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: CAA sec 112(f)(2); CAA 112(d)(6); CAA 112(d)(2) and 112(d)(3)

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: Under CAA section 112(d)(6) EPA is required to review standards issued under section 112 and to 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 provide an ample margin of safety to protect public health or prevent an adverse environmental effect. This rulemaking was under a consent decree to fulfill

the requirements of Clean Air Act section 112(d)(6). The consent decree required proposal by August 21, 2007, and promulgation by January 16, 2009. The final rule was signed on January 16, 2009, but was not published in the Federal Register and the action is being reconsidered by

EPA.

Timetable:

Action	Date	FR Cite
NPRM	09/04/07	72 FR 50716
NPRM Comment Period End	11/05/07	
Supplemental NPRM	11/10/08	73 FR 66694
Supplemental NPRM Comment Period End	12/10/08	
NPRM—Partial Withdrawal	12/00/09	
Final Action—Heat Exchangers	12/00/09	
Final Action—Partial Withdrawal	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5093.1; EPA publication information: Supplemental NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-10/a26403.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

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–0884
Fax: 919 541–0246
Email: lucas.bob@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AO55

771. STANDARDS OF PERFORMANCE FOR COAL PREPARATION PLANTS AMENDMENTS

Priority: Other Significant

Legal Authority: CAA sec 111

CFR Citation: 40 CFR 60, subpart Y

Legal Deadline: Other, Judicial, May 15, 2009, We were required to sign the final rule or complete a supplemental proposal by May 15, 2009, and chose to issue a suppl proposal.
Final, Judicial, September 26, 2009, As per 11/16/2006 Consent Decree. Modified on January 26, 2009.

Abstract: EPA entered into a consent decree to propose amendments to the coal preparation (subpart Y) new source performance standards (NSPS) by April 16, 2008. The original consent decree date for final action was April 16, 2009. The consent decree was modified on January 26, 2009, to amend the date for final action to May 16, 2009, unless we published a supplemental proposal. If we decided to publish a supplemental proposal, the deadline for taking final action would be September 26, 2009. Proposed amendments were published on April 28, 2008. A supplemental proposal was published on May 27, 2009.

No substantive amendments to subpart Y have been completed since the rule was originally finalized in 1976. The supplemental action, which is based largely on public comments received on the April 2008 proposal, proposes to (1) revise the PM emissions and opacity limits included in the original proposal for thermal dryers, pneumatic coal-cleaning equipment, and coal-handling equipment; (2) expand the applicability of the thermal dryer standards to apply to both direct and indirect contact thermal dryers drying all coal ranks and pneumatic coal-cleaning equipment cleaning all coal ranks; (3) establish a sulfur dioxide (SO2) emission limit and a combined nitrogen oxide (NOx) and carbon monoxide (CO) emissions limit for thermal dryers; (4) establish work practice standards to control coal dust emissions from open storage piles and roadways associated with coal preparation plants; and (5) revise the definition of coal, for subpart Y purposes, to include petroleum coke and coal refuse.

Timetable:

Action	Date	FR Cite
NPRM	04/28/08	73 FR 22901
NPRM Comment Period Extended	06/10/08	73 FR 32667
NPRM Comment Period End	06/12/08	
NPRM Extended Comment Period End	07/14/08	
Supplemental NPRM	05/27/09	74 FR 25304
Supplemental NPRM Comment Period End	07/13/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5144; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/April/Day-28/a9104.pdf; EPA Docket information: EPA—HQ—OAR—2008—0260

Agency Contact: Mary Johnson, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–5025
Fax: 919 541–5450
Email: johnson.mary@epa.gov

Bill Maxwell, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–5430
Fax: 919 541–5450
Email: maxwell.bill@epa.gov

RIN: 2060–AO57

772. METHODS FOR MEASUREMENT OF FILTERABLE PM10 AND PM2.5 AND MEASUREMENT OF CONDENSABLE PARTICULATE MATTER EMISSIONS FROM STATIONARY SOURCES

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act, 42 USC 7401 et seq

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 PM2.5 with condensable emissions. Method 201a is amended to add procedures and equipment specifications for use of 2.5 micron size cut cyclone which may be used in conjunction with the current 10 micron size cut cyclone if measuring both PM10 or PM2.5 or may be used 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 which

includes condensable emissions is required. These amendments improve the accuracy and precision of current version of Method 202.

Timetable:

Action	Date	FR Cite
NPRM	03/25/09	74 FR 12969
NPRM Comment Period End	05/26/09	
Final Action	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 5147; EPA publication information: NPRM—http://edocket.access.gpo.gov/2009/pdf/E9-6178.pdf; EPA Docket information: EPA-HQ-QAR-2008-0348

Agency Contact: Candace Sorrell, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–1064
Fax: 919 541–0516
Email: sorrell.candace@epa.gov

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–7774
TDD Phone: N/A
Fax: 919 541–0516
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AO58

773. REGULATION OF FUELS AND FUEL ADDITIVES: ALTERNATIVE AFFIRMATIVE DEFENSE REQUIREMENTS FOR ULTRA–LOW SULFUR DIESEL AND GASOLINE BENZENE TECHNICAL AMENDMENT

Priority: Info./Admin./Other

Legal Authority: Clean Air Act sec 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. This rule also amends the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners.

This rule also amends the gasoline benzene regulations to allow disqualified small refiners the same opportunity to generate gasoline benzene credits as that afforded to non-small refiners.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5154

Agency Contact: Jaimee Dong, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460
Phone: 202 343–9672
Fax: 202 343–2802
Email: dong.jaimee@epamail.epa.gov

RIN: 2060–AO71

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

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: 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	12/23/08	73 FR 78680
NPRM Comment Period End	02/23/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5224; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-23/a29965.pdf; EPA Docket information: EPA-HQ-OAR-2008-0496

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

Agency Contact: Jeremy Arling, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9055
Fax: 202 343–2338
Email: arling.jeremy@epamail.epa.gov

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

RIN: 2060–AO76

775. RENEWABLE FUELS STANDARD PROGRAM

Regulatory Plan: This entry is Seq. No. 79 in part II of this issue of the **Federal Register**.

RIN: 2060–AO81

776. RISK TECHNOLOGY PHASE II GROUP 2A

Priority: Other Significant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action is the Risk and Technology Review (RTR) Group 2A. The following is a list of the standards being reviewed in this group and the statutory deadlines for their reviews: National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins (Epichlorohydrin Elastomers Production, HypalonTM Production, Nitrile Butadiene Rubber Production, Polybutadiene Rubber Production, and Styrene Butadiene Rubber and Latex Production) (statutory requirement 9/5/2004); National Emission Standards for Marine Vessel Loading Operations (statutory requirement 9/19/2003); National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production (statutory requirement 6/1/2007); National Emission Standards for Pharmaceuticals Production (statutory requirement 9/21/2006); and National Emission Standards for the Printing and Publishing Industry (statutory requirement 5/30/2004). This action will address both EPA's obligation to conduct a residual risk review and to conduct a technology review. It includes nine source categories, each affected by one of five MACT standards.

Timetable:

Action	Date	FR Cite
NPRM	10/10/08	73 FR 60432
NPRM Correction	10/24/08	73 FR 63420
NPRM Comment Period End	11/24/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5093.2; EPA publication information: NPRM— http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-10/a23373.pdf; Split from RIN 2060-AN85; EPA Docket information: EPA-HQ-OAR-2008-0008

Agency Contact: Mary Kissell, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–4516
Fax: 919 685–3219
Email: kissell.mary@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AO91

777. IMPLEMENTATION OF THE 1997 8–HOUR OZONE NAAQS: CLASSIFICATION OF SUBPART 1 AREAS AND REVISION TO ANTIBACKSLIDING PROVISIONS; DELETION OF OBSOLETE 1–HOUR OZONE STANDARD PROVISIONS

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This rulemaking action would revise 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 rulemaking would do the following: (1) Remove the provision that places some 8-hour ozone nonattainment areas under title I, part D, subpart 1 of the CAA; (2) remove the exemption from anti-backsliding for the following three obligations under the now-revoked 1-hour ozone 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 rule would also address: (1) The classification system for nonattainment areas that the implementation rule originally covered under Clean Air Act (CAA) title I, part D, subpart 1; and (2) contingency measures that apply as anti-backsliding measures under the now-revoked 1-hour standard. The rule would also remove an obsolete provision in the 1-hour ozone standard itself (40 CFR 50.9(c)).

Timetable:

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2936
NPRM Comment Period End	02/17/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5194; EPA publication information: NPRM— http://www.epa.gov/fedrgstr/EPA-AIR/2009/January/Day-16/a806.pdf; EPA Docket information: EPA-HQ-OAR-2007-0956

Agency Contact: John Silvasi, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919 541–5666
Fax: 919 541–0824
Email: silvasi.john@epamail.epa.gov

RIN: 2060–AO96

778. REVISIONS TO TEST METHOD FOR DETERMINING STACK GAS VELOCITY TAKING INTO ACCOUNT VELOCITY DECAY NEAR THE STACK WALLS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title I

CFR Citation: 40 CFR 60

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 (NOX) 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 NOX 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
NPRM	08/25/09	74 FR 42819
NPRM Comment Period End	09/24/09	
Final Action	09/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5237; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2009/August/Day-25/a20395.pdf; N/A; EPA Docket information: EPA-HQ-OAR-2008-0697

Agency Contact: Jason Dewees, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–9724
TDD Phone: N/A
Fax: 919 541–0516
Email: dewees.jason@epamail.epa.gov

Conniesue Oldham, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–7774
TDD Phone: N/A
Fax: 919 541–0516
Email: oldham.conniesue@epamail.epa.gov

RIN: 2060–AP08

779. AMBIENT OZONE MONITORING REGULATIONS: REVISIONS TO NETWORK DESIGN REQUIREMENTS

Priority: Other Significant

Legal Authority: 42 USC 7403; 42 USC 7410; 42 USC 7601(a); 42 USC 7611; 42 USC 7619

CFR Citation: 40 CFR 58

Legal Deadline: None

Abstract: Ozone monitoring requirements were revised in October 2006 during a comprehensive revision of ambient monitoring requirements contained in 40 CFR parts 50, 53, and 58. These changes included revised minimum monitoring requirements for ozone monitors in urban areas as well as changes to the length of the required monitoring season. As stated in the Ozone National Ambient Air Quality Standards (NAAQS) final rule published on March 27, 2008 (73 FR 16436), EPA believes that certain changes are needed in the ozone minimum monitoring requirements to account for the newly revised levels of the NAAQS (primary and secondary NAAQS levels for ozone were revised from an eight-hour level of 0.08 ppm to an 8-hour level of 0.075 ppm). In this rulemaking, EPA will propose: (1) Modest changes to minimum monitoring requirements in urban areas, (2) minimal monitoring requirements in rural areas, and (3) incremental adjustments to the length of the ozone monitoring season where indicated by statistical analysis. These proposed actions have been developed in response to comments that were received from some States, national monitoring associations, and environmental groups during the Ozone NAAQS proposal that was published on July 11, 2007 (72 FR 37818). No changes will be proposed in ozone measurement methodology, quality assurance requirements, or probe siting requirements. Therefore, the implementation of any proposed changes should be routine for affected monitoring agencies.

Timetable:

Action	Date	FR Cite
NPRM	07/16/09	74 FR 34525
NPRM Comment Period End	09/14/09	
Final Action	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5259; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/July/Day-16/a16802.pdf; EPA Docket information: EPA-HQ-OAR-2008-0338

Agency Contact: Lewis Weinstock, Environmental Protection Agency, Air and Radiation, C304–06, RTP, NC 27711
Phone: 919 541–3661
Fax: 919 541–1903
Email: weinstock.lewis@epamail.epa.gov

Lula Melton, Environmental Protection Agency, Air and Radiation, C304–06, RTP, NC 27711
Phone: 919 541–2910
Fax: 919 541–1903
Email: melton.lula@epamail.epa.gov

RIN: 2060–AP15

780. RESTRUCTURING OF THE STATIONARY SOURCE AUDIT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 23 USC 101; 42 USC 7401 to 7671q; 42 USC 7410, 7414, 7421, 7470 to 7479, 7491, 7492, 7601, and 7602; 42 USC 7401, 7412, 7413, 7414, 7416, 7601, and 7602; 42 USC 7401 et seq

CFR Citation: 40 CFR 51, 60, 61, and 63

Legal Deadline: None

Abstract: 40 CFR parts 51, 60, 61, and 63 contain EPA's air toxics emissions standards (NESHAPS) and emission standards for new stationary sources (NSPS). 40 CFR 63.7(c)(2)(ii) requires an external Quality Assurance (QA) program that at a minimum includes an application of plans for a test method performance audit during the performance test. 40 CFR part 60 appendices also contain similar requirements within individual test methods. Currently EPA provides these audit samples free of charge because there were no commercial sources. Because of growth in the laboratory calibration standards, there are now commercial sources available to provide these audit samples. Restructuring this program will allow commercial suppliers to replace EPA as the source of audit samples. As a result of restructuring, there will be both greater availability and new kinds of audit samples which should yield increased usage of the audit sample program and, in turn, overall better quality test data.

Timetable:

Action	Date	FR Cite
NPRM	06/16/09	74 FR 28451

Action	Date	FR Cite
NPRM Comment Period End	07/16/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5273; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/June/Day-16/a14023.pdf; EPA Docket information: EPA-HQ-OAR-2008-0531

Agency Contact: Candace Sorrell, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–1064
Fax: 919 541–0516
Email: sorrell.candace@epa.gov

Gary McAlister, Environmental Protection Agency, Air and Radiation, E143–02, RTP, NC 27711
Phone: 919 541–1062
Fax: 919 541–1039
Email: mcalister.gary@epamail.epa.gov

RIN: 2060–AP23

781. TRANSPORTATION CONFORMITY PM2.5 AND PM10 AMENDMENTS

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: Not Yet Determined

Legal Deadline: Other, Statutory, March 1, 2009, CAA gives new areas 1 year before conformity applies, from effective date of designation (3/09). Rule needed for new areas.

Abstract: The transportation conformity rule ensures that transportation planning is consistent with a state's plan for achieving air quality standards. These technical amendments would clarify: (1) How certain highway and transit projects meet statutory conformity requirements for particulate matter, to respond to a December 2007 court ruling, and (2) how to implement conformity requirements in light of the revocation of the October 17, 2006, revisions to the PM10 and 24-hour PM2.5 standards.

Timetable:

Action	Date	FR Cite
NPRM	05/15/09	74 FR 23024
NPRM Comment Period End	06/15/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5286; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/May/Day-15/a11184.pdf

Agency Contact: Laura Berry, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105
Phone: 734 214–4858
Email: berry.laura@epamail.epa.gov

Patty Klavon, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105
Phone: 734 214–4476
Email: klavon.patty@epamail.epa.gov

RIN: 2060–AP29

782. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR RECIPROCATING INTERNAL COMBUSTION ENGINES

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7412(d)

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, February 25, 2009, Consent decree for NESHAP for non–emergency stationary diesel engines 300 HP or greater. Final, Judicial, February 10, 2010, Consent decree for NESHAP for non–emergency stationary diesel engines 300 HP or greater.

Abstract: This final rule will establish national emission standards for hazardous air pollutants (NESHAP) for existing stationary reciprocating internal combustion engines (RICE) (gas-fired and diesel) that are either located at area sources of hazardous air pollutants (HAP) emissions or that have a site rating of less than or equal to 500 brake horsepower (hp) and are located at major sources of HAP emissions. The final rule will also establish NESHAP for existing stationary compression ignition (diesel) engines with a site rating of greater than 500 brake hp that are located at major sources of HAP emissions. EPA has previously promulgated NESHAP for new stationary RICE located at major sources of HAP emissions, existing stationary spark ignition (gas-fired) engines that have a site rating of greater than 500 brake hp and are located at major sources of HAP emissions, and new stationary RICE located at area sources of HAP emissions. This regulation will complete our statutory obligation to establish NESHAP for stationary engines at major and area sources. We also took comment in the proposed rule on (1) the feasibility of approaches that would further reduce the remaining diesel engine emissions (PM2.5 and black carbon), including requiring use of catalyzed diesel particulate filters; and (2) approaches that would address emissions during startup, shutdown, and malfunction periods.

Timetable:

Action	Date	FR Cite
NPRM	03/05/09	74 FR 9698
NPRM Comment Period Extended	04/14/09	74 FR 17130
NPRM Comment Period End	05/04/09	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5300; EPA publication information: NPRM—http://edocket.access.gpo.gov/2009/pdf/E9-4595.pdf; EPA Docket information: EPA-HQ-OAR-2008-0708

Agency Contact: Melanie King, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–2469
Email: king.melanie@epamail.epa.gov

Robert Wayland, Environmental Protection Agency, Air and Radiation, D243–01, Research Triangle Park, NC 27711
Phone: 919 541–1045
Email: wayland.robertj@epa.gov

RIN: 2060–AP36

783. STAY OF CAIR AND CAIR FIP FOR MINNESOTA

Priority: Info./Admin./Other

Legal Authority: 23 USC 101; 42 USC 7401 to 7671q

CFR Citation: 40 CFR 51 and 52

Legal Deadline: None

Abstract: This action stays the effectiveness, for the State of Minnesota only, of two final rules issued by EPA under section 110 of the Clean Air Act (CAA) related to the interstate transport of pollutants: (1) The May 12, 2005 Clean Air Interstate Rule (CAIR), and (2) the April 28, 2006, CAIR Federal implementation plan (FIP). The D.C. Circuit Court of Appeals held that EPA, in the CAIR and the CAIR FIP, had not properly addressed possible errors in EGU emissions for certain EGUs in Minnesota. This action stays the effectiveness of these two rules, with respect to sources in Minnesota only, while EPA conducts a rulemaking addressing this issue and its impact on the inclusion of Minnesota in the CAIR.

Timetable:

Action	Date	FR Cite
NPRM	05/12/09	74 FR 22147
NPRM Comment Period End	06/11/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5323; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/May/Day-12/a11107.pdf; EPA Docket information: EPA-HQ-OAR-2009-0021

Agency Contact: Tim Smith, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27711
Phone: 919 541–4718
Fax: 919 541–5489
Email: smith.tim@epamail.epa.gov

Rhea Jones, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27709
Phone: 919 541–2940
Fax: 919 541–0824
Email: jones.rhea@epa.gov

RIN: 2060–AP46

784. ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(A) OF THE CLEAN AIR ACT

Regulatory Plan: This entry is Seq. No. 80 in part II of this issue of the **Federal Register**.

RIN: 2060–AP55

785. ● EPA/NHTSA JOINT RULEMAKING TO ESTABLISH LIGHT–DUTY GREENHOUSE GAS EMISSION STANDARDS AND CORPORATE AVERAGE FUEL ECONOMY STANDARDS

Regulatory Plan: This entry is Seq. No. 81 in part II of this issue of the **Federal Register**.

RIN: 2060–AP58

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

Priority: Other Significant

Legal Authority: Clean Air Act title I

CFR Citation: 40 CFR 51 and 52

Legal Deadline: None

Abstract: This action is providing notice that through a letter signed on April 24, 2009, EPA granted reconsideration on a petition submitted by National Resources Defense Council (NRDC), with respect to the final rule titled, ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions,'' published on December 19, 2008. In addition to granting reconsideration, EPA is granting an administrative stay of the rule. Having found that the petition raised objections to the December 2008 final rule provision that arose after the comment period and that are of central relevance to the rule, EPA granted the petition for reconsideration and administrative stay in the April 24, 2009, letter responding to the February 17, 2009, petition submitted by the NRDC. EPA will publish a notice in the Federal Register establishing a comment period and opportunity for a public hearing for the reconsideration proceeding. The petition for reconsideration and request for administrative stay can be found in the docket for the December 2008 rule. The EPA considered the petition for reconsideration and request for stay, along with information contained in the rulemaking docket, in reaching a decision on both the reconsideration and the stay.

Timetable:

Action	Date	FR Cite
Final Action, Grant of Reconsideration and Stay	12/00/09	
NPRM—Extend 3–month Administrative Stay	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4940.1; Split from RIN 2060-AM91; EPA Docket information: EPA-HQ-OAR-2004-0014

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

Agency Contact: Carrie Wheeler, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–9771
Fax: 919 541–4028
Email: wheeler.carrie@epamail.epa.gov

Juan Santiago, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–1084
Fax: 919 541–5509
Email: santiago.juan@epamail.epa.gov

RIN: 2060–AP73

787. ● AIR QUALITY DESIGNATIONS FOR THE 2008 LEAD NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority: Info./Admin./Other

Legal Authority: CAA sec 107(d), 42 USC 7407(d)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, October 15, 2010, CAA requires EPA to issue designations no later than 2 years from the 10/15/08 promulgation of the revised lead NAAQS.

Abstract: This action will establish initial air quality designations for all areas of the United States under the revised 2008 lead NAAQS.

EPA—Clean Air Act — Final Rule Stage

Designations of attainment, nonattainment, or unclassifiable are based upon air quality monitoring data and other relevant information pertaining to the air quality in the affected area, including whether an area contributes to a violation of the standard in a nearby area. EPA is required to make the final initial designations no later than 2 years from the October 15, 2008, promulgation of the revised NAAQS.

Timetable:

Action	Date	FR Cite
Final Action	10/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5372

Agency Contact: Rhonda Wright, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27709
Phone: 919 541–1087
Fax: 919 541–0824
Email: wright.rhonda@epa.gov

Rhea Jones, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27709
Phone: 919 541–2940
Fax: 919 541–0824
Email: jones.rhea@epa.gov

RIN: 2060–AP78

788. ● PREVENTION OF SIGNIFICANT DETERIORATION (PSD): RECONSIDERATION OF INTERPRETATION OF REGULATIONS THAT DETERMINE POLLUTANTS COVERED BY THE FEDERAL PSD PERMIT PROGRAM

Regulatory Plan: This entry is Seq. No. 82 in part II of this issue of the **Federal Register**.

RIN: 2060–AP87

Environmental Protection Agency (EPA) — Long-Term Actions
Clean Air Act (CAA)

669. REGULATION OF FUELS AND FUEL ADDITIVES: FEDERAL VOLATILITY CONTROL PROGRAM IN THE DENVER–BOULDER–GREELEY–FT. COLLINS–LOVELAND, CO, 8–HOUR OZONE NONATTAINMENT AREA

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is proposing to establish an applicable standard of 7.8 pounds per square inch (psi) Reid Vapor Pressure (RVP) under the federal volatility control program in the Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado, 8-hour ozone nonattainment area during the summer ozone control season—June 1 to September 15 of each year. This action would require the use of 7.8 psi RVP gasoline in Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas and Jefferson counties, and in portions of Larimer and Weld counties. EPA is proposing to take this action to align the Federal volatility requirements with the Denver nonattainment area boundaries under the 1997 8-hour ozone standard.

Timetable:

Action	Date	FR Cite
NPRM	08/24/09	74 FR 42619
NPRM Comment Period End	09/23/09	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN 5307;

NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2009/August/Day-24/a20290.pdf

Agency Contact: Sean Hillson, Environmental Protection Agency, Air and Radiation, AASMCG, Ann Arbor, MI 48105
Phone: 734 214–4789
Fax: 734 214–4052
Email: hillson.sean@epamail.epa.gov

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

RIN: 2060–AP40

Environmental Protection Agency (EPA) — Long-Term Actions
Clean Air Act

789. 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
ANPRM Comment Period End	08/14/97	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 3919

Agency Contact: Darrel Harmon, Environmental Protection Agency, Air and Radiation, 6101A, Washington, DC 20460
Phone: 202 564–7416
Fax: 202 501–1153
Email: harmon.darrel@epamail.epa.gov

RIN: 2060–AH01

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

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7408 and 7409

CFR Citation: 40 CFR 50

Legal Deadline: None

Abstract: Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On March 23, 2008, the EPA published a final rule to revise the primary and secondary NAAQS for ozone to provide increased protection of public health and welfare. With regard to the primary standard for ozone, EPA revised the level of the 8-hour ozone standard to 0.075 ppm. With regard to the secondary ozone standard, EPA made it identical in all respects to the primary ozone standard, as revised. EPA initiated the current review in October 2008 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. This review includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/12	
Final Action	03/00/13	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5306; EPA Docket information: EPA-HQ-OAR-2008-0699

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

Agency Contact: Dave Mckee, Environmental Protection Agency, Air and Radiation, C 504–06, Research Triangle Park, NC 27711
Phone: 919 541–5288
Fax: 919 541–0237
Email: mckee.dave@epa.gov

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

RIN: 2060–AP38

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

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 129; CAA sec 111(d)

CFR Citation: 40 CFR 62 (New)

Legal Deadline: None

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.

Timetable:

Action	Date	FR Cite
NPRM	12/18/06	71 FR 75816
NPRM Comment Period End	02/16/07	
Final Action	To Be Determined	

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

Agency Contact: Martha Smith, Environmental Protection Agency, Air and Radiation, E143–03, Research Triangle Park, NC 27709
Phone: 919 541–2421
Email: smith.martha@epa.gov

Ketan Patel, Environmental Protection Agency, Air and Radiation, E143–03, RTP, NC 27711
Phone: 919 541–9736
Fax: 919 541–3470
Email: patel.ketan@epamail.epa.gov

RIN: 2060–AN43

792. NESHAP: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.2; 40 CFR 63.17; 40 CFR 63.18

Legal Deadline: None

Abstract: These amendments to the part 63 General Provisions would allow facilities that are subject to maximum achievable control technology (MACT) to discontinue those 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.

Timetable:

Action	Date	FR Cite
NPRM	05/15/03	68 FR 26249
NPRM Comment Period End	06/16/03	
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. 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

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, D205–02, RTP, NC 27711
Phone: 919 541–5262
Email: colyer.rick@epa.gov

Lisa Conner, Environmental Protection Agency, Air and Radiation, D205–02, RTP, NC 27711
Phone: 919 541–5060
Fax: 919 541–5600
Email: conner.lisa@epamail.epa.gov

RIN: 2060–AK54

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793. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY COMBUSTION TURBINES—PETITION TO DELIST

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

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 requesting additional data from the petitioner regarding their petition and reviewing the additional data, the Agency proposed a partial granting of the petition by proposing to delist 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 new sources in those subcategories of turbines, delaying the imposition of control requirements for the proposed delisted new turbines until a final action is taken regarding the delisting. The Agency is waiting until the completion of the final IRIS assessment for formaldehyde before taking final action on the petition. The final IRIS action on formaldehyde is expected to occur in fall 2011.

Timetable:

Action	Date	FR Cite
NPRM—Delisting	04/07/04	69 FR 18327
NPRM—STAY	04/07/04	69 FR 18338
NPRM—STAY Comment Period End	05/24/04	
NPRM—Delisting Comment Period End	06/07/04	
Final Action—STAY	08/18/04	69 FR 51184
Final Action	03/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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

Agency Contact: Melanie King, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–2469
Email: king.melanie@epamail.epa.gov

Robert Wayland, Environmental Protection Agency, Air and Radiation, D243–01, Research Triangle Park, NC 27711
Phone: 919 541–1045
Email: wayland.robertj@epa.gov

RIN: 2060–AK73

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Ketones Panel of the American Chemistry Council (ACC) has petitioned the Agency to remove methyl isobutyl ketone (MIBK) from the Clean Air Act (CAA) hazardous air pollutant (HAP) list. The ACC originally submitted the petition in April of 1997. EPA suspended review of the petition pending the completion of 2-generation reproductive effects study. 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 bio-assay 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.

Timetable:

Action	Date	FR Cite
Notice	07/19/04	69 FR 42954
Proposed Response	02/00/11	

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;

Agency Contact: Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AM20

795. NESHAP SUBPART W: STANDARDS FOR RADON EMISSIONS FROM OPERATING URANIUM MILL TAILINGS: REVIEW

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 61.250 to 61.256

Legal Deadline: None

Abstract: NESHAP subpart W protects human health and the environment by setting radon emission standards and work practices for operating uranium mill tailings impoundments. EPA is in the process of reviewing this standard. If necessary, we will revise the NESHAP requirements for radon emissions from operating uranium mill tailings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/10	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5281

Agency Contact: Reid Rosnick, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9563
Fax: 202 343–2304
Email: rosnick.reid@epamail.epa.gov

Loren Setlow, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9445
Fax: 202 343–2304
Email: setlow.loren@epamail.epa.gov

RIN: 2060–AP26

796. 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 would 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 action would 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. The exemption would be used for emergency uses only.

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

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4819

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

Agency Contact: Ross Brennan, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9226
Fax: 202 343–2338
Email: brennan.ross@epamail.epa.gov

RIN: 2060–AL94

797. PROTECTION OF STRATOSPHERIC OZONE: 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: Using authority under section 608 of the Clean Air Act, EPA has established a certification program for refrigerant recovery and recycling equipment. Recovery equipment is specific to the refrigerant and as alternative refrigerants enter the market, new equipment to capture those refrigerants also enter the market. This action would amend the existing provisions to reflect that new equipment.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4916

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

Agency Contact: Sally Hamlin, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9711
Fax: 202 565–2155
Email: hamlin.sally@epamail.epa.gov

RIN: 2060–AM49

798. 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: This rule would amend 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 in 1994. This rule would update parts of the regulations concerning the technician certification examination. The examination needs to reflect developments in new refrigerants, equipment, and technology over the last 12 years. This rule would provide specific requirements for programs applying to become certifying organizations, would specify reporting and recordkeeping requirements in order to enhance implementation of the program, and would define other administrative components of the program to improve accountability.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4901

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

Agency Contact: Monica Shimamura, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20005
Phone: 202 343–9337
Fax: 202 343–2342
Email: shimamura.monica@epamail.epa.gov

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

RIN: 2060–AM55

799. PROTECTION OF STRATOSPHERIC OZONE: LABELING OF PRODUCTS USING HCFCS

Priority: Other Significant

Legal Authority: 42 USC 7601; 42 USC 7671j

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: In accordance with section 611 of the Clean Air Act, this action would require a warning statement on containers or products made with or containing a Class II ozone depleting substance (ODS). EPA promulgated a similar rule in 1993 for containers or products made with or containing Class I ODS. Such rules may help consumers and others make more informed choices about using products which damage the stratospheric ozone layer, resulting in increased skin damage and cancers.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5151

URL For More Information: http://www.epa.gov/ozone/title6/labeling/index.html

Agency Contact: Monica Shimamura, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20005
Phone: 202 343–9337
Fax: 202 343–2342
Email: shimamura.monica@epamail.epa.gov

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

RIN: 2060–AO68

800. 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: Under the Significant New Alternatives Policy (SNAP) program, EPA evaluates alternatives to ozone-depleting substances to ensure that they do not increase overall risks to human health and the environment. If finalized as proposed, this rule would expand the list of acceptable substitutes (subject to use conditions) for use in the motor vehicle air conditioning (MVAC) sector. EPA has already issued a final rule for the other subtitle addressed in this proposal, R-152a. This final action pertains to R-744.

Timetable:

Action	Date	FR Cite
NPRM	09/21/06	71 FR 55140
NPRM Comment Period End	10/23/06	
First Final Action	06/12/08	73 FR 33304
Second Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

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

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

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

RIN: 2060–AM54

801. 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 either use restrictions or narrowed use limits 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.

Carbon dioxide is currently listed as an ''acceptable'' total flooding substitute for ozone-depleting halons. Carbon dioxide total flooding systems are used in industrial applications such as automobile paint rooms and in marine applications such as machinery spaces. Recent changes to national fire protection industry standards reflect a need to improve personnel safety requirements for carbon dioxide systems by limiting its applications. Based on new information on the continued and growing use of carbon dioxide total flooding fire extinguishing systems, EPA is proposing to revise the listing to ''acceptable subject to narrowed use limits'' to ensure that the use of this agent does not pose greater risk than other substitutes that are available. Use would be limited to unoccupied areas where personnel could not be exposed to lethal concentration of the agent.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4991

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

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

RIN: 2060–AN30

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802. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT

Priority: Info./Admin./Other

Legal Authority: 42 USC 7412(r)

CFR Citation: 40 CFR 68.210

Legal Deadline: None

Abstract: Section 112(r)(7) of the Clean Air Act (CAA) and its implementing regulations at 40 CFR part 68 require certain stationary sources to report an Off-site Consequence Analysis (OCA), including a worst-case release scenario, in a Risk Management Plan (RMP) that is to be made available to the public. In response to concerns that posting OCA information on the Internet might increase the risk of terrorist and other criminal activities, on August 5, 1999, the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRRA) was enacted. The Act requires the President to promulgate regulations governing the distribution of the OCA sections of RMPs that, in the opinion of the President, would minimize the likelihood of accidental releases and the risk of terrorist and other criminal activities associated with posting this information. The President delegated his rulemaking authority to the Attorney General and the Administrator of EPA, who jointly promulgated the required regulations at 40 CFR part 1400. The part 1400 regulations restrict the public's access to the OCA sections of RMPs in certain ways. As currently drafted, however, section 68.210(a) of part 68 states that RMPs are available to the public under CAA section 114, which makes information collected under the CAA, including RMPs in their entirety, available to the public, except for confidential business information. EPA is therefore revising 40 CFR section 68.210(a) to reflect the August 2000 rulemaking. The revision will state that OCA data is made available to the public under the provisions of 40 CFR part 1400. This revision is not meant to regulate any new entities.

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4607

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

RIN: 2050–AE95

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803. NESHAP: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.210 to 63.217

Legal Deadline: None

Abstract: This action will amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Polyvinyl Chloride and Copolymers. These standards were 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).

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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

Agency Contact: Jodi Howard, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–4607
Fax: 919–541–0246
Email: howard.jodi@epamail.epa.gov

KC Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Email: hustvedt.ken@epa.gov

RIN: 2060–AN33

804. 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 1 Comment Period End	11/13/95	
Supplemental NPRM 2	12/09/98	63 FR 67988
Supplemental NPRM 2 Comment Period End	02/08/99	
NPRM Amendment	06/30/04	69 FR 39383
NPRM Amendment Comment Period End	08/30/04	
Supplemental NPRM	08/00/14	
Final Action	10/00/15	

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-AIR/1998/December/Day-09/a28472a.htm; EPA Docket information: EPA-HQ-OAR-2003-0191

Sectors Affected: 3251 Basic Chemical Manufacturing

Agency Contact: Mary Kissell, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–4516
Fax: 919 685–3219
Email: kissell.mary@epa.gov

Kent Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Email: hustvedt.ken@epa.gov

RIN: 2060–AE94

805. 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: Compliance with many air rules is determined through use of process parameter values, instead of direct measurements of the pollutants of concern. No uniform set of requirements that inform users of parameter monitoring devices of the suitability of the devices for specific tasks or the ability of the devices to provide valid data to determine compliance exist. This rule would establish minimum acceptable requirements, both for initial installation and ongoing operation, for five common classes of parameter monitoring devices—temperature, pressure, flow rate (liquid, gas, and mass), pH, and conductivity. In addition, this rule would revise portions of other rules to ensure a consistent approach for parameter monitoring. Finally, unrelated to parameter monitoring, the rule would clarify ongoing quality assurance requirements for direct measurement devices that detect multiple pollutants. The rule was proposed on October 9, 2008, and it can be found beginning on page 59,956 of Volume 73 of the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	10/09/08	73 FR 59956
NPRM Comment Period Extended	12/03/08	73 FR 73629
Reproposal	06/00/10	
Final Action	05/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4584; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-09/a22674.htm; EPA Docket information: EPA-HQ-OAR-2006-0640

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

Agency Contact: Barrett Parker, Environmental Protection Agency, Air and Radiation, D243–05, RTP, NC 27711
Phone: 919 541–5635
Fax: 919 541–1039
Email: parker.barrett@epamail.epa.gov

Bob Schell, Environmental Protection Agency, Air and Radiation, D243–05, RTP, NC 27711
Phone: 919 541–4116
Fax: 919 541–3207

Email: schell.bob@epamail.epa.gov

RIN: 2060–AJ86

806. 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 NAAQS. This action does not create any new requirements; it merely reinstitutes a requirement of the NOx SIP Call that had previously been stayed.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4797

Agency Contact: Tim Smith, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27711
Phone: 919 541–4718
Fax: 919 541–5489
Email: smith.tim@epamail.epa.gov

Rhea Jones, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27709
Phone: 919 541–2940
Fax: 919 541–0824
Email: jones.rhea@epa.gov

RIN: 2060–AL84

807. NESHAP: GENERAL PROVISIONS (ONCE IN ALWAYS IN)—AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.1

Legal Deadline: None

Abstract: These amendments would have addressed potential changes to 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. The Agency is considering whether further action on this proposal is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/03/07	72 FR 69
NPRM; Extension of Comment Period	03/05/07	72 FR 9718
NPRM Comment Period End	03/05/07	
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. 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
Phone: 919 541–5262
Email: colyer.rick@epa.gov

Lisa Conner, Environmental Protection Agency, Air and Radiation, D205–02, RTP, NC 27711
Phone: 919 541–5060
Fax: 919 541–5600
Email: conner.lisa@epamail.epa.gov

RIN: 2060–AM75

808. NESHAP: TACONITE IRON ORE PROCESSING; AMENDMENTS

Priority: Other Significant

Legal Authority: Clean Air Act sec 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). The National Wildlife Federation (NWF) filed a petition for review, raising several technical issues, including the alleged failure of EPA to establish emission standards for mercury and asbestos. EPA took a voluntarily remand of the mercury and asbestos standards. EPA is planning to address both remands when this NESHAP is due for the Risk and Technology Review (RTR) in 2011.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4929

Agency Contact: Conrad Chin, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–1512
Email: chin.conrad@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–2837
Fax: 919 541–3207
Email: fruh.steve@epa.gov

RIN: 2060–AM87

809. 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 and 52; 40 CFR 63; 40 CFR 70 and 71

Legal Deadline: None

Abstract: This rulemaking would revise the definition of the term ''potential to emit'' (PTE) used in numerous regulations to determine the applicability of major source requirements. The Agency is considering whether further action is warranted on this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5025;

Agency Contact: Grecia Castro, Environmental Protection Agency, Air and Radiation, C504–03, RTP, NC 27711
Phone: 919 541–1351
Fax: 919 541–5509
Email: castro.grecia@epamail.epa.gov

Juan Santiago, Environmental Protection Agency, Air and Radiation, C339–03, RTP, NC 27711
Phone: 919 541–1084
Fax: 919 541–5509
Email: santiago.juan@epamail.epa.gov

RIN: 2060–AN65

810. NESHAP: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On November 10, 2003, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for miscellaneous organic chemical manufacturing. The rule is referred to as the miscellaneous organic NESHAP or the MON. The MON incorporates by reference the wastewater tank requirements in the National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, which EPA promulgated on April 24, 1994, and which is referred to as the hazardous organic NESHAP or the HON. On August 6, 2008, EPA proposed amending the HON, and thereby, the MON, by adding an equivalent means of emission limitation for wastewater tanks.

Timetable:

Action	Date	FR Cite
NPRM	08/06/08	73 FR 45673
NPRM Comment Period End	09/22/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4891.1; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/August/Day-06/a18142.pdf; Split from RIN 2060-AM43; EPA Docket information: EPA-HQ-OAR-2003-0121

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, E143–01, Research Triangle Park, NC 27711
Phone: 919 541–5402
Fax: 919 541–0246
Email: mcdonald.randy@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AO07

811. 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: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: 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. Among the issues to be addressed is MACT floors that had no emission reduction requirements. These amendments will address that issue.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5185

Agency Contact: Elizabeth Palma, Environmental Protection Agency, Air and Radiation, E143–03, RTP, NC 27711
Phone: 919 541–5432
Fax: 919 541–3470
Email: palma.elizabeth@epa.gov

Robin Dunkins, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, RTP, NC 27711
Phone: 919 541–5335
Fax: 919 541–3470
Email: dunkins.robin@epamail.epa.gov

RIN: 2060–AO66

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: The motor vehicle air conditioning industry is considering to 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	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5206

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

Agency Contact: Cindy Newberg, Environmental Protection Agency, Air

and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9729
Email: newberg.cindy@epamail.epa.gov

RIN: 2060–AO75

813. RISK TECHNOLOGY PHASE II GROUP 2B

Priority: Other Significant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action is the Risk and Technology Review (RTR) Group 2B. It will address both EPA's obligation under CAA section 112(f)(2) and 112(d)(6) to conduct a residual risk review and to conduct a technology review. The three MACT standards that apply to the three RTR Group 2B source categories and the associated NAICS codes are listed below. The statutory deadlines for their reviews are also listed.

Aerospace Manufacturing and Rework Facilities, 336411 (statutory requirement 9/1/2003)

Natural Gas Transmission and Storage, 486210 (statutory requirement 6/17/2007)

Oil and Natural Gas Production, 211 (statutory requirement 6/17/2007).

These actions are part of ongoing settlement discussions and the projects and dates are likely to change. Rapids will be updated when the dates are final.

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. 5093.3; Split from RIN 2060-AN85

Agency Contact: Mary Kissell, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–4516
Fax: 919 685–3219
Email: kissell.mary@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AO92

814. RESPONSE TO SECTION 126 PETITION FROM WARRICK COUNTY, INDIANA, AND THE TOWN OF NEWBURGH, INDIANA

Priority: Info./Admin./Other

Legal Authority: Clean Air Act sec 126

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking will respond to a petition submitted by Warrick County, Indiana, and the Town of Newburgh, Indiana, under section 126 of the Clean Air Act. The petition requests that EPA make a finding that a power plant being proposed to be built in Henderson County, Kentucky (Cash Creek), will emit air pollutants that will significantly contribute to nonattainment in, or interfere with maintenance by, Warrick County and Newburgh, Indiana, with respect to the national ambient air quality standards for ozone and particulate matter. Based on such a finding, the petition requests that EPA establish emission limitations for the proposed power plant to prevent the significant contribution.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: SAN No. 5268

Agency Contact: Carla Oldham, Environmental Protection Agency, Air and Radiation, C539–04, Research Triangle Park, NC 27711
Phone: 919 541–3347
Fax: 919 541–0824
Email: oldham.carla@epamail.epa.gov

Rhea Jones, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27709
Phone: 919 541–2940
Fax: 919 541–0824
Email: jones.rhea@epa.gov

RIN: 2060–AP21

815. NESHAP: GROUP I AND IV POLYMERS AND RESINS: AMENDMENTS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action amends the final MACT rule for Group IV Polymers and Resins (subpart JJJ) under National Emission Standard for Hazardous Air Pollutants (NESHAP) for thermoplastics (Group IV polymers and Resins) by addressing a petition by Arteva Specialties for reconsideration concerning subcategorization and the control requirements for leaking equipment. The action will clarify the categorization of polyethylene terephthalate (PET) resin using the continuous terephthalic acid high-viscosity multiple end finisher process and determine whether the cost analysis used to regulate leaking equipment should be based on individual component types rather than the aggregated approach used in the final rule.

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. 5280

Agency Contact: Randy McDonald, Environmental Protection Agency, Air and Radiation, E143–01, Research Triangle Park, NC 27711
Phone: 919 541–5402
Fax: 919 541–0246
Email: mcdonald.randy@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP25

816. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR AREA SOURCES: ELECTRIC ARC FURNACE STEELMAKING FACILITIES; AMENDMENTS

Priority: Other Significant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The amendments to the area source standards for electric arc furnace steelmaking facilities clarify applicability of the opacity limit, make the performance test requirements for particulate matter consistent with requirements in the new source performance standards for electric arc furnace steelmaking facilities, allow title V test data to be used to demonstrate compliance, and revise the definition of ''scrap provider'' to include electric arc furnace steelmaking facilities that own and operate a scrap shredder.

Timetable:

Action	Date	FR Cite
NPRM	12/01/08	73 FR 72756
Direct Final Rule	12/01/08	73 FR 72727
NPRM Comment Period End	12/31/08	
Withdrawal of Direct Final Rule	02/26/09	74 FR 8756
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4889.1; EPA publication information: NPRM— http://www.epa.gov/fedrgstr/EPA-AIR/2008/December/Day-01/a28456.pdf; Split from RIN 2060-AM71; EPA Docket information: OAR-2004-0083

Agency Contact: Phil Mulrine, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–5289
Fax: 919 541–3207
Email: mulrine.phil@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–2837
Fax: 919 541–3207
Email: fruh.steve@epa.gov

RIN: 2060–AP44

817. RESPONSE TO SECTION 126 PETITION FROM NORTH CAROLINA

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is reconsidering its decision to deny the petition submitted by the State of North Carolina to EPA pursuant to section 126 of the Clean Air Act (CAA). North Carolina submitted a petition on March 18, 2004, alleging that upwind major sources of PM and ozone precursors were contributing significantly to North Carolina's ability to attain or maintain the PM and ozone NAAQS. In 2006, EPA denied North Carolina's petition in conjunction with issuing the CAIR Federal implementation plan rule. As a result of a remand of the CAIR, the legal basis for denying the PM part of North Carolina's petition no longer exists. On March 5, 2009, the D.C. Circuit of Appeals granted our motion for voluntary remand of our decision to deny North Carolina's petition.

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. 5347

Agency Contact: Tim Smith, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27711
Phone: 919 541–4718
Fax: 919 541–5489
Email: smith.tim@epamail.epa.gov

Rhea Jones, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27709
Phone: 919 541–2940
Fax: 919 541–0824
Email: jones.rhea@epa.gov

RIN: 2060–AP51

818. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR COAL– AND OIL–FIRED ELECTRIC UTILITY STEAM GENERATING UNITS

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: Clean Air Act sec 112(d)

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On May 18, 2005 (70 FR 28606), EPA published a final rule requiring reductions in emissions of mercury and other air toxics from Electric Utility Steam Generating Units. That rule was vacated on February 8, 2008, by the U.S. Court of Appeals for the District of Columbia Circuit. As a result of that vacatur, coal- and oil-fired electric utility steam generating units remain on the list of sources that must be regulated under section 112 of the Clean Air Act. The Agency will develop standards under CAA section 112(d), which will reduce hazardous air pollutant (HAP) emissions from this source category. Recent court decisions on other CAA section 112(d) rules will be considered in developing this regulation.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 5349; EPA Docket information: EPA-HQ-OAR-2009-0234

Agency Contact: Bill Maxwell, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–5430
Fax: 919 541–5450
Email: maxwell.bill@epa.gov

Robert J. Wayland, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711
Phone: 919 541–1045
Fax: 919 541–5450

Email:
wayland.robertj@epamail.epa.gov

RIN: 2060–AP52

819. ● RESPONSE TO SECTION 126 PETITION FROM DELAWARE

Priority: Info./Admin./Other

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, August 13, 2009, As a result of the 2/20/09 6–month extension, the deadline for EPA to act on the petition is now 8/13/09.

Abstract: EPA is proposing to take action on a petition submitted by Delaware under section 126 of the Clean Air Act. On December 18, 2008, EPA received Delaware's section 126 petition. In this petition, Delaware seeks emissions reductions from large electric generating units in a number of upwind States, in order to reduce the contributions from their emissions to PM2.5 and ozone problems in Delaware.

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. 5353

Agency Contact: Tim Smith, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27711
Phone: 919 541–4718
Fax: 919 541–5489
Email: smith.tim@epamail.epa.gov

Rhea Jones, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27709
Phone: 919 541–2940
Fax: 919 541–0824
Email: jones.rhea@epa.gov

RIN: 2060–AP60

820. ● IMPLEMENTING THE 1997 8–HOUR OZONE NAAQS: SECTION 185 PENALTY FEE PROVISIONS

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 action will revise the rule for implementing the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) to address how the Clean Air Act section 185 penalty fee provisions apply under the anti-backsliding provisions of the implementation rule. This action will respond to the partial vacatur issued by the U.S. Court of Appeals for the District of Columbia Circuit.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5194.3; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/January/Day-16/a806.pdf; Split from RIN 2060-AO96; EPA Docket information: EPA-HQ-OAR-2007-0956

Agency Contact: Denise Gerth, Environmental Protection Agency, Air and Radiation, C504–01, RTP, NC 27711
Phone: 919 541–5550
Fax: 919 541–0824
Email: gerth.denise@epamail.epa.gov

RIN: 2060–AP68

821. ● NESHAP: BRICK AND STRUCTURAL CLAY AND CLAY CERAMICS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking will establish emission limits for hazardous air pollutants (HF, HCl, and metals) emitted from brick and clay ceramics kilns and glazing operations at clay ceramics production facilities. The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The manufacturing of brick and structural clay products involves mining, raw material processing (crushing, grinding, and screening), mixing, forming, cutting or shaping, drying, and firing. Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics, which include ceramic tile, dinnerware, sanitary ware, pottery, and porcelain. The primary raw material used in the manufacture of these traditional ceramics is clay. The manufacturing of clay ceramics involves raw material processing (crushing, grinding, and screening), mixing, forming, shaping, drying, glazing, and firing.

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. 5367

Agency Contact: Jeff Telander, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 919 541–5427
Fax: 919 541–5600
Email: telander.jeff@epamail.epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–2837
Fax: 919 541–3207
Email: fruh.steve@epa.gov

RIN: 2060–AP69

822. ● NESHAP STANDARD STANDARDS FOR PETROLEUM REFINERIES—WASTEWATER

Priority: Other Significant

Legal Authority: CAA 112(f)(2); CAA 112(d)(6); CAA 112(d)(2) and 112(d)(3)

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: Under the Clean Air Act (CAA) section 112(d)(6), EPA is required to review standards issued under section 112 and to revise them no less frequently than every 8 years. EPA also must evaluate the Maximum Achievable Control technology (MACT) standards within 8 years and promulgate standards under section 112(f)(2) if required to provide an ample margin of safety. EPA is also required to conduct review of our new source performance standards under section 111 every 8 years. We are currently reviewing our existing standards and also the underlying rules that are often referenced by these standards, such as the Benzene Waste Operations NESHAP. As a result of this review, we have noted the need to consolidate rule requirements, and to update control requirements based on the risk and technology reviews under both section 112 and 111. Additionally, we recognize that most chemical and refinery sector operations have similar emission sources that are often required to be controlled to the similar levels by the same type of control devices and work practice standards, although on a piecemeal fashion such that the requirements may differ slightly from source to source without any tangible environmental benefits. We are therefore developing a limited number of rules (standard standards) that are consistent and that can be applied to numerous sources in the chemicals and refining sector. This effort will consist of developing the wastewater standard, including developing control options to address technology review under both section 112 and 111, addressing the control of VOC, HAP, and other pollutants, as appropriate, estimating the impacts of regulatory options, emission reductions, impacts on risk, costs, cost effectiveness, and economic impacts for the refining and chemicals sector.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5093.4; EPA publication information: Supplemental NPRM— http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-10/a26403.pdf; Split from RIN 2060-AO55. Split from RIN 2060-AN85.

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–0884
Fax: 919 541–0246
Email: lucas.bob@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP70

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823. ● PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): REASONABLE POSSIBILITY IN RECORDKEEPING; RECONSIDERATION

Priority: Other Significant

Legal Authority: CAA title 1, C and D

CFR Citation: 40 CFR 51 app S; 40 CFR 51.165 and 51.166; 40 CFR 52.21

Legal Deadline: None

Abstract: The EPA is convening a proceeding for reconsideration of a final rule published in the Federal Register on December 21, 2007 (72 FR 62607). The subject rule was promulgated in response to a remand by the U.S. Court of Appeals for the District of Columbia Circuit in New York v. EPA, 413 F.3d 3 (D.C. Cir. 2005), in order to clarify the ''reasonable possibility'' recordkeeping and reporting standard under the New Source Review (NSR) program. After review of issues raised by the State of New Jersey by petition and letter, we have decided to exercise our discretion to conduct a reconsideration of this final rule and will therefore be reopening the public comment period for the rule. The rule will remain in effect while our reconsideration proceeding is under way.

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. 5076.1; EPA publication information: NPRM— http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-08/a3897.htm; Split from RIN 2060-AN88; EPA Docket information: EPA-HQ-OAR-2001-0004

Agency Contact: Lisa Sutton, Environmental Protection Agency, Air and Radiation, C504–03, RTP, NC 27711
Phone: 919 541–3450
Fax: 919 541–1039
Email: sutton.lisa@epamail.epa.gov

Raj Rao, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AP71

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824. ● REVIEW OF NEW SOURCE PERFORMANCE STANDARDS AND CONTROL TECHNIQUES GUIDELINES—OIL AND NATURAL GAS ACTIVITIES

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: CAA 111

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: New Source Performance Standards (NSPS) regulate criteria pollutants from new stationary sources. Two NSPS for the oil and natural gas industry were promulgated in 1985. Section 111 of the Clean Air Act requires that NSPS be reviewed every 8 years, and revised as appropriate. The development of control techniques guidelines for criteria pollutants will also be considered under this action.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5369

Agency Contact: Dave Salman, Environmental Protection Agency, Air and Radiation, E143–01, Research Triangle Park, NC 27709
Phone: 919 541–0859
Fax: 919 541–0246

Email: salman.dave@epamail.epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP76

825. • NESHAP STANDARD STANDARDS FOR PETROLEUM REFINERIES—EQUIPMENT LEAKS

Priority: Other Significant

Legal Authority: CAA sec 112(f)(2); CAA 112(d)(6); CAA 112(d)(2) and 112(d)(3)

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: Under the Clean Air Act (CAA) section 112(d)(6), EPA is required to review standards issued under section 112 and to revise them no less frequently than every 8 years. EPA also must evaluate the Maximum Achievable Control technology (MACT) standards within 8 years and promulgate standards under section 112(f)(2) if required to provide an ample margin of safety. EPA is also required to conduct review of our new source performance standards under section 111 every 8 years. We are currently reviewing our existing standards and also the underlying rules that are often referenced by these standards. As a result of this review, we have noted the need to consolidate rule requirements, and to update control requirements based on the risk and technology reviews under both section 112 and 111. Additionally, we recognize that most chemical and refinery sector operations have similar emission sources that are often required to be controlled to the similar levels by the same type of control devices and work practice standards, although on a piecemeal fashion such that the requirements may differ slightly from source to source without any tangible environmental benefits. We are therefore developing a limited number of rules (standard standards) that are consistent and that can be applied to numerous sources in the chemicals and refining sector. This effort will consist of developing the equipment leaks standard, including developing control options to address technology review under both section 112 and 111, addressing the control of VOC, HAP, and other pollutants, as appropriate, estimating the impacts of regulatory options, emission reductions, impacts on risk, costs, cost effectiveness, and economic impacts for the refining and chemicals sector.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5093.5; EPA publication information: Supplemental NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-10/a26403.pdf; Split from RIN 2060-AP70. Split from RIN 2060-AO55. Split from RIN 2060-AN85.

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–0884
Fax: 919 541–0246
Email: lucas.bob@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP81

826. • NESHAP STANDARD STANDARDS FOR PETROLEUM REFINERIES—PROCESS VENTS AND CONTROL DEVICES

Priority: Other Significant

Legal Authority: CAA sec 112(f)(2); CAA 112(d)(6); CAA 112(d)(2) and (3)

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: Under the Clean Air Act (CAA) section 112 (d)(6), EPA is required to review standards issued under section 112 and to revise them no less frequently than every 8 years. EPA also must evaluate the Maximum Achievable Control technology (MACT) standards within 8 years and promulgate standards under section 112 (f)(2) if required to provide an ample margin of safety. EPA is also required to conduct review of our new source performance standards under section 111 every 8 years. We are currently reviewing our existing standards and also the underlying rules that are often referenced by these standards. As a result of this review, we have noted the need to consolidate rule requirements, and to update control requirements based on the risk and technology reviews under both section 112 and 111. Additionally, we recognize that most chemical and refinery sector operations have similar emission sources that are often required to be controlled to the similar levels by the same type of control devices and work practice standards, although on a piecemeal fashion such that the requirements may differ slightly from source to source without any tangible environmental benefits. We are therefore developing a limited number of rules (standard standards) that are consistent and that can be applied to numerous sources in the chemicals and refining sector. This effort will consist of developing the process vents and control device standard, including developing control options to address technology review under both section 112 and 111, addressing the control of VOC, HAP, and other pollutants, as appropriate, estimating the impacts of regulatory options, emission reductions, impacts on risk, costs, cost effectiveness, and economic impacts for the refining and chemicals sector.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5093.6; EPA publication information: Supplemental NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-10/a26403.pdf; Split from RIN 2060-AP70. Split from RIN 2060-AO55. Split from RIN 2060-AN85.

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–0884
Fax: 919 541–0246
Email: lucas.bob@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200

Email: hustvedt.ken@epa.gov

RIN: 2060–AP82

827. ● NESHAP STANDARD STANDARDS FOR PETROLEUM REFINERIES—STORAGE VESSELS AND TRANSFER OPERATIONS

Priority: Other Significant

Legal Authority: CAA sec 112(f)(2); CAA 112(d)(6); CAA 112(d)(2) and 112(d)(3)

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

Abstract: Under the Clean Air Act (CAA) section 112(d)(6), EPA is required to review standards issued under section 112 and to revise them no less frequently than every 8 years. EPA also must evaluate the Maximum Achievable Control technology (MACT) standards within 8 years and promulgate standards under section 112(f)(2) if required to provide an ample margin of safety. EPA is also required to conduct review of our new source performance standards under section 111 every 8 years. We are currently reviewing our existing standards and also the underlying rules that are often referenced by these standards. As a result of this review, we have noted the need to consolidate rule requirements, and to update control requirements based on the risk and technology reviews under both section 112 and 111. Additionally, we recognize that most chemical and refinery sector operations have similar emission sources that are often required to be controlled to the similar levels by the same type of control devices and work practice standards, although on a piecemeal fashion such that the requirements may differ slightly from source to source without any tangible environmental benefits. We are therefore developing a limited number of rules (standard standards) that are consistent and that can be applied to numerous sources in the chemicals and refining sector. This effort will consist of developing the storage vessels and transfer operations standard, including developing control options to address technology review under both section 112 and 111, addressing the control of VOC, HAP, and other pollutants, as appropriate, estimating the impacts of regulatory options, emission reductions, impacts on risk, costs, cost effectiveness, and economic impacts for the refining and chemicals sector.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5093.7; EPA publication information: Supplemental NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-10/a26403.pdf; Split from RIN 2060-AP70. Split from RIN 2060-AO55. Split from RIN 2060-AN85.

Agency Contact: Bob Lucas, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–0884
Fax: 919 541–0246
Email: lucas.bob@epa.gov

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AP83

828. ● FEDERAL REFERENCE METHOD FOR LEAD IN TOTAL SUSPENDED PARTICULATE MATTER

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On November 12, 2008, EPA substantially strengthened the national ambient air quality standards (NAAQS) for lead. EPA revised the level of the primary (health-based) standard from 1.5 micrograms per cubic meter (µg/m3) to 0.15µg/m3, measured as total suspended particles (TSP) and revised the secondary (welfare-based) standard to be identical in all respects to the primary standard. In conjunction with strengthening the lead (Pb) NAAQS, EPA identified the need for States to improve existing lead monitoring networks. Depending on specific circumstances, States may have the option of using monitoring for either lead in TSP (Pb-TSP) or lead in PM10 (Pb-PM10) using approved Federal Reference Methods (FRMs) or Federal Equivalent Methods (FEMs) to meet monitoring requirements. To support new monitoring requirements, an FRM for Pb-PM10 was developed with the November 8, 2008, rulemaking. The FRM for Pb-TSP was left unchanged. The Pb-TSP FRM was promulgated in 1978. EPA recognizes that significant advances in measurement technology have been made since the promulgation of the original FRM. In order to support new monitoring requirements for Pb-TSP and update the FRM to improve it based on advanced measurement technology, a new FRM must be developed.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5388

Agency Contact: Joann Rice, Environmental Protection Agency, Air and Radiation, C304–06, RTP, NC 27711
Phone: 919 541–3372
Fax: 919 541–1903
Email: rice.joann@epamail.epa.gov

Lewis Weinstock, Environmental Protection Agency, Air and Radiation, C304–06, RTP, NC 27711
Phone: 919 541–3661
Fax: 919 541–1903
Email: weinstock.lewis@epamail.epa.gov

RIN: 2060–AP89

829. NESHAP: AREA SOURCE STANDARDS—ALUMINUM, COPPER, AND OTHER NONFERROUS FOUNDRIES

Priority: Other Significant

Legal Authority: Clean Air Act sec 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 30 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists aluminum, copper, and other nonferrous foundries as area source categories.

Timetable:

Action	Date	FR Cite
NPRM	02/09/09	74 FR 6510
NPRM Comment Period End	03/11/09	
Final Action	06/25/09	74 FR 30366

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5189; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/February/Day-09/a2400.htm; EPA Docket information: EPA-HQ-OAR-2008-0236

Agency Contact: Gary Blais, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711
Phone: 919 541–3223
Fax: 919 541–0242
Email: blais.gary@epa.gov

David Cole, Environmental Protection Agency, Air and Radiation, C404–05, RTP, NC 27711
Phone: 919 541–5565
Fax: 919 541–0242
Email: cole.david@epamail.epa.gov

RIN: 2060–AO93

830. ● NESHAP: AREA SOURCE STANDARDS—ALUMINUM, COPPER, AND OTHER NONFERROUS FOUNDRIES; TECHNICAL AMENDMENT

Priority: Info./Admin./Other

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This action clarifies regulatory text of the final standards for the NESHAP for area source aluminum, copper, and other nonferrous foundries. There is good cause for making this action final without prior proposal and opportunity for comment because the changes to the rule are minor technical corrections, are noncontroversial, and do not substantively change the requirements of the rule. Minor corrections are being made to clarify the applicability requirements in sections 63.11544(a)(1), (2), and (3) to change the word ''materials'' to ''material'' and to delete the words ''one or more'' in the phrases ''materials containing one or more aluminum foundry HAP as defined in section 63.11556,'' ''materials containing one or more copper foundry HAP, as defined in section 63.11556,'' and ''materials containing one or more other nonferrous foundry HAP, as defined in section 63.11556.''

Timetable:

Action	Date	FR Cite
Final Rule; Technical Correction	09/10/09	74 FR 46493

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5189.1; EPA publication information: Final Rule; technical correction—http://edocket.access.gpo.gov/2009/pdf/E9-21712.pdf; Split from RIN 2060-AO93; EPA Docket information: EPA-HQ-OAR-2008-0236

Agency Contact: Gary Blais, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711
Phone: 919 541–3223
Fax: 919 541–0242
Email: blais.gary@epa.gov

David Cole, Environmental Protection Agency, Air and Radiation, C404–05, RTP, NC 27711
Phone: 919 541–5565
Fax: 919 541–0242
Email: cole.david@epamail.epa.gov

RIN: 2060–AP85

831. 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 started as a response to a petition for review of import rules. EPA no longer believes there are remaining issues related to this request.

Timetable:

Action	Date	FR Cite
NPRM	03/24/94	59 FR 13912
Withdrawn	11/06/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2665

Agency Contact: Bob Doyle, Environmental Protection Agency, Air and Radiation, 6405J, Washington, DC 20460
Phone: 202 343–9258
Email: doyle.robert@epa.gov

RIN: 2060–AI03

832. 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: This rule authorizes uses that 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. The Parties have approved critical use methyl bromide every year since methyl bromide was phased out in 2005. Since this rulemaking confers a benefit by exempting the production and use of a phased-out chemical, there is no significant adverse impact on small entities.

Timetable:

Action	Date	FR Cite
NPRM	11/28/08	73 FR 72421
NPRM Comment Period End	12/29/08	
Final Action	04/30/09	74 FR 19878

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5235; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-28/a28328.pdf; EPA Docket information: EPA-HQ-OAR-2008-0009

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

Agency Contact: Jeremy Arling, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9055
Fax: 202 343–2338
Email: arling.jeremy@epamail.epa.gov

Staci Gatica, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9469
Fax: 202 343–2338
Email: gatica.staci@epamail.epa.gov

RIN: 2060–AO78

833. 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: On September 14, 2006, EPA proposed amending the NSR provisions on calculating emissions from ''debottlenecked'' units at major sources. These are units that have emissions increases that occur when other units at the plant undergo a physical or operational change. The 2006 proposal also contained proposed rule provisions for NSR ''aggregation'' and ''project netting.'' On January 15, 2009, EPA finalized a rule for Aggregation, withdrew the proposed rule for Debottlenecking, and took no action on Project Netting.

Timetable:

Action	Date	FR Cite
NPRM	09/14/06	71 FR 54235
NPRM Comment Period End	11/13/06	
Withdrawal of Proposed Rule—Debottlenecking	01/15/09	74 FR 2460
Final Action	01/15/09	74 FR 2376

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

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

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

Agency Contact: Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C504–03, RTP, NC 27711
Phone: 919 541–2380
Fax: 919 685–3105
Email: svendsgaard.dave@epamail.epa.gov

Lisa Sutton, Environmental Protection Agency, Air and Radiation, C504–03, RTP, NC 27711
Phone: 919 541–3450
Fax: 919 541–1039
Email: sutton.lisa@epamail.epa.gov

RIN: 2060–AL75

834. 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: The following proposed revisions to the Defect Reporting Regulations have been withdrawn from the Regulatory Agenda because of a change in Agency priorities as well as a lack of resources.

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

Timetable:

Action	Date	FR Cite
Withdrawn	07/14/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5043

Agency Contact: Christine Mikolajczyk, Environmental Protection Agency, Air and Radiation, AAPTIG, Ann Arbor, MI 48105
Phone: 734 214–4403
Email: mikolajczyk.christine@epamail.epa.gov

Lynn Sohacki, Environmental Protection Agency, Air and Radiation, AALDVG, Ann Arbor, MI 48105
Phone: 734 214–4851
Email: sohacki.lynn@epamail.epa.gov

RIN: 2060–AN73

835. NEW SOURCE PERFORMANCE STANDARDS REVIEW FOR NONMETALLIC MINERAL PROCESSING PLANTS

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 60

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. This NSPS was initially promulgated on August 1, 1985, and 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 several environmental groups. The decree requires final revisions to be promulgated by April 16, 2009. Revisions for this NSPS were proposed on April 22, 2008.

Timetable:

Action	Date	FR Cite
NPRM	04/22/08	73 FR 21559
NPRM Comment Period End	06/23/08	
Final Action	04/28/09	74 FR 19294

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5145; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/April/Day-22/a8677.pdf; EPA Docket information: EPA-HQ-OAR-2007-1018

Agency Contact: Bill Neuffer, Environmental Protection Agency, Air and Radiation, D 243–02, RTP, NC 27711
Phone: 919 541–5435
Fax: 919 541–3207
Email: neuffer.bill@epa.gov

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711
Phone: 919 541–2837
Fax: 919 541–3207
Email: fruh.steve@epa.gov

RIN: 2060–AO41

836. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2009

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: This rule allocates essential use allowances for the import and production of Class I stratospheric ozone depleting substances for 2009. Essential use allowances enable a person to produce or import 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. These chemicals were phased out of production internationally due to their harmful effects on the earth's ozone layer. EPA has promulgated such rules to allocate new production since the 1996 phase out. Under this rule, the essential uses are the manufacture of important medical devices such as asthma inhalers.

Timetable:

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2954
NPRM Comment Period End	02/17/09	
Final Action	06/24/09	74 FR 29952

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5234; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/January/Day-16/a945.pdf; EPA Docket information: EPA-HQ-OAR-2008-0503

URL For More Information: http://www.epa.gov/ozone/title6/exemptions/essential.html

Agency Contact: Jennifer Bohman, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9548
Fax: 202 343–2338
Email: bohman.jennifer@epamail.epa.gov

Ross Brennan, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460
Phone: 202 343–9226
Fax: 202 343–2338
Email: brennan.ross@epamail.epa.gov

RIN: 2060–AO77

837. GREENHOUSE GAS MANDATORY REPORTING RULE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 86, 87, 89, 90, 94, and 98

Legal Deadline: NPRM, Statutory, September 26, 2008, FY08 Consolidated Appropriations directed EPA to publish a proposal 9 mos after enactment.
Final, Statutory, June 26, 2009, FY08 Consolidated Appropriations directed EPA to publish final 18 mos after enactment.

Abstract: The FY 2008 Consolidated Appropriations Act, which was signed into law on December 26, 2007, authorized funding for EPA to ''develop and publish a draft rule not later than 9 months after the date of enactment of this Act, and a final rule not later than 18 months after the date of enactment of this Act, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States.'' The accompanying joint explanatory statement directed EPA to ''use its existing authority under the Clean Air Act'' to develop a mandatory greenhouse gas reporting rule. The joint explanatory statement went on to say that ''The Agency is further directed to include in its rule reporting of emissions resulting from upstream production and downstream sources, to the extent that the Administrator deems it appropriate.'' Accordingly 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 provide comprehensive and accurate data to support a range of future climate policy options.

Timetable:

Action	Date	FR Cite
Notice	03/25/09	74 FR 12782
NPRM	04/10/09	74 FR 16447
NPRM Comment Period End	06/09/09	
Final Action	10/30/09	74 FR 56259

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5242; EPA publication information: NPRM—http://edocket.access.gpo.gov/2009/pdf/E9-5711.pdf; EPA Docket information: EPA-HQ-OAR-2008-0508

URL For More Information: http://www.epa.gov/climatechange/emissions/ghgrulemaking.html

Agency Contact: Carole Cook, Environmental Protection Agency, Air and Radiation, 6207J, Washington, DC 20460
Phone: 202 343–9334
Email: cook.carole@epamail.epa.gov

Suzanne Kocchi, Environmental Protection Agency, Air and Radiation, 6207J, Washington, DC 20460
Phone: 202 343–9387
Email: kocchi.suzanne@epamail.epa.gov

RIN: 2060–AO79

838. NSPS EQUIPMENT LEAKS—EXTENSION OF STAY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: On March 4, 2008, EPA sent a letter to Petitioners' counsel announcing our reconsideration of certain provisions in these rules. In the letter, EPA also granted a 90-day stay of the requirements under reconsideration. A copy of the petition and the letter can be found in Docket ID No. EPA-HQ-OAR-2006-0699. This direct final rule will extend the stay of the requirements under reconsideration until a final decision has been reached. A notice of reconsideration containing the amendments will be published at a later time.

Timetable:

Action	Date	FR Cite
NPRM—Stay	06/02/08	73 FR 31416
Interim—Stay	06/02/08	73 FR 31376
Direct Final—Extension of Stay	06/02/08	73 FR 31372

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5035.1; EPA publication information: NPRM-Stay—http://www.epa.gov/fedrgstr/EPA-AIR/2008/June/Day-02/a11384.pdf; Split from RIN 2060-AN71; EPA Docket information: EPA-HQ-OAR-2006-0699

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

Ken Hustvedt, Environmental Protection Agency, Air and Radiation, E143–01, RTP, NC 27711
Phone: 919 541–5395
Fax: 919 685–3200
Email: hustvedt.ken@epa.gov

RIN: 2060–AO90

839. IMPLEMENTATION OF THE 1997 8–HOUR OZONE NAAQS: REASONABLE FURTHER PROGRESS EMISSIONS REDUCTIONS CREDITS OUTSIDE OZONE NONATTAINMENT AREAS

Priority: Substantive, Nonsignificant

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 final action revises the rules for implementing the 8-hour ozone NAAQS to address the requirement for nonattainment areas to achieve continued emissions reductions until the area attains the ozone standards. The revised rules clarify the conditions under which emissions reductions from sources located outside the nonattainment area may be credited toward meeting the requirement for achieving reasonable further progress in emissions reductions.

Timetable:

Action	Date	FR Cite
NPRM	07/21/08	73 FR 42294
NPRM Comment Period End	08/20/08	
Final Action	08/11/09	74 FR 40074

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5194.1; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/July/Day-21/a16668.pdf; Split from RIN 2060-AO96; EPA Docket information: EPA-HQ-OAR-2008-0419

Agency Contact: Denise Gerth, Environmental Protection Agency, Air and Radiation, C504–01, RTP, NC 27711
Phone: 919 541–5550
Fax: 919 541–0824
Email: gerth.denise@epamail.epa.gov

John Silvasi, Environmental Protection Agency, Air and Radiation, C539–01, Research Triangle Park, NC 27711
Phone: 919 541–5666
Fax: 919 541–0824
Email: silvasi.john@epamail.epa.gov

RIN: 2060–AP10

840. GREENHOUSE GASES UNDER THE CLEAN AIR ACT

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On July 30, 2008, the Advanced Notice of Proposed Rulemaking for Greenhouse Gases under the Clean Air Act was published in the Federal Register. This advanced notice solicited public input as EPA considers the 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 sources beyond cars and trucks. In this advance notice, EPA presented and requested 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 also sought 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 also raised potential issues in the New Source Review program, including greenhouse gas thresholds and whether permitting authorities might need to define best available control technologies. No further activity will occur as part of this action.

Timetable:

Action	Date	FR Cite
ANPRM	07/30/08	73 FR 44353
ANPRM Comment Period End	11/28/08	
Withdrawn	08/06/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5265; EPA publication information: ANPRM—http://edocket.access.gpo.gov/2008/pdf/E8-16432.pdf; EPA Docket information: EPA-HQ-OAR-2008-0318

Agency Contact: Jackie Krieger, Environmental Protection Agency, Air and Radiation, 6101A, Washington, DC 20460
Phone: 202 564–5757
Email: krieger.jackie@epa.gov

Mary Henigin, Environmental Protection Agency, Air and Radiation, 6103A, Washington, DC 20460
Phone: 202 564–1663
Email: henigin.mary@epamail.epa.gov

RIN: 2060–AP12

841. AIR QUALITY DESIGNATIONS FOR THE 24–HOUR FINE PARTICLE (PM2.5) NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 107(d)

CFR Citation: 40 CFR 81

Legal Deadline: Final, Statutory, December 18, 2008, CAA sec 107 establishes the date for the final rule.

Abstract: This action finalizes the designation of each area of the country as attainment, nonattainment, or unclassifiable with regard to the 2006 24-hour PM2.5 NAAQS.

In 2006, EPA revised the 24-hour PM2.5 NAAQS from 65 micrograms per cubic meter (µg/m3) to 35 µg/m3 and retained the annual PM2.5 NAAQS of 15 µg/m3. The revised 24-hour PM2.5 NAAQS was published on October 17, 2006 (71 FR 61144), and became effective on December 18, 2006. The designations in this rule apply to the 2006 24-hour PM2.5 NAAQS; the area designations for the 1997 24-hour PM2.5 NAAQS are unaffected by this action.

Timetable:

Action	Date	FR Cite
Final Action	11/13/09	74 FR 58687

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5282; Regional Offices play a significant role in the designations process; EPA Docket information: EPA-HQ-OAR-2007-0562

Agency Contact: Amy Vasu, Environmental Protection Agency, Air and Radiation, C539–01, RTP, NC 27711
Phone: 919 541–0107
Fax: 919 541–0824
Email: vasu.amy@epamail.epa.gov

Rich Damberg, Environmental Protection Agency, Air and Radiation, C539–01, RTP, NC 27711
Phone: 919 541–5592
Fax: 919 541–0824
Email: damberg.rich@epamail.epa.gov

RIN: 2060–AP27

842. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR AEROSOL COATINGS; AMENDMENTS

Priority: Other Significant

Legal Authority: 23 USC 101; 42 USC 7401 to 7671q

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: EPA procedures allow regulated entities to petition to add compounds to the Agency's compilation of reactivity factors. This rulemaking is in response to three petitions the Agency has received since promulgation of the existing aerosol coatings VOC rule.

Timetable:

Action	Date	FR Cite
Direct Final Action—Complaince Date Extension	11/07/08	73 FR 66184
NPRM—Compliance Date Extension	11/07/08	73 FR 66209
Final Rule; Withdrawal of Direct Final Rule	12/24/08	73 FR 78994
NPRM–Amendments to Table 2	04/02/09	74 FR 14941
Final Action—Table 2 Amendments	06/23/09	74 FR 29595

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5297; EPA publication information: NPRM-Compliance Date Extension - http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-07/a26613.pdf; OPEI, OGC, OECA

Agency Contact: Kaye Whitfield, Environmental Protection Agency, Air and Radiation, E143–03, Research Triangle Park, NC 27711
Phone: 919 541–2509
Fax: 919 541–3470
Email: whitfield.kaye@epamail.epa.gov

Bruce Moore, Environmental Protection Agency, Air and Radiation, E143–03, Research Triangle Park, NC 27711
Phone: 919 541–5460
Fax: 919 541–3470
Email: moore.bruce@epamail.epa.gov

RIN: 2060–AP33

843. RULEMAKING TO REAFFIRM THE PROMULGATION OF REVISIONS OF THE ACID RAIN PROGRAM RULES

Priority: Info./Admin./Other

Legal Authority: 42 USC 7651

CFR Citation: 40 CFR 72 to 74, 77, and 78

Legal Deadline: Other, Statutory, November 14, 2009, Final rule must be published in the FR on or before November 14, 2009.

Abstract: This action reaffirms the promulgation of certain long-standing Acid Rain Program (ARP) provisions. The action does not change any existing provisions of the ARP rules but ensures that existing provisions, which have been in effect and in use since 2006, remain in effect. EPA finalized certain revisions to the ARP rules in Federal Register (FR) notices that also finalized the Clean Air Interstate Rule (CAIR) and the Federal Implementation Plans for CAIR (CAIR FIPs). These ARP revisions would have been adopted even in the absence of CAIR and the CAIR FIPs. The first type of ARP revisions changed the allowance-holding and -transfer requirements in the SO2 trading program from unit-level to facility-level. The second type of ARP revisions explicitly allowed the use of agents by designated representatives, while holding designated representatives ultimately responsible for any agent's actions. The third type of ARP revisions was a miscellaneous group of minor, technical changes streamlining the ARP rules. After the ARP revisions were final and effective, EPA modified its electronic allowance tracking system and electronic emissions reporting system to reflect these revisions by, for example, removing individual-unit allowance accounts and creating instead allowance accounts for each facility or ''source.'' All three types of revisions were implemented in 2006, and many of the revisions, particularly the first two types of revisions, have been widely used by regulated companies since mid-2006. On July 11, 2008, the U.S. Court of Appeals for the District of Columbia Circuit issued a decision to vacate and remand CAIR and the CAIR FIPs to EPA. EPA and other parties filed petitions for rehearing, and in response, the Court on December 23 issued a decision to remand without vacating CAIR and the CAIR FIPs. The ARP revisions are not related to CAIR or the CAIR FIPs and EPA believes it is reasonable to view them as unaffected by the Court's decision. However, we are reaffirming the revisions to remove any uncertainty about their regulatory status. Although the Court decided to remand without vacating CAIR and the CAIR FIPs, EPA is clarifying the status of the ARP revisions to remove any ambiguity that may exist because of uncertainty about the breadth of the Court's opinion as well as to potentially respond to the remand if necessary. We originally published this action as a direct final rule, but had to withdraw it due to receipt of one adverse comment. This completed action took effect August 11, 2009.

Timetable:

Action	Date	FR Cite
NPRM	12/15/08	73 FR 75983
Direct Final Action	12/15/08	73 FR 75954
Interim Final Action	12/15/08	73 FR 75959
Direct Final Action, Withdrawal	03/26/09	74 FR 13124
Final Action	06/12/09	74 FR 27940

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5299; EPA publication information: Interim Final Action—http://www.epa.gov/fedrgstr/EPAFR-CONTENTS/2008/December/Day-15/contents.htm; EPA Docket information: EPA—HQ—OAR—2008—0774

Agency Contact: Gabrielle Stevens, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460
Phone: 202 343–9252
Fax: 202 343–2359
Email: stevens.gabrielle@epamail.epa.gov

Dwight Alpern, Environmental Protection Agency, Air and Radiation, 6204N, Washington, DC 20460
Phone: 202 343–9151
Fax: 202 343–2356
Email: alpern.dwight@epamail.epa.gov

RIN: 2060–AP35

844. IMPLEMENTATION OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) FOR NITROGEN DIOXIDE

Priority: Other Significant

Legal Authority: 42 USC 7410

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action is being absorbed into RIN 2060-AO19—Review of Primary NAAQS for Nitrogen Oxide. This action will establish rules for implementation of the primary NAAQS for Nitrogen Dioxide (NO2) if it is revised as a result of the ongoing NAAQS review (SAN 5111). The rule will supplement the Clean Air Act (CAA) sections 110, 191, and 192 requirements for state implementation plans, and will address the transition from the existing to the new NAAQS.

Timetable:

Action	Date	FR Cite
Withdrawn	07/22/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5327

Agency Contact: Larry Wallace, Environmental Protection Agency, Air and Radiation, C539–01, RTP, NC 27711
Phone: 919 541–0906
Fax: 919 541–0824
Email: wallace.larry@epamail.epa.gov

RIN: 2060–AP47

845. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): AGGREGATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

Abstract: This action finalized a delay the effective date for the Environmental Protection Agency (EPA) rule addressing ''aggregation'' under the Prevention of Significant Deterioration (PSD) and the nonattainment New Source Review (NSR) programs (collectively, ''NSR'') published in the Federal Register on January 15, 2009.

We extended the effectiveness date to May 18, 2010.

Timetable:

Action	Date	FR Cite
Annoucement of Reconsideration	02/13/09	74 FR 7193
Delay of Effective Date	02/13/09	74 FR 7284
NRPM—Delaying Effective Date	03/18/09	74 FR 11509
Final Action—Delaying Effective Date	05/14/09	74 FR 22694

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4793.1; EPA publication information: Announcement of Reconsideration—http://www.epa.gov/fedrgstr/EPA-AIR/2009/February/Day-13/a3174.pdf; Split from RIN 2060-AL75; EPA Docket information: EPA-HQ-OAR-2003-0064

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

Agency Contact: Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C504–03, RTP, NC 27711
Phone: 919 541–2380
Fax: 919 685–3105
Email: svendsgaard.dave@epamail.epa.gov

Raj Rao, Environmental Protection Agency, Air and Radiation, C504–02, RTP, NC 27711
Phone: 919 541–5344
Fax: 919 541–5509
Email: rao.raj@epamail.epa.gov

RIN: 2060–AP49

846. REVISED EXCEPTIONAL EVENT DATA FLAGGING SUBMITTAL AND DOCUMENTATION SCHEDULE FOR 2008 OZONE NAAQS MONITORING DATA

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 50

Legal Deadline: None

Abstract: The final rule provided revised schedules associated with the last ozone NAAQS revision, which was promulgated on March 27, 2008 (73 FR 16436). The Exceptional Events Rule (Treatment of Data Influenced by Exceptional Events, 72 FR 13560, published 3/22/07) provides a general schedule for the flagging of monitored data affected by exceptional events and the submission of final documentation in the Air Quality Subsystem Database (AQS) for support analysis of air quality related to National Ambient Air Quality Standards (NAAQS) attainment. If the general schedule does not allow sufficient time to flag and document data prior to statutory deadlines, the Agency reserved the authority to provide revised schedules when new NAAQS are finalized.

Timetable:

Action	Date	FR Cite
NPRM	10/06/08	73 FR 58080
Direct Final Rule	10/06/08	73 FR 58042
NPRM Comment Period End	11/20/08	
Direct Final Rule Correcting Amendments	11/21/08	73 FR 70597
Direct Final Rule Withdrawal	12/16/08	73 FR 76219
Final Decision	05/19/09	74 FR 23307

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5283; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-06/a23524.pdf; EPA Docket information: EPA-HQ-OAR-2005-0159

Agency Contact: Tom Link, Environmental Protection Agency, Air and Radiation, C539–04, RTP, NC 27711
Phone: 919 541–5456
Fax: 919 541–5489
Email: link.tom@epamail.epa.gov

Carla Oldham, Environmental Protection Agency, Air and Radiation, C539–04, Research Triangle Park, NC 27711
Phone: 919 541–3347
Fax: 919 541–0824
Email: oldham.carla@epamail.epa.gov

Related RIN: Previously reported as 2060–AP28

RIN: 2060–AP56

847. ● RENEWABLE FUEL STANDARD TECHNICAL AMENDMENTS

Priority: Info./Admin./Other

Legal Authority: 42 USC 7414; 42 USC 7542; 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: Other, Statutory, May 31, 2008, Amendments extend May 31, 2008, deadline for attest engagements from non–obligated regulated parties to May 31, 2009.

Abstract: Following publication of the final Renewable Fuel Standard (RFS) program regulations (72 FR 23900; May 1, 2007), and as part of our continuous implementation review, EPA discovered a number of areas within the RFS regulations at 40 CFR part 80, subpart K that were either in error, unclear, or otherwise could benefit from modification. This action corrected these sections of the final RFS program regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/02/08	73 FR 57274
Direct Final Rule	10/02/08	73 FR 57248
NPRM Comment Period End	11/03/08	
Direct Final Rule (Partial Withdrawal)	11/26/08	73 FR 71940
Final Action	06/24/09	74 FR 29948

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5249; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2008/October/Day-02/a23130.pdf

Agency Contact: Meg McCarthy, Environmental Protection Agency, Air and Radiation, 6405J, Washington, DC 20460
Phone: 202 343–9968
Email: mccarthy.meg@epamail.epa.gov

Megan Brachtl, Environmental Protection Agency, Air and Radiation, 6405J, Washington, DC 20460
Phone: 202 343–9473
Email: brachtl.megan@epa.gov

RIN: 2060–AP74

Environmental Protection Agency (EPA) — Proposed Rule Stage

Atomic Energy Act

848. TECHNICAL CHANGE TO DOSE METHODOLOGY

Priority: Info./Admin./Other

Legal Authority: 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No. 3 of 1970; Nuclear Waste Policy Act of 1982

CFR Citation: 40 CFR 190(B); 40 CFR 191(A)

Legal Deadline: None

Abstract: The purpose of this action is to make a technical change to the dose methodology used in subpart A of 40 CFR 191, entitled Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level Waste and Transuranic Waste. The current methodology is outdated. The dose methodology used in the rule published on September 19, 1985, was based on the target organ approach recommended by the International Commission on Radiological Protection (ICRP) in Report ι2. Since that time science has progressed and a new methodology based on an effective dose equivalent approach is currently being recommended by the ICRP in Report ι26. This action would propose updating 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	11/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4003

Agency Contact: Ray Clark, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9198
Fax: 202 343–2065
Email: clark.ray@epamail.epa.gov

RIN: 2060–AH90

Environmental Protection Agency (EPA) — Long-Term Actions

Atomic Energy Act

849. 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 which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule would not mandate a disposal method, but rather would permit an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of this rule. An Advanced Notice of Proposed Rulemaking was issued in November 2003 to solicit early public input on this issue.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/03	68 FR 65120
ANPRM Comment Period End	03/17/04	
NPRM	01/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 4054; EPA publication information: ANPRM— http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-18/f28651.htm; EPA Docket information: EPA-HQ-OAR-2003-0095

Agency Contact: Daniel Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9349
Fax: 202 343–2304
Email: schultheisz.daniel@epamail.epa.gov

RIN: 2060–AH63

850. HEALTH AND ENVIRONMENTAL PROTECTION STANDARDS FOR URANIUM AND THORIUM MILL TAILINGS AND URANIUM IN SITU LEACHING PROCESSING FACILITIES

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 2022, 2114; Atomic Energy Act sec 275; UMTRCA sec 206(a)

CFR Citation: 40 CFR 192

Legal Deadline: None

Abstract: EPA's regulations in 40 CFR 192 establish standards for protection of the public health, safety, and environment from radiological and nonradiological hazards associated with uranium ore processing, and disposal of resulting waste materials. These cross-media standards, which apply to pollutant emissions and site restoration, must be adopted by the Nuclear Regulatory Commission, their Agreement States, and the Department of Energy. We propose to review all the standards in the existing rule, revise the regulations to take into account significant changes in uranium industry technologies and their potential impacts to groundwater, recent revisions in EPA drinking water protection standards, judicial decisions concerning the subject regulations, and need for new radiological risk assessments to take into account unanticipated risks to the general public and environment. New proposed facilities proposed in states from Virginia to Alaska, in addition to ongoing regulatory efforts by the Nuclear Regulatory Commission for facility licensure and groundwater protection in advance of concomitant

revised EPA standards, add to the urgency of undertaking this effort.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5319

Agency Contact: Loren Setlow, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9445
Fax: 202 343–2304
Email: setlow.loren@epamail.epa.gov

Tom Peake, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460
Phone: 202 343–9765
Fax: 202 343–2304
Email: peake.tom@epamail.epa.gov

RIN: 2060–AP43

Environmental Protection Agency (EPA) — Final Rule Stage
Noise Control Act

851. 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: EPA plans to undertake a revision of its 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	08/05/09	74 FR 39150
NPRM Comment Period Extended	08/21/09	74 FR 42223
NPRM Comment Period End	09/04/09	
NPRM Extended Comment Period End	11/04/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5102; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-AIR/2009/August/Day-05/a18003.pdf

Agency Contact: Ken Feith, Environmental Protection Agency, Air and Radiation, 6103, Washington, DC 20460
Phone: 202 564–1679
Fax: 202 564–1677
Email: feith.ken@epamail.epa.gov

Catrice Jefferson, Environmental Protection Agency, Air and Radiation, 6103, Washington, DC 20460
Phone: 202 564–1668
Fax: 202 564–1677
Email: jefferson.catrice@epamail.epa.gov

RIN: 2060–AO25

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

852. ● PESTICIDES; PUBLIC AVAILABILITY OF IDENTITIES OF INERT INGREDIENTS IN PESTICIDES

Priority: Other Significant

Legal Authority: 7 USC 136 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In response to two petitions under the Administrative Procedures Act seeking disclosure of selected inert ingredients on pesticide labels (based on the hazard of that ingredient), EPA is contemplating rulemaking to increase public availability of both potentially hazardous inert ingredients and of inert ingredient identities in general. This action would assist consumers and users of pesticides in making informed decisions and reduce the presence of potentially hazardous ingredients in pesticides.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5385

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

Agency Contact: Cameo Smoot, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–5454
Fax: 703 305–5884
Email: smoot.cameo@epa.gov

Rose Kyprianou, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–5354
Fax: 703 305–5884
Email: kyprianou.rose@epa.gov

RIN: 2070–AJ62

Environmental Protection Agency (EPA) — Proposed Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

853. PESTICIDES; DATA REQUIREMENTS FOR PLANT–INCORPORATED PROTECTANTS (PIPS)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 to 136y; 21 USC 346a

CFR Citation: 40 CFR 152, 158, and 174

Legal Deadline: None

Abstract: EPA will propose codifying data requirements that specifically address the registration data needs of plant-incorporated protectants (PIPs). These data requirements are intended to provide EPA with data and other information necessary for the registration of a PIP or the issuance of an experimental use permit for a PIP. 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 PIP registration process. This proposed rule is one in a series of proposals to update and clarify pesticide data requirements. In general, pesticide data requirements are codified in 40 CFR part 158, which describes the minimum data and information EPA typically requires to support an application for pesticide registration or amendment; support the re-registration of a pesticide product; support the maintenance of a pesticide registration by means of the data call-in process, e.g., as used in the registration review program; or establish or maintain a tolerance or exemption from the requirements of a tolerance for a pesticide chemical residue. This part establishes general policies and procedures associated with the submission of data in support of a pesticide regulatory action. It does not, however, include study protocols, methodology, or standards for conducting or reporting test results; nor does this part describe how the Agency uses or evaluates the data and information in its risk assessment and risk management decisions, or the regulatory determinations that may be based upon the data.

Timetable:

Action	Date	FR Cite
NPRM	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5005; EPA Docket information: EPA-HQ-OPP-2009-0499

URL For More Information: www.epa.gov/oppbppd1/biopesticides/pips/index.htm

Agency Contact: Rose Kyprianou, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–5354
Fax: 703 305–5884
Email: kyprianou.rose@epa.gov

Chris Wozniak, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7511P, Washington, DC 20460
Phone: 703 308–4043
Fax: 703 308–7026
Email: wozniak.chris@epa.gov

RIN: 2070–AJ27

854. ● PESTICIDES; SATISFACTION OF DATA REQUIREMENTS; MINOR REVISIONS TO THE PROCEDURES TO ENSURE PROTECTION OF DATA SUBMITTERS' RIGHTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a

CFR Citation: 40 CFR 152e

Legal Deadline: None

Abstract: This action will revise and update EPA's existing regulations in 40 CFR part 152, subpart E. The proposal will address changes to procedures for the protection of exclusive use and data compensation rights of individuals and entities that submit data to the Agency in support of a pesticide registration decision (i.e., data submitters). The revisions are to accommodate statutory and procedural changes that have occurred over the last 25 years since issuance in 1984. The revisions would simplify the procedures, reduce burdens upon certain data submitters, and make minor changes to clarify the requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5382

URL For More Information: www.epa.gov/pesticides/registrationkit/

Agency Contact: Cameo Smoot, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–5454
Fax: 703 305–5884
Email: smoot.cameo@epa.gov

Jennifer McLain, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 308–0293
Email: mclain.jennifer@epa.gov

RIN: 2070–AJ58

855. 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 revisions to the crop grouping regulations will be to create a new crop group and amend three other crop groups.

Timetable:

Action	Date	FR Cite
NPRM 1	05/23/07	72 FR 28920
NPRM 1 Comment Period End	07/23/07	
Final Action 1	12/07/07	72 FR 69150
Final Action 1; Technical Amendment	01/02/08	73 FR 51
NPRM 2	02/00/10	

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

Agency Contact: Rame Cromwell, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 308–9068
Fax: 703 305–5884
Email: cromwell.rame@epa.gov

Jennifer McLain, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 308–0293
Email: mclain.jennifer@epa.gov

RIN: 2070–AJ28

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856. ● PESTICIDES; CLARIFYING CHANGES TO LABELING

Priority: Info./Admin./Other

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136 et seq

CFR Citation: 40 CFR 156

Legal Deadline: None

Abstract: EPA is planning a minor rulemaking to make revisions to 40 CFR part 156, Labeling Requirements for Pesticides and Devices. The purpose of this effort is to update the structure of the regulation and make several clarifying changes. In addition to these planned minor revisions, EPA will solicit suggestions from stakeholders on what the Agency might consider for future changes to the labeling regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5393; None

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

Agency Contact: Rame Cromwell, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 308–9068
Fax: 703 305–5884
Email: cromwell.rame@epa.gov

Rose Kyprianou, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–5354
Fax: 703 305–5884
Email: kyprianou.rose@epa.gov

RIN: 2070–AJ61

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857. PESTICIDES; DETERMINATION OF STATUS OF PRIONS AS PESTS

Priority: Other Significant

Legal Authority: 7 USC 136 and 136w

CFR Citation: 40 CFR 152.5(d)

Legal Deadline: None

Abstract: In 2004, the Agency stated that it considered prions (proteinaceous infectious particles) to be a ''pest'' under FIFRA. A product intended to inactivate, destroy or mitigate prions on inanimate surfaces (i.e., ''prion product'') is considered to be a pesticide. Any company seeking to distribute or sell such a product is required to register the product with EPA unless the product is exempt from registration requirements before it can be distributed or sold in the United States. Through this action, EPA is considering expressly adding prions to the list of pests in 40 CFR part 152, and requirements related to product performance (i.e., efficacy data), which is required for each antimicrobial end-use product for which public health related claims are made. EPA believes that regulating prion products will protect human health and the environment against unreasonable adverse effects and ensure that such products are effective.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4985

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

Agency Contact: Carlton Kempter, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7510P, Washington, DC 20460
Phone: 703 305–5448
Fax: 703 308–6467
Email: kempter.carlton@epa.gov

Betty Shackleford, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7510P, Washington, DC 20460
Phone: 703–308–8169
Email: shackleford.betty@epa.gov

RIN: 2070–AJ26

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858. 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 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, 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 which are not expressly provided for in the existing Rules of Practice. In order to include provisions tailored to these new types of proceedings, and to incorporate the standard practices which have evolved and the precedents which have been established since these rules were first promulgated, EPA intends to revise the FIFRA Rules of Practice.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Proposed Rule Stage

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4618; Previous listed as RIN 2020-AA44.

Sectors Affected: 112 Animal Production; 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing

Agency Contact: Scott Garrison, Environmental Protection Agency, Office of General Counsel, 2333A, Washington, DC 20460
Phone: 202 564–4047
Fax: 202 564–5644
Email: garrison.scott@epamail.epa.gov

Robert Perlis, Environmental Protection Agency, Office of General Counsel, 2333A, Washington, DC 20460
Phone: 202 564–5636
Fax: 202 564–5644
Email: perlis.robert@epamail.epa.gov

Related RIN: Previously reported as 2020–AA44

RIN: 2015–AA00

Environmental Protection Agency (EPA) — Final Rule Stage
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

859. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS

Priority: Info./Admin./Other

Legal Authority: 7 USC 136 et seq; 21 USC 346a et seq

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA 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 1 Comment Period End	08/21/96	
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 2 Comment Period End	06/16/97	
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 3 Comment Period End	05/24/99	
Supplemental NPRM 4	07/19/01	66 FR 37855
Supplemental NPRM 4 Comment Period End	08/20/01	
Supplemental NPRM 5	08/20/01	66 FR 43552
Supplemental NPRM 5 Comment Period End	09/19/01	
Notice; Withdrawal of NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4611

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

Agency Contact: Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460
Phone: 202 564–8492
Fax: 202 564–8501
Email: milewski.elizabeth@epa.gov

Keith Matthews, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7511P, Washington, DC 20460
Phone: 703 308–8712
Fax: 703 308–7026
Email: matthews.keith@epa.gov

RIN: 2070–AD55

860. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT

Priority: Info./Admin./Other

Legal Authority: 7 USC 136 et seq; 21 USC 346a et seq

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA 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.

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM Original	11/23/94	59 FR 60496
Supplemental NPRM 1	07/22/96	61 FR 37891
Supplemental NPRM 1 Comment Period End	08/21/96	
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 2 Comment Period End	06/16/97	
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 3 Comment Period End	05/24/99	
Supplemental NPRM 4	07/19/01	66 FR 37855
Supplemental NPRM 4 Comment Period End	08/20/01	
Notice; Withdrawal of NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4612

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

Agency Contact: Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460
Phone: 202 564–8492
Fax: 202 564–8501
Email: milewski.elizabeth@epa.gov

Keith Matthews, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7511P, Washington, DC 20460
Phone: 703 308–8712
Fax: 703 308–7026
Email: matthews.keith@epa.gov

RIN: 2070–AD56

861. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE

Priority: Info./Admin./Other

Legal Authority: 7 USC 136(a) FIFRA sec 3; 7 USC 136(w)

CFR Citation: 40 CFR 152.170

Legal Deadline: None

Abstract: As proposed, this regulation would have established Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority had an EPA-approved Plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule were reconsidered to determine whether the program could address water quality issues rather than ground-water only, and to determine the best partnership approach to implementation. During this period, the risk level associated with the named pesticides was reexamined and reduced. Moreover, since the proposal in 1996, many States have adopted the original concept and framework of Pesticide Management Plans and these programs are operational today. This experience and growth in knowledge has exceeded the requirements and specifications of the original proposal. Accordingly, EPA intends to withdraw the proposed rule in the near future.

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
NPRM Comment Period End	10/24/96	
Notice; Metolachlor	02/23/00	65 FR 8925
Supplemental Notice & Extension of Comment Period	03/24/00	65 FR 15885
Notice: Withdrawal of NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Agency Contact: Charles Evans, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–7199
Email: evans.charles@epa.gov

Rose Kyprianou, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–5354
Fax: 703 305–5884
Email: kyprianou.rose@epa.gov

RIN: 2070–AC46

Environmental Protection Agency (EPA) — Long-Term Actions
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

862. 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 considering proposing a regulation that would require certain pesticide registrants to recycle certain plastic pesticide containers. As contemplated, 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. If promulgated, pesticide container recycling programs subject to the rule may 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

would be intended to protect human health and the environment by reducing the risk of unreasonable adverse effects to public health and the environment that may be associated with the improper disposal of certain nonrefillable pesticide containers and their associated residues.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5050; EPA Docket information: EPA-HQ-OPP-2006-0688

Agency Contact: Jeanne Kasai, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 308–3240
Fax: 703 308–2962
Email: kasai.jeanne@epa.gov

Nancy Fitz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 308–7385
Fax: 703 308–2962
Email: fitz.nancy@epa.gov

RIN: 2070–AJ29

863. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 158 and 161

Legal Deadline: None

Abstract: EPA is updating and revising its pesticide data requirements for antimicrobial pesticide products. This action will revise the 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. In general, pesticide data requirements are codified in 40 CFR part 158, which describes the minimum data and information EPA typically requires to support an application for pesticide registration or amendment; support the maintenance of a pesticide registration by means of the data call-in process, e.g., as used in the registration review program; or establish or maintain a tolerance or exemption from the requirements of a tolerance for a pesticide chemical residue. This part establishes general policies and procedures associated with the submission of data in support of a pesticide regulatory action. It does not, however, include study protocols, methodology, or standards for conducting or reporting test results; nor does this part describe how the Agency uses or evaluates the data and information in its risk assessment and risk management decisions, or the regulatory determinations that may be based upon the data.

Timetable:

Action	Date	FR Cite
NPRM	10/08/08	73 FR 59381
NPRM Comment Period End	01/06/09	
Final Action	02/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4173; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-PEST/2008/October/Day-08/p23127.pdf; EPA Docket information: EPA-HQ-OPP-2008-0110

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/pesticides/regulating/data.htm

Agency Contact: Kathryn Boyle, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–6304
Fax: 703 305–5884
Email: boyle.kathryn@epa.gov

Jennifer McLain, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 308–0293
Email: mclain.jennifer@epa.gov

RIN: 2070–AD30

864. PESTICIDES; DATA REQUIREMENTS FOR PRODUCT PERFORMANCE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 158 and 161

Legal Deadline: None

Abstract: EPA will propose codifying data requirements that specifically address the registration data needs of invertebrate pesticide product registrations as mandated by FIFRA. This rulemaking will provide clarity, consistency, and transparency. The pesticide data requirements are codified in 40 CFR part 158, which describes the minimum data and information EPA typically requires to support an application for pesticide registration or amendment; support the registration review of a pesticide product; support the maintenance of a pesticide registration, e.g., as in the registration review program; or establish or maintain a tolerance or exemption from the requirements of a tolerance for a pesticide chemical residue.

Timetable:

Action	Date	FR Cite
NPRM	12/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 5331

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

Agency Contact: Amaris Johnson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–9542
Fax: 703 305–5884
Email: johnson.amaris@epa.gov

Candace Brassard, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–6598
Fax: 703 305–5884
Email: brassard.candace@epa.gov

RIN: 2070–AJ49

865. 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, prohibited 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. Most recently, the prohibition was extended yet again in 2007 when Congress adopted the Pesticide Registration Improvement Renewal Act. In that bill, Congress extended the ban on assessing tolerance fees through September 30, 2012.

Timetable:

Action	Date	FR Cite
NPRM	06/09/99	64 FR 31039
NPRM Comment Period End	09/07/99	
Supplemental NPRM	07/24/00	65 FR 45569
Supplemental NPRM Comment Period End	08/23/00	
Supplemental NPRM 2	08/31/00	65 FR 52979
Supplemental NPRM 2 Comment Period End	09/15/00	
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

Agency Contact: Lindsay Moose, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7501P, Washington, DC 20460
Phone: 703 305–7108
Fax: 703 305–6244
Email: moose.lindsay@epa.gov

RIN: 2070–AJ23

866. ● PESTICIDES; REGULATION TO CLARIFY LABELING OF PESTICIDES FOR EXPORT

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is developing a proposed rule to clarify and reformat labeling regulations for the export of pesticide products and devices in accordance with Executive Order 12988, Civil Justice Reform, to eliminate ambiguity and promote simplification of EPA regulations. In addition to simplifying the current regulations, the Agency also intends this proposed rule include regulations regarding the labeling of pesticide products and devices shipped between establishments operated by the same producer. EPA believes that labeling of exported pesticides is important for the communication of important safety and handling information of pesticides and their U.S. status, both before the pesticides leave the U.S. and after they are exported.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5358; EPA Docket information: EPA-HQ-OPP-2009-0607

URL For More Information: www.epa.gov/pesticides/regulating/labels/product-labels.htm

Agency Contact: Vera Au, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703–308–9069
Fax: 703–305–5884
Email: au.vera@epa.gov

Jennifer McLain, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 308–0293
Email: mclain.jennifer@epa.gov

RIN: 2070–AJ53

867. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEIN GENES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 et seq; 21 USC 346(a) 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 part 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to ''prevent, repel or mitigate any pest.'' These substances are also ''pesticide chemical residues'' under the Federal Food, Drug, and Cosmetic Act (FFDCA). The proposed criteria were intended to clearly identify and exempt only those residues for which a long history of safe exposure and consumption can support exemption. EPA believes there is a reasonable certainty that no harm will result from aggregate exposure to such residues, including all anticipated dietary exposures and all other exposures for which there is reliable information. 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 2001. After considering public comment and additional review by the Science Advisory Panel (SAP), EPA issued a reproposal in 2007.

Timetable:

Action	Date	FR Cite
NPRM Original	11/23/94	59 FR 60496
Supplemental NPRM 1	07/22/96	61 FR 37891
Supplemental NPRM 1 Comment Period End	08/21/96	
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 2 Comment Period End	06/16/97	
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 3 Comment Period End	05/24/99	
Supplemental NPRM 4	07/19/01	66 FR 37855
Supplemental NPRM 4 Comment Period End	08/20/01	
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: Reproposal— http://www.epa.gov/fedrgstr/EPA-PEST/2007/April/Day-18/p7297.htm; EPA Docket information: EPA-HQ-OPP-2006-0642

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

Agency Contact: Kenneth Haymes, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460
Phone: 202 564–0306
Fax: 202 564–8502
Email: haymes.kenneth@epa.gov

Tom McClintock, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460
Phone: 202 564–8488
Email: mcclintock.tom@epa.gov

RIN: 2070–AD49

868. 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 152; 40 CFR 156; 40 CFR 167 to 169; 40 CFR 172; 40 CFR 174

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 regulates PIPs under FIFRA and the Federal Food Drug and Cosmetic Act (FFDCA), including issuing experimental use permits and commercial registrations. In 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 record keeping. 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 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 Comment Period Extended	05/23/07	72 FR 28911
ANPRM Comment Period End	06/13/07	
NPRM	12/00/10	

Regulatory Flexibility Analysis Required: Undetermined

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/index.htm

Agency Contact: Stephen Howie, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7201M, Washington, DC 20460
Phone: 202 564–4146
Fax: 202 564–8502
Email: howie.stephen@epa.gov

Elizabeth Milewski, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7202M, Washington, DC 20460
Phone: 202 564–8492
Fax: 202 564–8501
Email: milewski.elizabeth@epa.gov

RIN: 2070–AJ32

869. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS

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

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136i; 7 USC 136w

CFR Citation: 40 CFR 156; 40 CFR 171

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. The possible 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 potential need for changes to the regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 5007; EPA Docket information: EPA-HQ-OPP-2005-0561

URL For More Information: www.epa.gov/pesticides/health/worker.htm

Agency Contact: Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 308–7002
Fax: 703 308–2962
Email: davis.kathy@epa.gov

Richard Pont, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–6448
Fax: 703 308–2962
Email: pont.richard@epa.gov

RIN: 2070–AJ20

870. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

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

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136w

CFR Citation: 40 CFR 170

Legal Deadline: None

Abstract: The EPA is developing a proposal to revise the Federal regulations guiding agricultural worker protection (40 CFR part 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 potential need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Federalism: Undetermined

Additional Information: SAN No. 5006; EPA Docket information: EPA-HQ-OPP-2005-0561

URL For More Information: www.epa.gov/pesticides/health/worker.htm

Agency Contact: Kathy Davis, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 308–7002
Fax: 703 308–2962
Email: davis.kathy@epa.gov

Richard Pont, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–6448
Fax: 703 308–2962
Email: pont.richard@epa.gov

RIN: 2070–AJ22

871. PESTICIDES; RECONSIDERATION OF EXEMPTIONS FOR INSECT REPELLENTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a; 7 USC 136w

CFR Citation: 40 CFR 152.25

Legal Deadline: None

Abstract: On March 15, 2006, the Consumer Specialty Products Association (CSPA) petitioned EPA to modify the Minimum Risk Pesticides exemption under 40 CFR 152.25(f). Specifically, CSPA requested that EPA change section 152.25(f) to exclude from the exemption those pesticides that claim to control ''pests of significant public health importance'' and require an abbreviated registration for any products that are to be used for the control of public health pests. The Agency agrees that the concerns have merit. In this action, EPA will explore options, including potential rulemaking, to respond to these concerns.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 5183

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

Agency Contact: Kathryn Boyle, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506P, Washington, DC 20460
Phone: 703 305–6304
Fax: 703 305–5884
Email: boyle.kathryn@epa.gov

Jennifer McLain, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 308–0293
Email: mclain.jennifer@epa.gov

RIN: 2070–AJ45

872. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a(h); 7 USC 136(w)

CFR Citation: 40 CFR 152

Legal Deadline: None

Abstract: In 2001, EPA finalized certain labeling regulations for pesticide products, clarifications regarding the application of FIFRA to nitrogen stabilizers, and regulations that contain statutory provisions excluding certain types of products from regulation of pesticides. These topics were part of the 1999 proposal concerning antimicrobial products, and are being promulgated separately for convenience. In September 1999, EPA proposed procedures for the registration of antimicrobial products, including labeling standards for antimicrobial public health products to ensure that these products are appropriately labeled for the level of antimicrobial activity they demonstrate. EPA also proposed to modify its notification process for antimicrobial products to conform to the statutorily prescribed process; and to exempt certain antimicrobial products from FIFRA regulation. In November 1999, EPA proposed procedures for the registration of antimicrobial pesticides and performance standards for public health antimicrobial pesticides, as well as other changes affecting all pesticide products, including interpretation of new provisions relating to nitrogen stabilizers, and updating and reorganization of human hazard labeling requirements. After considering public comments and an extensive stakeholder dialogue, EPA will determine next steps for this action.

Timetable:

Action	Date	FR Cite
NPRM	09/17/99	64 FR 50671
Notice	11/16/99	64 FR 62145
NPRM Comment Period End	11/16/99	
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://www.epa.gov/fedrgstr/EPA-PEST/2001/December/Day-14/p30820.htm

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

Agency Contact: Jennifer McLain, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 703 308–0293
Email: mclain.jennifer@epa.gov

Cleo Pizana, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7510P, Washington, DC 20460
Phone: 703 308–6431
Email: pizana.cleo@epa.gov

RIN: 2070–AD14

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

873. 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 FIFRA

CFR Citation: None

Legal Deadline: NPRM, Judicial, March 24, 2009.

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. EDSP consists of three major parts developed in parallel:

1) Assay validation. Under FFDCA section 408(p), EPA is required to use ''appropriate validated test systems and other scientifically relevant information'' to determine whether substances may have estrogenic effects in humans or other endocrine effects as the Administrator may designate. On March 25-27, 2008, the FIFRA Science Advisory Panel (SAP) reviewed the Agency's proposed EDSP Tier 1 screening battery, and in a report dated June 11, 2008, the SAP recommended that the Agency proceed with Tier 1 screening using the proposed battery. At this moment, validation is complete for all but one of the Tier 1 assays that were included in the proposed Tier 1 screening battery (i.e., ER Binding). The ER Binding assay is expected to complete the validation process in April 2009. The final Tier 1 battery will be announced in a separate Federal Register document that the Agency anticipates issuing in spring 2009. Efforts to validate the Tier 2 tests are underway.

2) Priority setting. EPA described its priority setting approach to select pesticide chemicals for initial screening on September 27, 2005 (70 FR 56449), and announced the draft list of initial pesticide active ingredients and pesticide inerts to be considered for screening under FFDCA on June 18, 2007 (72 FR 33486). After considering public comment, EPA issued the final list of 67 pesticide active ingredients and high production volume (HPV) pesticide inert chemicals for initial screening on April 15, 2009 (74 FR 17579).

3) Procedures. On December 13, 2007 (72 FR 70842), EPA published a draft document in the Federal Register that described the policies and procedures EPA generally intended to adopt for

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initial screening of chemicals under EDSP. Following review and revision based on the public comments, on April 15, 2009 (74 FR 17560), EPA described the specific details of the policies and procedures that EPA generally intends to adopt for initial screening under the EDSP, including the statutory requirements associated with and format of the test orders, as well as EPA's procedures for fair and equitable sharing of test costs and handling confidential data.

Additional information about the EDSP is available at http://www.epa.gov/scipoly/oscpendo/index.htm.

Timetable:

Action	Date	FR Cite
Notice; Draft Procedures	12/13/07	72 FR 70842
Final; Procedures	04/15/09	74 FR 17559

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

Agency Contact: William Wooge, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7203M, Washington, DC 20460
Phone: 202 564–8476
Fax: 202 564–8483
Email: wooge.william@epa.gov

Gary Timm, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7203M, Washington, DC 20460
Phone: 202 564–8474
Fax: 202 564–8483
Email: timm.gary@epa.gov

RIN: 2070–AD61

Environmental Protection Agency (EPA) — Prerule Stage
Toxic Substances Control Act (TSCA)

874. ● LEAD; RENOVATION, REPAIR, AND PAINTING PROGRAM FOR PUBLIC AND COMMERCIAL BUILDINGS

Regulatory Plan: This entry is Seq. No. 64 in part II of this issue of the **Federal Register**.

RIN: 2070–AJ56

875. POLYCHLORINATED BIPHENYLS (PCBS); REASSESSMENT OF USE AUTHORIZATIONS

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

Legal Authority: 15 USC 2605 TSCA 6(e)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: EPA's regulations governing the use of PCBs in electrical equipment and other applications were first issued in the late 1970s and have not been updated since 1998. EPA is initiating rulemaking to reexamine these ongoing PCB uses with an eye to ending or phasing out uses that can no longer be justified under TSCA section 6(e). This section requires EPA to determine that authorized uses will not present an unreasonable risk of injury to health and the environment.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 5256

Agency Contact: John H. Smith, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0512
Fax: 202 566–0473
Email: smith.johnh@epa.gov

Christine Zachek, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 1200 Pennsylvania Avenue NW, Washington, DC 20460
Phone: 202 566–0505
Email: zachek.christine@epamail.epa.gov

RIN: 2070–AJ38

Environmental Protection Agency (EPA) — Proposed Rule Stage
Toxic Substances Control Act (TSCA)

876. TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS

Priority: Info./Admin./Other

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) because current enzyme listings were too broad and did not adequately differentiate between newly developed enzymes and existing Inventory listings. 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
ANPRM Comment Period End	12/15/04	
NPRM	08/00/10	

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

Agency Contact: Greg Fritz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8583
Fax: 202 564–9490
Email: fritz.greg@epa.gov

Loraine Passe, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9064
Fax: 202 564–9490
Email: passe.loraine@epa.gov

RIN: 2070–AJ04

877. TSCA INVENTORY UPDATE REPORTING MODIFICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2607 (TSCA sec 8)

CFR Citation: 40 CFR 710

Legal Deadline: None

Abstract: The Inventory Update Reporting (IUR) rule enables EPA to procure basic information on commercial chemicals under TSCA, resulting in a unique database that includes current production volume, manufacturing site-related data, and processing and use-related data for larger volume chemicals. This broad-based collection of manufacturing and use-exposure-related data provides basic information needed for risk prevention and management activities. The changes in the IUR Modifications rule are designed (1) to tailor the information collected to more closely match the Agency's overall information needs; (2) to obtain new and updated information relating to potential exposures to a subset of chemical substances listed on the TSCA Inventory; and (3) to improve the utility of the information reported. EPA believes that changing the information collected through the IUR, the method and frequency of collecting the information, and confidential business information (CBI) requirements will accomplish these goals. The major changes in the IUR Modifications Rule include: eliminating the upper threshold to collect processing and use data for all reported chemicals, collecting multi-year production volume information, returning the frequency of reporting to every 4 years from every 5, triggering reporting based on the annual production volume since the last IUR, and requiring electronic reporting. Other changes include modifications to specific data elements such as the production volume, types of industrial and commercial/consumer uses, requiring an indication of consumer or commercial use and, if commercial, the number of workers; changes to requirements for making CBI claims; migrating the regulatory text from 40 CFR 710 to 711; and eliminating obsolete regulatory text.

Timetable:

Action	Date	FR Cite
NPRM	05/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5279

URL For More Information: www.epa.gov/opptintr/iur/

Agency Contact: Susan Sharkey, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8789
Fax: 202 564–4775
Email: sharkey.susan@epa.gov

Chenise Farquharson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–7768
Fax: 202 564–4775
Email: farquharson.chenise@epa.gov

RIN: 2070–AJ43

878. ● LEAD; CLEARANCE AND CLEARANCE TESTING REQUIREMENTS FOR THE RENOVATION, REPAIR, AND PAINTING PROGRAM

Regulatory Plan: This entry is Seq. No. 74 in part II of this issue of the **Federal Register**.

RIN: 2070–AJ57

879. ● SIGNIFICANT NEW USE RULE FOR GLYMES

Priority: Routine and Frequent

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 721 (Revision)

Legal Deadline: None

Abstract: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) to include the glymes, including at a minimum, monoglyme (Ethane, 1,2-dimethoxy- (also known as 1,2-Dimethoxyethane) (CAS No. 110-71-4) and diglyme (bis(2-methoxyethyl) ether) (CAS No. 111-96-6). This rule would require manufacturers, including importers, and processors to notify EPA at least 90 days before commencing the manufacture or import of these chemicals for any new uses in consumer products. EPA believes that this action is necessary, because these chemical substances may be hazardous to human health and the environment. The required notice will provide EPA the opportunity to evaluate intended significant new uses and associated activities before they occur and, if necessary, to prohibit or limit those uses or activities.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5342

Agency Contact: Amy Breedlove, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

Phone: 202 564–9823
Fax: 202 564–4775
Email: breedlove.amy@epa.gov

Diane Sheridan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8176
Email: sheridan.diane@epa.gov

RIN: 2070–AJ52

880. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is developing test rules under section 4(a) of the Toxic Substances Control Act (TSCA) to require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals which are manufactured (including imported) in the aggregate at more than one 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 in 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. A second proposed test rule published in 2008 for 19 chemicals, is expected to be finalized in late 2009. A third proposed test rule is scheduled to publish in 2009, to propose 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	07/24/08	73 FR 43314
NPRM 3	01/00/10	
Final Action 2	02/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

Agency Contact: Paul Campanella, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8091
Fax: 202 564–4765
Email: campanella.paul@epa.gov

John Schaeffer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8173
Fax: 202 564–4765
Email: shaeffer.john@epa.gov

RIN: 2070–AD16

881. TESTING AGREEMENT FOR DECABROMODIPHENYL ETHER (DECA)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: An enforceable consent agreement will be negotiated for decabromodiphenyl ether (DecaBDE) to obtain biodegradation and environmental fate testing to better understand the pathways of human and environmental exposure to DecaBDE. This testing was requested, but not obtained under the Voluntary Children's Chemical Evaluation Program. EPA is offering all interested parties the opportunity to attend a public meeting and participate in the negotiation of the ECA and protocols for the identified testing needs.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 29140
Notice; Enforceable Consent Agreement	12/00/09	
Notice of Public Meeting	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 3493.3

URL For More Information: www.epa.gov/oppt/chemtest

Agency Contact: Catherine Roman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8172
Fax: 202 564–4765
Email: roman.catherine@epa.gov

Mike Mattheisen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–3077
Fax: 202 564–4765
Email: mattheisen.mike@epa.gov

RIN: 2070–AJ08

882. TEST RULE; CERTAIN NANOSCALE MATERIALS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A TSCA section 4(a) test rule may be needed to determine the health effects of certain multi-wall carbon nanotubes and nanosized clays and alumina. The results of the tests that

could be required under this rule would assist EPA in understanding the health effects of the substance to manage/minimize any potential risk and exposure. Results could also help with establishing a correlation between the chemical/physical properties and health effects needed to protect the health of workers handling the substance.

Timetable:

Action	Date	FR Cite
NPRM	11/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5313

URL For More Information: www.epa.gov/opptintr/chemtest/index.htm

Agency Contact: Zofia Kosim, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8733
Fax: 202 564–9490
Email: kosim.zofia@epa.gov

Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8974
Fax: 202 564–9490
Email: alwood.jim@epa.gov

RIN: 2070–AJ47

883. ● NANOSCALE MATERIALS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2607(a) TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: Under the authority of section 8(a) of TSCA, EPA is developing a proposal to establish reporting requirements for certain nanoscale materials. This rule would propose that persons who manufacture these nanoscale materials notify EPA of certain information including production volume, methods of manufacture and processing, exposure and release information, and available health and safety data. The proposed reporting of these activities will provide EPA with an opportunity to evaluate the information and consider appropriate action under TSCA to reduce any risk to human health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5366

Agency Contact: Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8974
Fax: 202 564–9490
Email: alwood.jim@epa.gov

Jessica Barkas, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 250–8880
Fax: 202 564–4765
Email: barkas.jessica@epa.gov

RIN: 2070–AJ54

884. TSCA SECTION 13 AMENDMENT: ELECTRONIC REPORTING OF TSCA CHEMICAL IMPORT DATA IN THE AUTOMATED COMMERCIAL ENVIRONMENT (ACE)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2612

CFR Citation: 40 CFR 707

Legal Deadline: None

Abstract: EPA will consult with Customs and Border Protection (CBP), in the Department of Homeland Security, regarding promulgation of regulations by CBP to require electronic reporting in the Automated Commercial Environment (ACE) of the TSCA certification statement and chemical identification data needed to verify the legality of importation of chemical substances subject to TSCA. ACE is a data base being designed by CBP that will serve as a single portal for the electronic collection and processing of all data required by any federal agency pertaining to the importation of commodities into, and their exportation from, the U.S. CBP will test the electronic collection of such data in ACE under the National Customs Automation Program (19 U.S.C. 1411; 19 CFR 101.9). Subsequently, the TSCA section 13 regulations (19 CFR 12.118 through 12.127, and 127.28) would be amended to require electronic reporting by importers into ACE of TSCA certification statements among potentially other data (e.g., certain chemical identification data) needed to facilitate the verification of the legality of imports shipments comprised of chemical substances subject to TSCA. Other amendments to the regulations (e.g., relating to detention of shipments) may also result from the review. TSCA section 13 regulations are promulgated by CBP, in consultation with EPA. Congress has mandated participation in the International Trade Data System (ITDS) through passage of the SAFE Port Act in October 2006. The ITDS Program is a government-wide program managed by CBP to assist every federal agency that has import/export responsibilities to integrate their requirements into ACE. Participation in the ITDS Program has also been recommended by the Import Safety Working Group (ISWG), established under Executive Order No. 13439 (July 18, 2007). The TSCA program is one of six EPA programs whose import requirements are being integrated into ACE.

Timetable:

Action	Date	FR Cite
NPRM	10/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5305

URL For More Information: www.itds.gov

Agency Contact: David Giamporcaro, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7408M, Washington, DC 20460
Phone: 202 564–8107
Email: giamporcaro.david@epa.gov

Nancy Wilson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 564–8824

EPA—Toxic Substances Control Act (TSCA) — Proposed Rule Stage

Email: wilson.nancyh@epa.gov

RIN: 2070–AJ50

885. ● AMENDMENTS TO THE PROCEDURAL RULES FOR ENFORCEABLE CONSENT AGREEMENTS (ECAS)

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 15 USC 2603

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: The proposed rule would revise the procedures for negotiating Enforceable Consent Agreements (ECAs) to develop test data under the Toxic Substances Control Act (TSCA). The main features of the ECA process that we will propose to change include the following: when and how to initiate negotiations; setting a firm deadline at which negotiations will terminate; revising (delete, modify, or consolidate) several parts of 40 CFR part 790 to place the ECA provisions in one section and the Interagency Testing Committee (ITC) provisions in a separate section; clarifying that there is one ECA negotiation procedure applicable to all circumstances where an ECA is being considered; and conforming changes in other sections that reference the ECA procedures. The ECA procedures were established to provide an effective alternative to TSCA section 4 test rule, and provide a timely, efficient, and enforceable means of working with interested parties to gather test data on chemicals under TSCA. Experience with the procedures over the past two decades indicates that several changes need to be made to improve the ECA process.

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. 5378; None.

Agency Contact: Jessica Barkas, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 250–8880
Fax: 202 564–4765
Email: barkas.jessica@epa.gov

Victoria Vanroden, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–4253
Email: vanroden.victoria@epamail.epa.gov

RIN: 2070–AJ59

Environmental Protection Agency (EPA) — Final Rule Stage
Toxic Substances Control Act (TSCA)

886. ● LEAD; AMENDMENT TO THE OPT–OUT AND RECORDKEEPING PROVISIONS IN THE RENOVATION, REPAIR, AND PAINTING PROGRAM

Regulatory Plan: This entry is Seq. No. 83 in part II of this issue of the **Federal Register**.

RIN: 2070–AJ55

887. ● MERCURY; REGULATION TO UPDATE OUTDATED ASTM REFERENCES IN EPA REGULATIONS THAT REQUIRE THE USE OF MERCURY THERMOMETERS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This is a proposed series of technical amendments to clarify ASTM standards within EPA regulations (that require the use of mercury thermometers) so that no mercury thermometer requirement applies with EPA regulations. Regulations promulgated by several different program offices currently contain references to ASTM standards which contain requirements to use mercury thermometers. EPA is working to phase-out the use of non-fever industrial mercury thermometers in laboratory and industrial settings, and these technical amendments will remove these regulatory barriers to such a phase-out.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5340

Agency Contact: Robert Courtnage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–1081
Email: courtnage.robert@epa.gov

Hiroshi Dodahara, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–0507

RIN: 2070–AJ51

888. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR CERTAIN POLYMERS

Priority: Other Significant

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	03/07/06	71 FR 11485
NPRM Comment Period End	05/08/06	
Final Action	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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/

Agency Contact: Geraldine Hilton, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8986
Fax: 202 564–9490
Email: hilton.geraldine@epa.gov

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8469
Fax: 202 564–9094
Email: schweer.greg@epa.gov

RIN: 2070–AD58

889. CLARIFICATION ON TSCA INVENTORY STATUS OF ACTIVATED PHOSPHORS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 704; 40 CFR 720; 40 CFR 721; 40 CFR 723

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 this activity with a Final notice in late 2009.

Timetable:

Action	Date	FR Cite
Notice; Proposed Clarification	01/16/08	73 FR 2854
Reopening of Comment Period	05/02/08	73 FR 24187
Final Clarification	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4984; EPA publication information: Notice; EPA Docket information: EPA-HQ-OPPT-2007-0392

URL For More Information: www.epa.gov/opptintr/newchems/pubs/invntory.htm

Agency Contact: David Schutz, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9262
Fax: 202 564–9262
Email: schutz.david@epa.gov

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8469
Fax: 202 564–9094
Email: schweer.greg@epa.gov

RIN: 2070–AJ21

890. ELECTRONIC PREMANUFACTURE NOTICE (PMN) REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604 and 44 USC 3504

CFR Citation: 40 CFR 700; 40 CFR 720 and 721; 40 CFR 723; 40 CFR 725

Legal Deadline: None

Abstract: EPA is finalizing amendments to the Toxic Substances Control Act (TSCA) section 5 Premanufacture and Significant New Use Notification regulations to facilitate the introduction and use of new electronic reporting. This action will establish standards and requirements for the use of EPA's Central Data Exchange (CDX), to submit Premanufacture Notices (PMNs) and other TSCA section 5 notices and support documents to EPA.

Timetable:

Action	Date	FR Cite
NPRM	12/22/08	73 FR 78261
NPRM Comment Period End	02/20/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5270; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-TOX/2008/December/Day-22/t30379.htm; EPA Docket information: EPA-HQ-OPPT-2008-0296

URL For More Information: www.epa.gov/oppt/newchems

Agency Contact: Loraine Passe, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9064
Fax: 202 564–9490
Email: passe.loraine@epa.gov

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8469
Fax: 202 564–9094
Email: schweer.greg@epa.gov

RIN: 2070–AJ41

891. SIGNIFICANT NEW USE RULES (SNURS); FOLLOW–UP RULES ON NON–5(E) NEW CHEMICAL SUBSTANCES

Priority: Routine and Frequent

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: Section 5(a)(2) of the Toxic Substances Control Act (TSCA) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' After considering all relevant factors, including those listed in TSCA section 5(a)(2), EPA makes this determination by promulgating Significant New Use Rules (SNURs). These regulations require persons who intend to manufacture, import, or process a chemical substance contained in a SNUR for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs. For chemicals which were the subject of premanufacture notices (PMNs), EPA may promulgate ''non-5(e) SNURs'' when the Agency did not find that the chemical's manufacture, processing, distribution, use or disposal, as described in the PMN, triggered the determinations set forth under TSCA section 5(e) but did find that certain changes in the chemical's manufacture, processing, distribution, use or disposal could result in increased exposures to or releases of the substance. Under the Expedited Follow-up Rule (EFUR), 40 CFR part 721, subpart D, EPA routinely issues batch direct final section 5(e) and non-5(e) SNURs. This Regulatory Agenda action addresses those chemicals that were subject to a proposed SNUR prior to the effective date of the EFUR or which do not qualify under the EFUR.

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	06/00/10	
Final: 86–566	06/00/10	
Final: Aluminum Cross–linked Sodium Carboxymethyl -cellulose	06/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

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/pubs/cnosnurs.htm

Agency Contact: Karen Chu, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8773
Fax: 202 564–9490
Email: chu.karen@epa.gov

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8469
Fax: 202 564–9094
Email: schweer.greg@epa.gov

RIN: 2070–AA59

892. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL–SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Priority: Routine and Frequent

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: Section 5(a)(2) of the Toxic Substances Control Act (TSCA) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' After considering all relevant factors, including those listed in TSCA section 5(a)(2), EPA makes this determination by promulgating Significant New Use Rules (SNURs). These regulations require persons who intend to manufacture, import, or process a chemical substance contained in a SNUR for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity. The required notification will provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs. For chemicals which were the subject of premanufacture notices (PMNs) and for which EPA made a determination that the manufacture, processing, distribution, use or disposal may present an unreasonable risk, the Agency may issue a section 5(e) consent order to limit these activities. The Agency generally issues ''5(e)'' SNURs to extend the controls prescribed in these consent orders to other manufacturers and processors by designating the manufacture, processing, distribution, use or disposal of the substances without the specified controls as significant new uses. For chemicals which were the subject of PMNs, EPA may also promulgate ''non-5(e) SNURs'' when the Agency did not find that the chemical's manufacture, processing, distribution, use or disposal, as described in the PMN, triggered the determinations set forth under TSCA section 5(e) but did find that certain changes in the chemical's manufacture, processing, distribution, use or disposal could result in increased exposures to or releases of the substance. Under the Expedited Follow-up Rule (EFUR), 40 CFR part

721, subpart D, EPA routinely issues batch direct final section 5(e) and non-5(e) SNURs.

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
NPRM; Certain Chemical Substances — (P01–759, P05–555, P07–283)	06/09/08	73 FR 32508
Direct Final Action: Certain Chemical Substances, Batch FY08–1	11/05/08	73 FR 65743
Direct Final Action, Certain Chemical Substances, Batch FY09–1	06/24/09	74 FR 29982
Final; Certain Chemical Substances — (P01–759, P05–555, P07–283)	07/08/09	74 FR 32460
Direct Final Action: Certain Chemical Substances, Batch FY09–2	09/18/09	74 FR 47877
Direct Final Action Batch FY10–01	12/00/09	
NPRM Modifications Batch FY10–01	12/00/09	
NPRM Revocations Batch FY10–01	12/00/09	
Direct Final Action Batch FY10–02	02/00/10	
Final Action Modifications Batch FY10–01	03/00/10	
Final Action Revocations Batch FY10–01	03/00/10	
Direct Final Action Batch FY10–03	05/00/10	
Final: A kenyl Ether of Alkanetriol Polymer (93–458)	06/00/10	
Final: Aromatic Amino Ether (P90–1840)	06/00/10	
Final: Certain Chemical Substances (91–1299/95–1667 91–1298 91–1297)	06/00/10	
Direct Final Action Batch FY10–04	09/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3495

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

URL For More Information: www.epa.gov/opptintr/newchems/pubs/cnosnurs.htm

Agency Contact: Karen Chu, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8773
Fax: 202 564–9490
Email: chu.karen@epa.gov

Tracey Klosterman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–2209
Fax: 202 564–9490
Email: klosterman.tracey@epa.gov

RIN: 2070–AB27

893. SIGNIFICANT NEW USE RULE FOR CHLORANIL

Priority: Routine and Frequent

Legal Authority: 15 USC 2607 TSCA 8

CFR Citation: 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 section 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 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. EPA 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 a significant time has passed since proposal, the Agency reopened the comment period in 2007. EPA is currently formulating the final rule.

Timetable:

Action	Date	FR Cite
NPRM Original	05/12/93	58 FR 27986
Reopening of Comment Period	01/30/07	72 FR 4224
Final Action	10/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

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; EPA Docket information: EPA—HQ—OPPT—2006—0795

Agency Contact: Dwain Winters, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–1977
Fax: 202 566–0470
Email: winters.dwain@.epa.gov

Brian Symmes, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–1983

Fax: 202 566–0470
Email: symmes.brian@epa.gov

RIN: 2070–AJ31

894. SIGNIFICANT NEW USE RULE FOR ELEMENTAL MERCURY IN FLOW METERS, MANOMETERS, AND PYROMETERS

Priority: Routine and Frequent

Legal Authority: TSCA sec 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 use 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	09/11/09	74 FR 46707
NPRM Comment Period End	11/10/09	
Final Action	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5238

URL For More Information: www.epa.gov/opptintr/newchems/pubs/snun.htm

Agency Contact: Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0515
Email: gimlin.peter@epa.gov

Lynn Vendinello, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0514
Email: vendinello.lynn@epa.gov

RIN: 2070–AJ36

895. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

Priority: Info./Admin./Other

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: On October 20, 2006 (71 FR 61926), EPA proposed a Test Rule for Certain Chemicals on the ATSDR/EPA CERCLA Priority List of Hazardous Substances for the consideration of testing for four chemicals (hydrogen and sodium cyanide, chloroethane, and methylene chloride). The chemicals are listed on the Agency for Toxic Substances and Disease Registry (ATSDR)/EPA priority list of hazardous substances which is compiled under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). The chemicals are also listed as hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). In the proposal for this test rule, EPA explained that the principal reason EPA proposed to use its TSCA section 4 authority to obtain data was to support ATSDR's Substance-Specific Applied Research Program, a program for collecting data and other information needed for developing health assessments pursuant to CERCLA, 42 U.S.C. section 9601 et seq. ATSDR had referred the chemicals subject to the proposed rule to EPA under the authority of section 104(i) of CERCLA, 42 U.S.C. section 96040). Since then, ATSDR informed EPA that it no longer needed EPA to finalize this rule. Therefore, EPA plans to withdraw the proposal. EPA is currently developing efforts to strengthen the Agency's chemical management program under TSCA by ramping up efforts to assess, prioritize and take action on existing chemicals. EPA may address potential concerns with these chemicals as part of this enhanced effort. This withdrawal, however does not preclude the Agency from initiating the same or similar rulemaking at a future date.

Timetable:

Action	Date	FR Cite
NPRM	10/20/06	71 FR 61926
NPRM Comment Period Extended	12/18/06	71 FR 75704
NPRM Comment Period End	12/19/06	
Withdrawal of NPRM	02/00/10	

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

Agency Contact: Robert Jones, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8161
Fax: 202 564–4765
Email: jones.robert@epa.gov

Mike Mattheisen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–3077
Fax: 202 564–4765
Email: mattheisen.mike@epa.gov

RIN: 2070–AB79

896. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2646 TSCA 206

CFR Citation: 40 CFR 763

Legal Deadline: None

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	09/00/11	

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/

Agency Contact: Robert Courtnage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–1081
Email: courtnage.robert@epa.gov

Shiela Canavan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–1980
Email: canavan.shiela@epa.gov

RIN: 2070–AC51

897. 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: In 1991, EPA issued an advance notice of proposed rulemaking in response to a citizen's petition filed by the Environmental Defense Fund (EDF), Federation of Fly Fishers, Trumpeter Swan Society, and North American Loon Fund under section 21 of the Toxic Substances Control Act (TSCA), and the Administrative Procedure Act (APA). The petition asked EPA 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. In 1994, EPA 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 is re-evaluating the 1994 proposal.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM	03/09/94	59 FR 11122
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3252

URL For More Information: www.epa.gov/oppt/lead/

Agency Contact: Doreen Cantor, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0486
Fax: 202 566–0471
Email: cantor.doreen@epa.gov

Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–1980
Fax: 202 566–0471
Email: simpson.julie@epa.gov

RIN: 2070–AC21

898. 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: None

Abstract: The Residential Lead-Based Paint Hazard Reduction Act of 1992 requires EPA to promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations for LBP activities in target housing and child occupied facilities as well as training and certification of training programs for LBP activities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

Timetable:

Action	Date	FR Cite
NPRM	12/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

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/

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0484
Fax: 202 566–0471
Email: wheeler.cindy@epa.gov

Michelle Price, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0744
Fax: 202 566–0471
Email: price.michelle@epa.gov

RIN: 2070–AC64

899. MERCURY; REGULATION OF USE IN CERTAIN PRODUCTS

Priority: Other Significant

Legal Authority: 15 USC 2605

CFR Citation: 40 CFR 750

Legal Deadline: None

Abstract: Mercury is well-documented as a toxic, environmentally persistent substance that demonstrates the ability to bioaccumulate and to be atmospherically transported on a local, regional, and global scale. In addition, mercury can be environmentally transformed into methylmercury which biomagnifies and is highly toxic. EPA has conducted a preliminary analysis via the Risk-Based Prioritization of Mercury in Certain Products. By compiling data pertaining to the stated costs, advantages, and disadvantages associated with mercury-free alternatives to certain mercury-containing products, EPA made a preliminary judgment that effective and economically feasible alternatives exist. These products include switches, relays/contactors, flame sensors, button cell batteries, and measuring devices (e.g., non-fever thermometers, manometers, barometers, pyrometers, flow meters, and psychrometers/hygrometers). Therefore, EPA is evaluating whether an action (or combination of actions) under TSCA is appropriate for mercury used in such products. As appropriate, such an action(s) would involve a group(s) of these products. Specifically, EPA will determine whether the continued use of mercury in one or more of these products would pose an unreasonable risk to human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5312

Agency Contact: Thomas Groeneveld, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–1188
Fax: 202 566–0469
Email: groeneveld.thomas@epa.gov

Lynn Vendinello, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0514
Email: vendinello.lynn@epa.gov

RIN: 2070–AJ46

900. • MERCURY EXPORT BAN ACT; PROCEDURES FOR ESSENTIAL USE EXEMPTIONS

Priority: Substantive, Nonsignificant

Legal Authority: PL 110–414

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, January 1, 2013, The mercury export ban goes into effect January 1, 2013. The exemption rule needs to be in effect at that time.

Abstract: The Mercury Export Ban Act of 2008 (Pub. L. 110-414) amends TSCA section 12 to prohibit the export of elemental mercury from the United States effective January 1, 2013. The new provision in TSCA allows any person residing in the U.S. to petition the Administrator for an exemption to the export ban. The Administrator may grant exemptions to the ban through notice and comment rulemaking, if the Administrator makes certain findings listed in the Act. The action being initiated will be a rulemaking to set out the standards and procedures for an exporter to petition and the Agency to issue these exemptions. Exemption requests themselves will be acted on through later rulemakings.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5387; None.

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

Agency Contact: Julie Simpson, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–1980
Fax: 202 566–0471
Email: simpson.julie@epa.gov

Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0515
Email: gimlin.peter@epa.gov

RIN: 2070–AJ60

901. 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 which 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 Resource Conservation and Recovery. Any petitions for exemptions to manufacture PCBs other than 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. As a result of a public hearing, EPA forwarded a number of questions to Veolia to assist in clarifying material substantive to a rulemaking. Due to time constraints placed on the facility personnel from Hurricane like recovery efforts, Veolia recently responded to the questions from the hearing. EPA is reviewing the hearing response material and needs to determine if any more information is needed.

Timetable:

Action	Date	FR Cite
NPRM: Veolia Petition	03/06/08	73 FR 12053
Extension of Comment Period Notice	04/21/08	73 FR 21299
Notice of Informal Public Hearing	05/19/08	73 FR 28786
NPRM Extended Comment Period End	06/05/08	
Final: Veolia Petition	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

Agency Contact: William Noggle, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 347–8769
Fax: 703 308–0514
Email: noggle.william@epamail.epa.gov

Frank McAlister, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8196
Fax: 703 308–0514
Email: mcalister.frank@epa.gov

RIN: 2050–AG42

902. POLYCHLORINATED BIPHENYLS (PCBS); PLACEHOLDER FOR 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 Regulatory Agenda entry is intended to capture petitions that request an 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
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 2150

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

Agency Contact: Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0515
Email: gimlin.peter@epa.gov

Lynn Vendinello, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0514
Email: vendinello.lynn@epa.gov

Related RIN: Previously reported as 2070–AB20

RIN: 2070–AJ39

903. FORMALDEHYDE EMISSIONS FROM PRESSED WOOD PRODUCTS

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

Unfunded Mandates: Undetermined

Legal Authority: 15 USC 2605 TSCA 6

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In response to a petition filed under TSCA section 21, EPA has initiated a proceeding to investigate risks posed by formaldehyde emitted from pressed wood products. As indicated in that response, EPA issued an advance notice of proposed rulemaking (ANPRM) on December 3, 2008. The ANPRM process sought to engage stakeholders to contribute to obtaining a better understanding of the available control technologies and approaches, industry practices, and the implementation of California's regulations. EPA also plans to conduct an industry survey and initiate development of an exposure assessment and an irritation hazard characterization that could be used for

evaluating emissions standards or other approaches. Subsequently, EPA plans to develop an irritation risk assessment and will analyze potential costs and benefits. At the conclusion of this work, EPA anticipates determining whether it should take action, which may include action under TSCA, or through other approaches. As EPA evaluates risks and options, EPA intends to engage the public and stakeholders.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/08	73 FR 73621
ANPRM: Extension of Comment Period	01/30/09	74 FR 5632
ANPRM Comment Period End	02/02/09	
ANPRM Extended Comment Period End	03/19/09	
Notice	08/00/12	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 5287; EPA publication information: ANPRM—http://www.epa.gov/fedrgstr/EPA-TOX/2008/December/Day-03/t28585.pdf; EPA Docket information: EPA-HQ-OPPT-2008-0627

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0484
Fax: 202 566–0471
Email: wheeler.cindy@epa.gov

Lynn Vendinello, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0514
Email: vendinello.lynn@epa.gov

RIN: 2070–AJ44

904. 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 is considering whether 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	12/00/10	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4975

Agency Contact: Roy Seidenstein, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9274
Fax: 202 564–9490
Email: seidenstein.roy@epa.gov

Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8469
Fax: 202 564–9094
Email: schweer.greg@epa.gov

RIN: 2070–AJ15

905. FOLLOW–UP RULES ON EXISTING CHEMICALS

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 TSCA 5; 15 USC 2607 TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

Legal Deadline: None

Abstract: EPA monitors the commercial development of existing chemicals of concern and/or gathers information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published as chemicals are identified.

Timetable:

Action	Date	FR Cite
NPRM: 2,4–Pentanedione	09/27/89	54 FR 39548
NPRM: Heavy Metals	01/15/02	67 FR 1937
Final: Heavy Metals	12/00/10	
Final: 2,4 Pentanedione	12/00/11	

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

Agency Contact: Diane Sheridan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8176
Email: sheridan.diane@epa.gov

Amy Breedlove, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–9823
Fax: 202 564–4775
Email: breedlove.amy@epa.gov

RIN: 2070–AA58

906. 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 part of 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	12/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3528

Sectors Affected: 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

Agency Contact: Robert Courtnage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202–566–1081
Email: courtnage.robert@epa.gov

Peter Gimlin, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0515
Email: gimlin.peter@epa.gov

RIN: 2070–AC37

907. 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). ECAs are usually less resource intensive than formal TSCA rule-making. In developing ECAs EPA may 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. The Agency may also consider test rules or ECAs 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 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 or ECA.

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

Agency Contact: Victoria Roden, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–4253
Fax: 202 564–4765
Email: vanroden.victoria@epa.gov

RIN: 2070–AB94

908. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)

Priority: Info./Admin./Other

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: The Proposed Test Rule for Hazardous Air Pollutants (61 FR 33178, June 26, 1996) was proposed to require manufacturers and processors of 2l hazardous air pollutants (HAPs) to test their chemicals for certain health effects. EPA also solicited proposals for enforceable Consent Agreements (ECAs) regarding the performance of pharmacokinetics studies which would permit extrapolation from oral data to predict risk from inhalation exposure. The data would have primarily been used to implement several provisions of section 112 of the Clean Air Act (CAA), including determining residual risk, estimating risks associated with accidental releases of chemicals, and determining whether or not substances should be removed from the CAA section 1 12(b)(1) list of hazardous air pollutants (delisting). EPA's Office of Air Quality Planning and Standards (OAQPS), along with EPA's Office of Research and Development (ORD), informed EPA that it would not be prudent to expend resources to finalize this rule. EPA is also withdrawing this

proposed action because the original proposal was issued in 1996 and the Agency has determined that the record does not address recent scientific information developed since the original proposal. EPA is currently developing efforts to strengthen the agency's chemical management program under TSCA by ramping up efforts to assess, prioritize and take action on existing chemicals. As part of this enhanced effort EPA will consider how best to address potential concerns with these chemicals, which would include utilizing scientific information and data developed since the rule was proposed. This withdrawal, however, does not preclude the Agency from initiating the same or similar rulemaking at a future date.

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33178
NPRM Comment Period End	12/23/96	
Supplemental NPRM	12/24/97	62 FR 67466
Supplemental NPRM Comment Period End	02/09/98	
Supplemental NPRM 2	04/21/98	63 FR 19694
Supplemental NPRM 2 Comment Period End	06/22/98	
Final Action	To Be	Determined

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: John Schaeffer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8173
Fax: 202 564–4765
Email: shaeffer.john@epa.gov

Bob Jones, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8161
Fax: 202 564–4765
Email: jones.robert@epa.gov

RIN: 2070–AC76

909. TEST RULE; MULTIPLE SUBSTANCE RULE FOR THE TESTING OF DEVELOPMENTAL AND REPRODUCTIVE TOXICITY

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

CFR Citation: 40 CFR 790 to 799; 40 CFR 704

Legal Deadline: None

Abstract: On March 4, 1991, EPA issued a proposed TSCA section 4 Test Rule to require testing of 12 chemicals for developmental and/or reproductive effects. Since issuing that proposed rule, 11 of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary HPV Chemical Challenge Program, and/or the International Council of Chemical Associations (ICCA). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

Timetable:

Action	Date	FR Cite
NPRM Original	03/04/91	56 FR 9092
NPRM—Reproposal	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4395

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

Agency Contact: Catherine Roman, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8172
Fax: 202 564–4765
Email: roman.catherine@epa.gov

Mike Mattheisen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–3077
Fax: 202 564–4765
Email: mattheisen.mike@epa.gov

RIN: 2070–AD44

910. TESTING AGREEMENT FOR ARYL PHOSPHATES (ITC LIST 2)

Priority: Info./Admin./Other

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA published a proposed TSCA section 4 test rule in 1992 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 existing screening level data, or, if none exist, to develop such data on U.S. 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. EPA is evaluating the need for any additional testing of the subject aryl phosphate base stocks under an ECA or rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/83	48 FR 57452
NPRM	01/17/92	57 FR 2138
Notice: Enforcable Consent Agreement	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.2

URL For More Information: www.epa.gov/oppt/chemtest

Agency Contact: Mike Mattheisen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–3077
Fax: 202 564–4765
Email: mattheisen.mike@epa.gov

John Schaeffer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8173
Fax: 202 564–4765
Email: shaeffer.john@epa.gov

RIN: 2070–AJ07

911. 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: Other, Statutory, June 30, 2009, Settlement Agreement Deadline for Signature on ANPRM.

Abstract: This rulemaking proceeding was initiated in response to a citizen's petition filed in June 2007 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 commenced the proceeding by issuing an advance notice of proposed rulemaking (ANPRM) on June 15, 2009 that solicits public comment on several testing issues prior to the issuance of any proposed rule. The public comment period for the ANPRM ended on September 15, 2009 and EPA is now evaluating the need to propose a TSCA Section 4 Test Rule.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/09	74 FR 28654
ANPRM Comment Period End	09/15/09	
NPRM	12/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5187; EPA Docket information: EPA—HQ—OPPT—2007—0490

URL For More Information: www.epa.gov/opptintr/chemtest

Agency Contact: John Schaeffer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8173
Fax: 202 564–4765
Email: shaeffer.john@epa.gov

Mike Mattheisen, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–3077
Fax: 202 564–4765
Email: mattheisen.mike@epa.gov

RIN: 2070–AJ34

912. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES

Priority: Routine and Frequent

Legal Authority: 15 USC 2607(a) TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. The data will be used to monitor the levels of production, import and/or processing of the identified substances and the avenues of human and environmental exposure to these substances. This regulatory agenda entry identifies the most recent rules and any anticipated rules.

Timetable:

Action	Date	FR Cite
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 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

Agency Contact: Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8086
Fax: 202 564–4765
Email: brown.gerry@epa.gov

John Schaeffer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8173
Fax: 202 564–4765

Email: shaeffer.john@epa.gov

RIN: 2070–AB08

913. 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). This Regulatory Agenda entry serves as a placeholder for future rules, and, when applicable, identifies the most recent rules and any anticipated rules.

Timetable:

Action	Date	FR Cite
Final Rule for 60th ITC List	01/29/08	73 FR 5109
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 1139; EPA publication information: Final Rule for 60th ITC List - http://www.epa.gov/fedrgstr/EPA-TOX/2008/January/Day-29/t1546.pdf;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

Agency Contact: Gerry Brown, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8086
Fax: 202 564–4765
Email: brown.gerry@epa.gov

John Schaeffer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8173
Fax: 202 564–4765
Email: shaeffer.john@epa.gov

RIN: 2070–AB11

914. 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.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

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/

Agency Contact: John Wilkins, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0477
Fax: 202 566–0471
Email: wilkins.john@epa.gov

Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0484
Fax: 202 566–0471
Email: wheeler.cindy@epa.gov

RIN: 2070–AD64

915. TSCA POLICY STATEMENT ON OVERSIGHT OF TRANSGENIC ORGANISMS (INCLUDING PLANTS)

Priority: Substantive, Nonsignificant

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 is considering whether to address TSCA oversight of transgenic plants and other organisms. Recent information indicates that transgenic plants and other organisms are being developed for uses which appear to be subject to TSCA jurisdiction. For example, plants are being genetically modified to produce industrial grade, rather than food grade, oils. Many of these plants are subject to oversight by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture while being tested in the environment. Following APHIS approval of a petition for non-regulated status filed pursuant to APHIS' regulations implementing the Federal Plant Pest Act at 7 CFR Part 340, however, these plants cease to be subject to regulation by USDA. Additionally, transgenic animals that are not under the jurisdiction of FDA appear to be subject to TSCA. Such animals may be genetically improved livestock for commercial purposes. The policy statement would address whether EPA should exercise jurisdiction under TSCA over such transgenic organisms prior to their commercial use.

EPA—Toxic Substances Control Act (TSCA) — Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: SAN No. 4598

Agency Contact: Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460
Phone: 202 564–8469
Fax: 202 564–9094
Email: schweer.greg@epa.gov

RIN: 2070–AD53

Environmental Protection Agency (EPA) — Completed Actions
Toxic Substances Control Act (TSCA)

916. LEAD; MINOR AMENDMENTS TO THE RENOVATION, REPAIR, AND PAINTING PROGRAM

Priority: Info./Admin./Other

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: None

Abstract: On July 15, 2009, EPA promulgated several minor, technical amendments to the Lead Renovation, Repair, and Painting Program that enable OPPTS and the Regions to implement the program effectively. The amendments include corrections to the regulatory text to require training providers to submit information on successful renovator and dust sampling technician trainees (including digital photographs) to EPA and corrections to the regulatory text to eliminate the requirement that training providers submit digital photographs of successful lead-based paint activities trainees (inspectors, risk assessors, abatement workers/supervisors, project designers) to EPA.

Timetable:

Action	Date	FR Cite
NPRM	04/22/09	74 FR 18330
NPRM Comment Period End	05/22/09	
Final Action	07/15/09	74 FR 34257

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5334; EPA publication information: NPRM—http://www.epa.gov/fedrgstr/EPA-TOX/2009/April/Day-22/t9227.htm; EPA Docket information: EPA-HQ-OPPT-2005-0049; Final action—http://edocket.access.gpo.gov/2009/pdf/E9-16814.pdf

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

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0484
Fax: 202 566–0471
Email: wheeler.cindy@epa.gov

Michelle Price, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460
Phone: 202 566–0744
Fax: 202 566–0471
Email: price.michelle@epa.gov

RIN: 2070–AJ48

Environmental Protection Agency (EPA) — Proposed Rule Stage
Emergency Planning and Community Right—to—Know Act (EPCRA)

917. 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 the event of an accident. EPA is considering a rule proposing revisions to the TPQ for solids in solution. 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). EPA intends to evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA is also considering 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	03/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4753

Agency Contact: Kathy Franklin, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–7987
Fax: 202 564–2625
Email: franklin.kathy@epa.gov

Sicy Jacob, Environmental Protection Agency, Solid Waste and Emergency

Response, 5104A, Washington, DC 20460
Phone: 202 564–8019
Fax: 202 564–2625
Email: jacob.sicy@epa.gov

RIN: 2050–AF08

918. TRI; RESPONSE TO PETITION TO DELETE ACETONITRILE FROM THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS

Priority: Substantive, Nonsignificant

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	07/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.3; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

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

Agency Contact: Daniel Bushman, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0743
Email: bushman.daniel@epamail.epa.gov

Nicole Paquette, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0642
Email: paquette.nicole@epamail.epa.gov

RIN: 2025–AA19

919. ● TRI: NOTICE OF INTENT TO CONSIDER DISSOLUTION OF ADMINISTRATIVE STAY REGARDING HYDROGEN SULFIDE REPORTING REQUIREMENTS; OPPORTUNITY FOR PUBLIC COMMENT

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In response to a petition from the Natural Resources Defense Council and the Governor of New York, hydrogen sulfide, along with 20 other chemicals and two chemical categories, was added to the Emergency Planning and Community Right-To-Know Act (EPCRA) section 313 list of toxic chemicals as part of a 1993 final rule (December 1, 1993, 58 FR 63500). Hydrogen sulfide was listed under the criteria of EPCRA section 313(d)(2)(B) based on chronic neurotoxic effects in humans and under EPCRA section 313(d)(2)(C) based on acute aquatic toxicity. However, on August 22, 1994 (59 FR 43048), EPA issued an Administrative Stay of the EPCRA section 313 reporting requirements for hydrogen sulfide.

Some members of the regulated community expressed concern that the specific basis for listing hydrogen sulfide under EPCRA section 313(d)(2)(B) changed between the proposed rule (September 8, 1992, 57 FR 41020) and the final rule (December 1, 1993, 58 FR 63500) and that they did not have an opportunity to comment on the final basis for the addition under EPCRA section 313(d)(2)(B). Although the statutory basis for the determination did not change, the Agency did cite chronic neurotoxic effects in the final rule and chronic respiratory effects in the proposed rule as the specific effects of concern. In addition, charges were made that EPA's decision not to include evidence of exposure in deciding to list hydrogen sulfide on the basis of chronic human health effects was inconsistent with past Agency practice. EPA did not agree that it had been inconsistent in its use of exposure analysis in EPCRA section 313 listings, but felt that the public deserved an opportunity to be presented with further clarification of the Agency's position on this issue. Therefore, the Agency decided to issue an administrative stay of the reporting requirements for hydrogen sulfide in order to allow for additional time to review these issues. EPA stated that a subsequent Federal Register notice would provide a mechanism for the public to comment on the specific basis for listing hydrogen sulfide as well as providing a more complete discussion of use of exposure analysis in EPCRA section 313 listing decisions. This action is the subsequent Federal Register notice. EPA will take comments on its latest hazard assessment for hydrogen sulfide and EPA's intent to dissolve the administrative stay.

Timetable:

Action	Date	FR Cite
Notice	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5368

Agency Contact: Daniel Bushman, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0743
Email: bushman.daniel@epamail.epa.gov

Nicole Paquette, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0642
Email: paquette.nicole@epamail.epa.gov

RIN: 2025–AA27

920. ● TOXICS RELEASE INVENTORY; ADDITION OF NATIONAL TOXICOLOGY PROGRAM CARCINOGENS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The National Toxicology Program (NTP) periodically publishes its Report on Carcinogens (RoC) which classifies chemicals as either ''known to be a human carcinogen'' or ''reasonably anticipated to be a human carcinogen.'' The RoC is a congressionally mandated scientific and public health document that provides data on carcinogenicity, genotoxicity, and biologic mechanisms. The RoC evaluations are performed by scientists from the NTP, other Federal health research and regulatory agencies, and nongovernmental institutions. The RoC review process includes external peer review and public comment.

EPA is reviewing the 11th edition of the NTP RoC to identify those chemicals that are not currently on the Toxics Release Inventory (TRI) list and that have not previously been reviewed for listing. EPA will propose to add to the TRI list, those NTP carcinogens that have sufficient production or use levels such that the Agency expects that TRI reports will be filed.

Timetable:

Action	Date	FR Cite
NPRM	05/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5384

Agency Contact: Daniel Bushman, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0743
Email: bushman.daniel@epamail.epa.gov

Nicole Paquette, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0642
Email: paquette.nicole@epamail.epa.gov

RIN: 2025–AA28

921. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR METAL MINING ACTIVITIES

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 in the mining context, stating that naturally occurring ores in situ have not been manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4616; Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*,312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*,111998*, 211112*, 212234*, 212235*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 511220, 512230*, 516110*, 541710*, or 811490*. *Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113 (correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 et seq.) (correspond to SIC 4953, Refuse Systems).

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

Agency Contact: Daniel Teitelbaum, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0964
Fax: 202 566–0741
Email: teitelbaum.daniel@epamail.epa.gov

Steve Devito, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0755
Fax: 202 566–0741
Email: devito.steve@epamail.epa.gov

RIN: 2025–AA11

922. TOXICS RELEASE INVENTORY (TRI) ARTICLES EXEMPTION CLARIFICATION RULE

Priority: Info./Admin./Other

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Toxics Release Inventory (TRI) reporting is required by section 313 of the Emergency Planning and Community Right-To-Know Act

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(EPCRA) and section 6607 of the Pollution Prevention Act. The purpose of this proposed rule is to clarify the scope of the exemption from TRI reporting requirements for items that qualify as articles. [See 40 CFR part 372.38(b).] EPA believes that language contained in the regulation and subsequent guidance should be clarified for the regulated community concerning what items qualify as articles and are therefore exempt from TRI threshold determinations, TRI release and other waste management calculations and reporting.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Final Action	09/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5296; Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*,312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*,111998*, 211112*, 212234*, 212235*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 511220, 512230*, 516110*, 541710*, or 811490*. *Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113 (correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 et seq.) (correspond to SIC 4953, Refuse Systems).

Agency Contact: Steven DeBord, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0731
Email: debord.steven@epamail.epa.gov

Ingrid Rosencrantz, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0961
Email: rosencrantz.ingrid@epamail.epa.gov

RIN: 2025–AA24

Environmental Protection Agency (EPA) — Long-Term Actions
Emergency Planning and Community Right—to—Know Act (EPCRA)

923. 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.

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

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

RIN: 2050–AG40

924. 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). Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*,312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*,111998*, 211112*, 212234*, 212235*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 511220, 512230*, 516110*, 541710*, or 811490*. *Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113 (correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 et seq.) (correspond to SIC 4953, Refuse Systems).

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

Agency Contact: Daniel Bushman, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0743
Email: bushman.daniel@epamail.epa.gov

Nicole Paquette, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0642
Email: paquette.nicole@epamail.epa.gov

RIN: 2025–AA16

925. 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
NPRM Comment Period End	12/04/00	
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: Notice of Data Availability - http://www.epa.gov/fedrgstr/EPA-WASTE/2005/June/Day-14/f11664.htm; 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). Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*,312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*,111998*, 211112*, 212234*, 212235*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 511220, 512230*, 516110*, 541710*, or 811490*. *Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113

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(correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 et seq.) (correspond to SIC 4953, Refuse Systems).

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

Agency Contact: Daniel Bushman, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0743
Email: bushman.daniel@epamail.epa.gov

Nicole Paquette, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–0642
Email: paquette.nicole@epamail.epa.gov

RIN: 2025–AA17

Environmental Protection Agency (EPA) — Completed Actions
Emergency Planning and Community Right—to—Know Act (EPCRA)

926. TOXICS RELEASE INVENTORY FORM A ELIGIBILITY REVISIONS IMPLEMENTING THE 2009 OMNIBUS APPROPRIATIONS ACT

Priority: Substantive, Nonsignificant

Legal Authority: EPCRA sec 313 and PPA sec 6607

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: EPA amended its regulations on the eligibility criteria for submitting a Form A Certification Statement in lieu of the more detailed Form R submitted by facilities subject to TRI reporting under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). This action was taken to comply with the ''Omnibus Appropriations Act of 2009'' enacted on March 11, 2009.

Timetable:

Action	Date	FR Cite
Final Action	04/27/09	74 FR 19001

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5343; EPA publication information: Final Action—http://edocket.access.gpo.gov/2009/pdf/E9-9530.pdf

Agency Contact: Cory Wagner, Environmental Protection Agency, Office of Environmental Information, 2844T, Washington, DC 20460
Phone: 202 566–1555
Email: wagner.cory@epamail.epa.gov

RIN: 2025–AA25

Environmental Protection Agency (EPA) — Proposed Rule Stage
Resource Conservation and Recovery Act (RCRA)

927. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION RESIDUALS GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

Regulatory Plan: This entry is Seq. No. 75 in part II of this issue of the **Federal Register**.

RIN: 2050–AE81

928. EPISODIC GENERATION RULEMAKING

Priority: Other Significant

Legal Authority: 42 USC 6922 (a)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA is considering the development of a specific regulation associated with facilities that, as a result of certain events, find themselves moving occasionally or ''episodically'' into a higher hazardous waste generator status. Examples of events that may temporarily affect a facility's generator regulatory status include: construction and demolition debris; equipment maintenance during a plant shut down; removal of post-shelf life inventory; tank cleanouts; and process upsets.

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5309

Agency Contact: Jim OLeary, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8827
Fax: 703 308–0514
Email: oleary.jim@epa.gov

Charlotte Mooney, Environmental Protection Agency, Solid Waste and Emergency Response, 5403P, Washington, DC 20460
Phone: 703 308–7025
Fax: 703 308–0514
Email: mooney.charlotte@epa.gov

RIN: 2050–AG51

929. IDENTIFICATION OF NON–HAZARDOUS MATERIALS THAT ARE SOLID WASTES

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6903(27)

CFR Citation: 40 CFR 241

Legal Deadline: NPRM, Judicial, September 15, 2009, –.
Final, Judicial, July 15, 2010, –.

Abstract: The Agency is considering proposing to define whether non-hazardous secondary materials used as fuels or ingredients in combustion units are solid wastes under the Resource Conservation and Recovery Act (RCRA). This in turn will assist the Agency in developing regulatory standards under sections 112 and 129 of the Clean Air Act (CAA). If the secondary material is considered a ''solid waste,'' then the unit that uses the secondary material would be subject to CAA section 129 requirements. The meaning of ''solid waste'' as defined under RCRA is important because CAA section 129, which regulates emissions from sources that combust solid wastes, states that the term ''solid waste'' shall have the meaning ''established by the Administrator [pursuant to RCRA].''

Timetable:

Action	Date	FR Cite
ANPRM	01/02/09	74 FR 41
ANPRM Comment Period End	02/02/09	
NPRM	12/00/09	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local, Tribal

Federalism: Undetermined

Additional Information: SAN No. 5266; EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-WASTE/2009/January/Day-02/f30987.pdf; http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-RCRA-2008-0329; EPA Docket information: EPA-HQ-RCRA-2008-0329

URL For More Information: http://www.epa.gov/epawaste/index.htm

Agency Contact: Marc Thomas, Environmental Protection Agency, Solid Waste and Emergency Response, 5303P, Washington, DC 20460
Phone: 703 308–0023
Fax: 703 308–8686
Email: thomas.marc@epamail.epa.gov

Michael Galbraith, Environmental Protection Agency, Solid Waste and Emergency Response, 5303P, Washington, DC 20460
Phone: 703 605–0567
Fax: 703 308–8686
Email: galbraith.michael@epa.gov

RIN: 2050–AG44

930. HAZARDOUS WASTE MANAGEMENT SYSTEM; IDENTIFICATION AND LISTING OF HAZARDOUS WASTE; REMOVING SACCHARIN AND ITS SALTS FROM THE LISTS OF HAZARDOUS CONSTITUENTS, HAZARDOUS WASTES, AND HAZARDOUS SUBSTANCES

Priority: Other Significant

Legal Authority: 42 USC 6905, 6912(a), 6921, 6922 (RCRA sec 3001); 42 USC 9602 (CERCLA sec 102); 42 USC 9603 (CERCLA sec 103); 42 USC 9604; 33 USC 1321 and 1361

CFR Citation: 40 CFR 261; 40 CFR 302

Legal Deadline: None

Abstract: In response to a petition submitted by the Calorie Control Council (CCC), EPA plans to propose the removal of saccharin and its salts from the lists of hazardous constituents (40 CFR section 261, appendix VIII), the list of unused commercial chemical products identified as hazardous wastes (40 CFR section 261.33(f)), and the list of hazardous substances (40 CFR section 302.4). The current weight of scientific evidence supports the petitioner's request. EPA originally listed saccharin and its salts based on a scientific consensus that saccharin was a potential human carcinogen. However, the recent evaluation of available data for saccharin and its salts by the U.S. National Toxicology Program (NTP) and the International Agency for Research on Cancer (IARC) has concluded that scientific evidence does not support that saccharin and its salts are potential human carcinogens. In addition, the Agency does not believe saccharin and its salts meet any other criteria for remaining on the above specified lists.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5322

Agency Contact: Narendra Chaudhari, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–0454
Fax: 703 308–0514
Email: chaudhari.narendra@epamail.epa.gov

Robert Kayser, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–7304
Fax: 703 308–0514
Email: kayser.robert@epamail.epa.gov

RIN: 2050–AG55

931. ● WITHDRAWAL OF EXPANSION OF RCRA COMPARABLE FUELS EXCLUSION

Priority: Other Significant

Legal Authority: 42 USC 6924

CFR Citation: 40 CFR 261.38

Legal Deadline: None

Abstract: EPA is proposing to withdraw the emission comparable fuels rule. This action is based on a judgment that these materials appear to have the characteristics of hazardous waste, more appropriately regulated under full hazardous waste requirements. In this rule, it was necessary to impose an extensive list of hazardous waste management-like conditions in order to assure safe management and burning of these hazardous secondary materials and to assure that the materials are not discarded.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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Additional Information: SAN No. 4977.1; Split from RIN 2050-AG24; EPA Docket information: EPA-HQ-RCRA-2005-0017; http://www.regulations.gov

URL For More Information: http://www.epa.gov/epaoswer/hazwaste/combust/compfuels/exclusion.htm

Agency Contact: Mary Jackson, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460
Phone: 703 308–8453
Fax: 703 308–8433
Email: jackson.mary@epa.gov

Bob Holloway, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460
Phone: 703 308–8461
Fax: 703 308–8433
Email: holloway.bob@epa.gov

RIN: 2050–AG57

932. HAZARDOUS WASTE TECHNICAL CORRECTIONS AND CLARIFICATIONS RULE

Priority: Other Significant

Legal Authority: 42 USC 6905 to 6906; 42 USC 6912; 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6933 to 6939; 42 USC 6974

CFR Citation: 40 CFR 260 to 266; 40 CFR 268; 40 CFR 270

Legal Deadline: None

Abstract: This proposed and direct final rule would correct and clarify the hazardous waste regulations associated with hazardous waste identification, manifesting, and generator requirements, including those found under 40 CFR 262.34, as well as changes to the hazardous waste permit and interim status standards. These changes correct existing errors in the hazardous waste regulations that have occurred over time in numerous final rules published in the Federal Register as a result of typographical errors or incorrect citations to paragraphs and other references. Similarly, these changes would clarify existing parts of the hazardous waste regulatory program and correct references to Department of Transportation regulations that have been changed since the printing of the final rule. This action would not create new regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	
Direct Final Rule	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5310

Agency Contact: Jim OLeary, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8827
Fax: 703 308–0514
Email: oleary.jim@epa.gov

RIN: 2050–AG52

Environmental Protection Agency (EPA) — Final Rule Stage
Resource Conservation and Recovery Act (RCRA)

933. 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: In 2003, EPA proposed to modify the RCRA hazardous waste regulations for management of solvent-contaminated industrial wipes. 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. Based on comments received on the proposal, EPA has revised its risk analysis used to evaluate the risks to human health and the environment if solvent-contaminated wipes or laundry sludge are allowed to be disposed in a municipal solid waste landfill. A Notice of Data Availability will be published in the Federal Register to allow the public the opportunity to comment on the revised risk analysis. If finalized, this regulation will impact the management of 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.

Timetable:

Action	Date	FR Cite
NPRM	11/20/03	68 FR 65586
NPRM Comment Period End	02/18/04	
Notice of Data Availability	10/27/09	74 FR 55163
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; Notice of Data Availability—http://edocket.access.gpo.gov/2009/pdf/EQ-25812.pdf; 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: http://www.epa.gov/epawaste/index.htm

Agency Contact: Teena Wooten, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8751
Fax: 703 308–0514
Email: wooten.teena@epa.gov

RIN: 2050–AE51

EPA—Resource Conservation and Recovery Act (RCRA) — Final Rule Stage

934. REQUIREMENTS FOR TRANSBOUNDARY SHIPMENTS OF WASTES, EXPORT SHIPMENTS OF SPENT LEAD–ACID BATTERIES, SUBMITTING EXCEPTION REPORTS FOR EXPORT SHIPMENTS OF HAZARDOUS WASTES AND IMPORTS OF HAZARDOUS WASTES

Priority: Other Significant

Legal Authority: 42 USC 6901 et seq

CFR Citation: 40 CFR 262 subpart H (Revision); 40 CFR 262.58; 40 CFR 262.10(d); 40 CFR 263.10(d); 40 CFR 266.80(a); 40 CFR 262.55; 40 CFR 264.71(a)(3); 40 CFR 265.71 (a)(3); 40 CFR 271.1(j)

Legal Deadline: None

Abstract: The Agency would revise 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 part 262, subpart H to 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. In addition to the OECD amendments, the Agency would amend the regulations under RCRA regarding the transboundary movements of spent lead-acid batteries being reclaimed, as specified in 40 CFR part 266, subpart G, to require appropriate notice and consent for those batteries intended for export/reclamation. EPA would amend 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	10/06/08	73 FR 58388
NPRM Comment Period End	12/05/08	
Final Action	01/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4606; EPA publication information: NPRM— http://www.epa.gov/fedrgstr/EPA-WASTE/2008/October/Day-06/f22536.pdf; EPA Docket information: EPA-HQ-RCRA-2005-0018

Agency Contact: Laura Coughlan, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–0005
Fax: 703 308–0514
Email: coughlan.laura@epa.gov

Frank McAlister, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8196
Fax: 703 308–0514
Email: mcalister.frank@epa.gov

RIN: 2050–AE93

Environmental Protection Agency (EPA) — Long-Term Actions
Resource Conservation and Recovery Act (RCRA)

935. 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 procurement guidelines 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 five 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 yet finalized because more information was needed. A Notice of Data Availability was issued asking for that information. EPA is evaluating the comments and considering how to proceed with 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
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	09/14/07	72 FR
Final CPG for Nylon Carpet	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 3545; EPA publication information: NODA on Nylon Carpet - http://frwebgate.access.gpo.gov/ cgi-bin/getdoc.cgi?dbname= 2003 register& docid=fr16jy03-84.pdf; ; EPA Docket information: For CPG Nylon Carpet: EPA-HQ-RCRA-2003-0013

Sectors Affected: 92119 All Other General Government; 92111 Executive Offices

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

Agency Contact: Marlene Regelski–Reddoor, Environmental Protection Agency, Solid Waste and Emergency Response, 5306P, Washington, DC 20460
Phone: 703 308–7276
Fax: 703 308–8686
Email: regelski-reddoor.marlene@epa.gov

Deborah Hanlon, Environmental Protection Agency, Solid Waste and Emergency Response, 5306P, Washington, DC 20460
Phone: 703 308–5824
Fax: 703 308–8686
Email: hanlon.deborah@epa.gov

RIN: 2050–AE23

936. 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 control of CKD under Subtitle C of RCRA was warranted and published a regulatory determination (60 FR 7366). 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 the comments received on the proposal and notice.

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
NPRM Comment Period End	11/18/99	
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

Agency Contact: Jana Englander, Environmental Protection Agency, Solid Waste and Emergency Response, 5306P, Washington, DC 20460
Phone: 703 308–8711
Fax: 703 605–0595
Email: englander.jana@epamail.epa.gov

Steve Souders, Environmental Protection Agency, Solid Waste and Emergency Response, 5306P, Washington, DC 20460
Phone: 703 308–8431
Fax: 703 605–0595
Email: souders.steve@epamail.epa.gov

RIN: 2050–AE34

937. STANDARDS FOR THE SAFE AND ENVIRONMENTALLY PROTECTIVE PLACEMENT OF COAL COMBUSTION RESIDUALS AS MINEFILL IN COAL MINES NOT REGULATED UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6907(a)(3); 42 USC 6912(a)(1); 42 USC 6944(a)

CFR Citation: 40 CFR 259

Legal Deadline: None

Abstract: This action is part of a joint rulemaking effort with the Office of Surface Mining (OSM) of the Department of Interior (DOI) using a combination of regulatory authorities available under the Surface Mining Control and Reclamation Act (SMCRA) and the Resource Conservation and Recovery Act. Specifically, EPA is considering performance standards for the environmentally protective placement of coal combustion residuals (CCRs) for filling surface or underground coal mines, referred to as minefilling, not regulated under SMCRA. CCRs are byproducts of the combustion of coal at electric utility and independent power producing facilities. This action results from EPA's Regulatory Determination for fossil fuel combustion wastes (65 FR 32214, May 22, 2000), in which the Agency concluded that national regulations under RCRA (and/or modifications to the existing regulations established under SMCRA) are warranted when these wastes are placed in surface and underground mines. As described in the Regulatory Determination, there is sufficient evidence that adequate controls may not be in place, and that regulations are warranted. This action is also a result of a recommendation by the National Research Council (NRC, Managing Coal Combustion Residues in Coal Mines, 2006) regarding the management of CCRs in coal mines. NRC recommended that OSM and/or EPA promulgate enforceable federal regulations governing the minefilling of CCRs. In response to the NRC study, OSM published on Advanced Notice of Proposed Rulemaking on Placement of CCRs in Active and Abandoned Coal Mines (72 FR 12026, March 14, 2007), which took comment on the appropriateness of modifying SMCRA regulations to address minefilling at mines with SMCRA permits. This action will be coordinated with the OSM proposed rule. 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.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: SAN No. 5274

URL For More Information: http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/index.htm

Agency Contact: Bonnie Robinson, Environmental Protection Agency, Solid Waste and Emergency Response, 5306P, Washington, DC 20460
Phone: 703 308–8429
Fax: 703 308–8686
Email: robinson.bonnie@epamail.epa.gov

RIN: 2050–AG45

938. 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 EPA's Resource Conservation and Recovery Act (RCRA) regulatory standards and procedures that will govern the initiation, signing, transmittal, and retention of hazardous waste manifests using electronic documents and systems. There are 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 (EPA Form 8700-22). The manifest form revisions were decoupled from action on the electronic manifest, and the Final Form Revisions Rule was published in the Federal Register on June 16, 2005. The May 2001 electronic manifest proposed rule was a standards-based decentralized approach under which EPA would establish and maintain the standards that would guide the development of electronic manifest systems by private sector entities that chose to participate in the system. However, since publication of the May 2001 proposed rule, EPA found that there is a broad consensus in favor of a single national ''eManifest'' system sponsored by EPA, rather than assorted de-centralized commercial systems. Subsequently, in May 2004, EPA conducted a manifest stakeholder meeting to collect additional stakeholder views on the future direction of eManifest. Based on public comment on the 2001 proposed electronic standards 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 eManifest system to be hosted on EPA's Central Data Exchange (CDX) computer hub. However, EPA's ability to publish a final rule in 2009 that will recognize eManifests as a compliant voluntary alternative to the current paper manifest form, and to pursue this centralized eManifest design and funding solution, will depend on the passing of authorizing legislation for eManifest.

Timetable:

Action	Date	FR Cite
NPRM Original	05/22/01	66 FR 28240
NPRM Comment Period End	08/20/01	
Notice of Public Meeting	04/01/04	69 FR 17145
NODA	04/18/06	71 FR 19842
NODA ι2	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; 484 Truck Transportation; 5621 Waste Collection; 56221 Waste Treatment and Disposal; 483 Water Transportation

URL For More Information: www.epa.gov/epaoswer/hazwaste/gener/manifest/

Agency Contact: Rich LaShier, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8796
Fax: 703 308–0514
Email: lashier.rich@epa.gov

Bryan Groce, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8750
Fax: 703 308–0514
Email: groce.bryan@epa.gov

RIN: 2050–AG20

939. 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 6926; 42 USC 6927; 42 USC 6930; 42 USC 6937

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270; 40 CFR 273

Legal Deadline: None

Abstract: On December 2, 2008, EPA proposed to add hazardous pharmaceutical wastes to the federal universal waste program. The universal waste regulations streamline the collection requirements for specified hazardous wastes over current Resource Conservation and Recovery Act (RCRA) hazardous waste requirements. Even if included under the universal waste program, pharmaceutical universal wastes will still need to be sent to destination facilities that must comply with the applicable treatment, storage and disposal of the waste under the full hazardous waste regulations. Finally, because this rule is less stringent than current RCRA hazardous waste regulations, authorized states are not required to modify their programs to adopt this regulation, if finalized. Therefore, the regulated entities that could opt-in to the universal waste regime include those in authorized states that have adopted the universal waste rule and amended their programs to include hazardous pharmaceutical wastes.

Timetable:

Action	Date	FR Cite
NPRM	12/02/08	73 FR 73520
NPRM Comment Period Extended	01/30/09	74 FR 5633

Action	Date	FR Cite
NPRM Comment Period End	02/02/09	
Final Action	04/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Additional Information: SAN No. 5127; EPA publication information: NPRM - http://edocket.access.gpo.gov/2008/E8-28161.htm; Docket for proposed rule: http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA-HQ-RCRA-2007-0932; EPA Docket information: EPA-HQ-RCRA-2007-0932

URL For More Information: http://www.epa.gov/wstes/hazard/wastetypes/universal/pharm.htm

Agency Contact: Lisa Lauer, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–7418
Fax: 703 308–0514
Email: lauer.lisa@epa.gov

Mark Seltzer, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 347–8955
Fax: 703 308–0514
Email: seltzer.mark@epa.gov

RIN: 2050–AG39

940. 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 268; 40 CFR 271

Legal Deadline: None

Abstract: In response to a rulemaking petition, EPA is considering amending the Land Disposal Restriction (LDR) treatment requirements for EPA Waste Codes K172 and F037. 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 considering proposing a rule 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	To Be	Determined

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

Agency Contact: Ross Elliott, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8748
Fax: 703 308–0514
Email: elliott.ross@epa.gov

RIN: 2050–AG34

941. RCRA SMARTER WASTE REPORTING

Priority: Other Significant

Legal Authority: 42 USC 6922(a)(6)

CFR Citation: 40 CFR 262.41

Legal Deadline: None

Abstract: By implementing the Smarter Waste Reporting initiative, EPA hopes to decrease the regulatory burden on respondents completing the Biennial Report (BR) by eliminating the form for waste shipped offsite. We plan to do this by proposing to: (1) Substitute the BR data with the more-timely data from the eManifest system once legislation is enacted and the system is developed and operational; (2) present an option for facilities with static hazardous waste generation to report less frequently; and (3) improve the information we currently receive from respondents who manage their waste onsite, in an effort to improve the quality of BR data.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4735

Agency Contact: Peggy Vyas, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460
Phone: 703 308–5477
Fax: 703 308–8433
Email: vyas.peggy@epa.gov

Dwane Young, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460
Phone: 703 308–8433
Fax: 703 308–8433
Email: young.dwane@epa.gov

RIN: 2050–AF01

942. IDENTIFYING THE UNIVERSE OF GOVERNMENT RESEARCH IN LABORATORIES AND DETERMINING STUDENT INVOLVEMENT IN GENERATING LABORATORY HAZARDOUS WASTE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6922

CFR Citation: 40 CFR 262

Legal Deadline: None

Abstract: The Academic Laboratory Rulemaking was published on December 1, 2008. At the time of the rulemaking, the Agency did not have sufficient information about student populations in government research laboratories to include government research laboratories in the applicability of the final Laboratories Rule. As a result, the Agency is publishing a Notice of Data Availability making available the data we have on government research laboratories and solicit comment on whether it is accurate, as well as solicit comment on the number of students in government research laboratories.

EPA—Resource Conservation and Recovery Act (RCRA) — Long-Term Actions

Timetable:

Action	Date	FR Cite
Notice of Data Availability	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 4920.1; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WASTE/2006/May/Day-23/f4654.htm; Split from RIN 2050-AG18. No legal deadline.; EPA Docket information: EPA-HQ-RCRA-2003-0012

Agency Contact: Patricia Mercer, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8408
Fax: 703 308–0522
Email: mercer.patricia@epa.gov

Jessica Biegelson, Environmental Protection Agency, Solid Waste and Emergency Response, 5304P, Washington, DC 20460
Phone: 703 308–8286
Fax: 703 308–0026
Email: biegelson.jessica@epa.gov

RIN: 2050–AG54

943. 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 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 they were initially promulgated 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.

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.

Timetable:

Action	Date	FR Cite
NPRM Original	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
NPRM on Determination	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2647

Sectors Affected: 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 33299 All Other Fabricated Metal Product Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 331311 Alumina Refining; 4411 Automobile Dealers; 323110 Commercial Lithographic Printing; 334 Computer and Electronic Product Manufacturing; 22111 Electric Power Generation; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 325193 Ethyl Alcohol Manufacturing; 221112 Fossil Fuel Electric Power Generation; 45431 Fuel Dealers; 4471 Gasoline Stations; 811111 General Automotive Repair; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 33271 Machine Shops; 56292 Materials Recovery Facilities; 333319 Other Commercial and Service Industry Machinery Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 323114 Quick Printing; 22132 Sewage Treatment Facilities; 48422 Specialized Freight (except Used Goods) Trucking, Local; 311942 Spice and Extract Manufacturing; 336 Transportation Equipment Manufacturing; 56211 Waste Collection; 56221 Waste Treatment and Disposal

Agency Contact: Tricia Buzzell, Environmental Protection Agency, Solid Waste and Emergency Response, 5303P, Washington, DC 20460
Phone: 703 308–8622
Fax: 703 308–8609
Email: buzzell.tricia@epa.gov

RIN: 2050–AC71

Environmental Protection Agency (EPA) — Prerule Stage

Comprehensive Environmental Response, Compensation and Liability Act

944. CERCLA 108(B) FINANCIAL RESPONSIBILITY

Regulatory Plan: This entry is Seq. No. 65 in part II of this issue of the **Federal Register**.

RIN: 2050–AG56

Environmental Protection Agency (EPA) — Proposed Rule Stage

Comprehensive Environmental Response, Compensation and Liability Act

945. 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 Almeda	05/10/99	64 FR 24990
Final 25	07/22/99	64 FR 39878
NPRM 29	07/22/99	64 FR 39886
Final Pools Prairie	09/17/99	64 FR 50459
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
Final 26	02/04/00	65 FR 5435
NPRM 31	02/04/00	65 FR 5468
Final 28	05/11/00	65 FR 30482
NPRM 32	05/11/00	65 FR 30489
Final 29	07/27/00	65 FR 46096
NPRM 33	07/27/00	65 FR 46131
NPRM Alabama/Malone	08/24/00	65 FR 51567
Final 30	12/01/00	65 FR 75179
NPRM 34	12/01/00	65 FR 75215
NPRM 35	01/11/01	66 FR 2380
Final 31	06/14/01	66 FR 32235
NPRM 36	06/14/01	66 FR 32287
Final 32	09/13/01	66 FR 47583
NPRM 37	09/13/01	66 FR 47612
NPRM Libby/Omaha	02/26/02	67 FR 8836
Final adds 19 sites	09/05/02	67 FR 56757
NPRM 38	09/05/02	67 FR 56794
Final Action	10/24/02	67 FR 65315
Final Action	04/30/03	68 FR 23077
NPRM 1	04/30/03	68 FR 23094
Final 35 (adds 12 sites)	09/29/03	68 FR 55875
NPRM 40	03/08/04	69 FR 10646
Final 36	07/23/04	69 FR 43755
NPRM–Vieques	08/13/04	69 FR 50115
Final 37	09/23/04	69 FR 56949
NPRM 41	09/23/04	69 FR 56970
Final – Vieques	02/11/05	70 FR 7184
Final 38	04/27/05	70 FR 21644
NPRM 42	04/27/05	70 FR 21718
Final 39	09/14/05	70 FR 54286
NPRM 43	09/14/05	70 FR 54327
Final 40	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
NPRM 47	09/19/07	72 FR 53509
Final 44	03/19/08	73 FR 14719
NPRM 48	03/19/08	73 FR 14742
Final 45	09/03/08	73 FR 51368
NPRM 49	09/03/08	73 FR 51393
Final 46	04/09/09	74 FR 16126
NPRM 50	04/09/09	74 FR 16162
Final 47	09/23/09	74 FR 48412
NPRM 51	09/23/09	74 FR 48504
NPRM 52	09/23/09	74 FR 48511
Final 48	12/00/09	
Final 49	03/00/10	
NPRM 53	03/00/10	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3439

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

Agency Contact: Terry Jeng, Environmental Protection Agency, Solid Waste and Emergency Response, 5204P, Washington, DC 20460
Phone: 703 603–8852
Fax: 703 603–9104
Email: jeng.terry@epa.gov

Doug Ammon, Environmental Protection Agency, Solid Waste and Emergency Response, 5204P, Washington, DC 20460
Phone: 703 347–8925
Fax: 703 603–9104
Email: ammon.doug@epa.gov

RIN: 2050–AD75

Environmental Protection Agency (EPA) — Final Rule Stage

Comprehensive Environmental Response, Compensation and Liability Act

946. ● REVISE COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS

Priority: Other Significant

Legal Authority: 42 USC 9601 et seq

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: 40 CFR part 35 subpart O prescribes requirements for administering cooperative agreements (CAs) awarded to states, Native American tribes, and political subdivisions to conduct remedial actions, non-time-critical removal actions, pre-remedial activities, and other response activities authorized by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(a)-(j). In addition, subpart O prescribes requirements for the Superfund State Contract that is necessary whenever EPA or a political subdivision is the lead agency for a CERCLA remedial action. Subpart O rules were originally promulgated on June 5, 1990, and revised May 2, 2007. The Agency is considering revising the May 2, 2007, rule to further reduce the recipients' burden by allowing quarterly and semiannual progress reports to be due in 60 days, instead of 30 days. Also, under a Superfund State Contract, the Agency is considering whether the recipient may request that the overpayment of cost share from one site be applied to meet the cost share requirement of another site.

Timetable:

Action	Date	FR Cite
Final Action	06/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5376

URL For More Information:

EPA—Comprehensive Environmental Response, Compensation and Liability Act — Final Rule Stage

www.epa.gov/superfund

Agency Contact: Angelo Carasea, Environmental Protection Agency, Solid Waste and Emergency Response, 5204P, Washington, DC 20460
Phone: 703 603–8828
Fax: 703 603–9104
Email: carasea.angelo@epa.gov

Doug Ammon, Environmental Protection Agency, Solid Waste and Emergency Response, 5204P, Washington, DC 20460
Phone: 703 347–8925
Fax: 703 603–9104
Email: ammon.doug@epa.gov

RIN: 2050–AG58

Environmental Protection Agency (EPA) — Long-Term Actions
Comprehensive Environmental Response, Compensation and Liability Act

947. 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: EPA is considering a proposal for corrections and other adjustments to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F-and K- waste streams and entries in appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in Table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in Table 302.4.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4737

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1965
Fax: 202 564–2625
Email: beasley.lynn@epa.gov

RIN: 2050–AF03

948. 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 Framework (NRF). 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 NRF is to provide a guide that describes how the nation conducts all-hazard response to domestic incidents. The NRF 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 NRF will facilitate smooth integration of emergency response activities under the NCP with the NRF when both plans are activated for an incident. The NRF does not alter the existing authorities of Federal departments and agencies, but rather, establishes the coordinating framework 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 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

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information: SAN No. 4971

Agency Contact: Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1965
Fax: 202 564–2625
Email: beasley.lynn@epa.gov

Jean Schumann, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1977
Fax: 202 564–2620
Email: schumann.jean@epa.gov

RIN: 2050–AG22

Environmental Protection Agency (EPA) — Completed Actions

Comprehensive Environmental Response, Compensation and Liability Act

949. INCLUSION OF CERCLA STATE RESPONSE PROGRAMS AND TRIBAL RESPONSE PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: PL 104–134

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: EPA is authorized to combine State and Tribal Assistance Grant (STAG) ''categorical'' program grant funds into Performance Partnership Grants (PPGs). The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 128(a) State and Tribal Response program grants are funded from STAG categorical appropriations and are eligible for inclusion under 40 CFR part 35 in a PPG. On August 20, 2004, (69 FR 51756) EPA added the CERCLA section 128(a) State and Tribal Grant program to the list of grants eligible for inclusion in PPGs. EPA has included State Response Programs per CERCLA section 128(a) under title 40 part 35 subpart A and Tribal Response Programs per CERCLA section 128(a) under title 40, part 35, subpart B as a PPG eligible grant program. The Agency also added State Response Program and Tribal Response Program specific provisions.

Timetable:

Action	Date	FR Cite
Final Action	06/16/09	74 FR 28443
Technical Correction	09/08/09	74 FR 46019

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 5328; EPA publication information: Final Action— http://www.epa.gov/fedrgstr/EPA-WASTE/2009/June/Day-16/f14114.pdf; Technical Correction— http://edocket.access.gpo.gov/2009/pdf/E9-21549.pdf

URL For More Information: http://www.epa.gov/brownfields/state tribal.htm

Agency Contact: Virginia Fornillo, Environmental Protection Agency, Solid Waste and Emergency Response, 5105T, Washington, DC 20460
Phone: 202 566–2770
Fax: 202 566–1476
Email: fornillo.virginia@epamail.epa.gov

Becky Brooks, Environmental Protection Agency, Solid Waste and Emergency Response, 5105T, Washington, DC 20460
Phone: 202 566–2762
Fax: 202 566–1476
Email: brooks.becky@epamail.epa.gov

RIN: 2050–AG53

Environmental Protection Agency (EPA) — Proposed Rule Stage

Clean Water Act

950. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Priority: Other Significant

Legal Authority: 33 USC 1321(d)(2); 33 USC 1321(b)(3); CWA 311(d)(2)

CFR Citation: 40 CFR 300; 40 CFR 110

Legal Deadline: None

Abstract: EPA is considering proposing 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. The Agency is considering revisions to subpart J to clarify and change protocols for effectiveness and toxicity testing. These changes, if finalized, will help ensure protection of the environment when these products are used to clean up and mitigate oil spills (1) into or upon navigable waters, adjoining shorelines, the waters of the contiguous zone, or (2) which may affect natural resources belonging to or under the exclusive management authority of the United States. Further, the Agency is considering proposed changes to 40 CFR 110.4 regarding the use of dispersants.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4526

Sectors Affected: 3251 Basic Chemical Manufacturing; 325 Chemical Manufacturing; 3259 Other Chemical Product Manufacturing; 54 Professional, Scientific and Technical Services

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

Agency Contact: William Nichols, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1970
Fax: 202 564–2625
Email: nichols.nick@epa.gov

Leigh DeHaven, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1974
Fax: 202 564–2625
Email: dehaven.leigh@epa.gov

RIN: 2050–AE87

951. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR AIRPORT DEICING OPERATIONS

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

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

CFR Citation: 40 CFR 449

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.

Timetable:

Action	Date	FR Cite
NPRM	08/28/09	74 FR 44675
NPRM Comment Period End	12/28/09	
Final Action	12/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4948; EPA publication information: NPRM—http://edocket.access.gpo.gov/2009/pdf/E9-20291.pdf; EPA Docket information: EPA-HQ-OW-2004-0038

URL For More Information: www.epa.gov/waterscience/guide/airport

Agency Contact: Eric Strassler, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1026
Fax: 202 566–1053
Email: strassler.eric@epamail.epa.gov

Brian D'Amico, Environmental Protection Agency, Water, 4303T, WashingtonDC, DC 20460
Phone: 202 566–1069
Fax: 202 566–1053
Email: damico.brian@epa.gov

RIN: 2040–AE69

952. ● GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT; ANALYSIS AND SAMPLING PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1251; 33 USC 1314(h); 33 USC 1361(a)

CFR Citation: 40 CFR 136; 40 CFR 423; 40 CFR 435

Legal Deadline: None

Abstract: This regulatory action would propose to amend ''Guidelines Establishing Test Procedures for the Analysis of Pollutants'' at 40 CFR part 136 to approve test procedures (analytical methods) for use by testing laboratories for water monitoring. These test procedures are used to implement the NPDES program unless an alternate procedure is approved by a Regional Administrator. The proposed regulation would also revise, clarify, and correct errors and ambiguities in existing methods and the water monitoring regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5363

URL For More Information: www.epa.gov/waterscience/methods/possible-updates.html

Agency Contact: Meghan Hessenauer, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1040
Fax: 202 566–1053
Email: hessenauer.meghan@epamail.epa.gov

Lemuel Walker, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1077
Email: walker.lemuel@epamail.epa.gov

RIN: 2040–AF09

953. CRITERIA AND STANDARDS FOR COOLING WATER INTAKE STRUCTURES

Regulatory Plan: This entry is Seq. No. 76 in part II of this issue of the **Federal Register**.

RIN: 2040–AE95

954. 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, CWA 312(n)(5)(B)(i).

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 discharges (such as bilge water) have the potential to introduce oil or other organics into receiving waters; some (such as hull coating leachate) have the potential to introduce copper or other metals; and some (such as ballast water) have the potential to introduce nonindigenous invasive aquatic species. 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	04/00/10	
Final Action	09/00/11	

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: http://www.epa.gov/waterscience/rules/unds

Agency Contact: Brian Rappoli, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1548
Fax: 202 566–1546
Email: rappoli.brian@epa.gov

Jonathan Amson, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1276
Fax: 202 566–1546
Email: amson.jonathan@epa.gov

RIN: 2040–AD39

955. 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: The Water Permits Division is launching an effort to update specific elements of the existing NPDES regulations in order to provide clarifications related to the NPDES permit application and NPDES permit monitoring analytical detection level requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/10	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3786

Agency Contact: Kathryn Riedlinger, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–7004
Fax: 202 564–9544
Email: riedlinger.kathryn@epamail.epa.gov

David Hair, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–2287
Fax: 202 564–9544
Email: hair.david@epamail.epa.gov

RIN: 2040–AC84

956. 2010 EFFLUENT GUIDELINES PROGRAM PLAN

Priority: Substantive, Nonsignificant

Legal Authority: CWA 304; CWA 306; CWA 307

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, December 31, 2010.

Abstract: The Clean Water Act (CWA) requires EPA to establish national technology-based regulations known as ''effluent limitations guidelines and standards'' to reduce pollutant discharges from categories of industrial facilities. EPA similarly establishes technology-based regulations, termed ''pretreatment standards,'' to reduce indirect pollutant discharges—those that are discharged to publicly-owned treatment works. The CWA also specifies effluent guideline planning and review requirements. There are different requirements for direct and indirect dischargers, but both specify annual review of promulgated effluent guidelines and pretreatment standards. One requirement is publication of an Effluent Guidelines Program Plan every two years. CWA section 304(m) specifies that the Plan must: (1) Establish a schedule for the annual review and revision of promulgated effluent guidelines, (2) identify categories of sources discharging toxic or non-conventional pollutants for which guidelines have not previously been published (''new categories''); and (3) establish a schedule for the promulgation of effluent guidelines identified under (2). We anticipate that the Preliminary 2010 Plan will describe the results of the 2009 annual review, including, to the extent possible: (1) The outcome of the screening process; (2) EPA's selection of industrial categories for further study; and (3) the rationale for selecting categories for further study. The Preliminary 2010 Plan will also summarize activities and accomplishments for ongoing studies of categories that were identified in the 2008 Final Plan.

Timetable:

Action	Date	FR Cite
Preliminary Plan	12/00/09	
Final Plan	12/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5320; EPA Docket information: EPA-HQ-OW-2008-0517

URL For More Information: www.epa.gov/guide/304m/index.html

Agency Contact: Carey Johnston, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1014
Fax: 202 566–1053
Email: johnston.carey@epamail.epa.gov

Samantha Lewis, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1058
Fax: 202 566–1053
Email: lewis.samantha@epa.gov

RIN: 2040–AF06

957. ● AMENDMENT TO EFFLUENT GUIDELINES FOR PRIMARY ALUMINUM SMELTING SUBCATEGORY OF THE NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Priority: Substantive, Nonsignificant

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 501

CFR Citation: 40 CFR 421

Legal Deadline: None

Abstract: EPA plans to amend 40 CFR 421 to create updated discharge standards for those primary aluminum smelters that use both wet and dry scrubbing of their air emissions. As currently written, allowances exist for individual contributions to effluent discharges from a variety of processes present at primary aluminum smelter. These allowances include one for wastewater contributions resulting from the wet scrubbing of sulfur dioxide from potline emissions (40 CFR 421.23(n)). As the Agency continues to strengthen the regulation of air pollution from aluminum smelters, it is increasingly likely that higher wastewater pollutant concentrations from these wet scrubbers will result. The State of New York has identified a facility that exhibits just this problem with the discharge of fluoride, as a result of interference by sulfur captured

by the facility's wet scrubber. The extent of this problem is such that the facility is unable to comply with its fluoride effluent limit. An amendment of the current effluent guideline is expected to resolve this tension and make it easier for the Agency and regulated entities to manage cross-media effects.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	04/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5362;

Agency Contact: Ahmar Siddiqui, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1044
Fax: 202 566–1053
Email: siddiqui.ahmar@epamail.epa.gov

Janet Goodwin, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1060
Email: goodwin.janet@epamail.epa.gov

RIN: 2040–AF12

958. NPDES PROGRAM MANAGEMENT INFORMATION RULEMAKING

Priority: Other Significant

Legal Authority: CWA sec 304(i) and 501(a), 33 USC 1314(i) and 1361(a)

CFR Citation: 40 CFR 123, 403 and 501

Legal Deadline: None

Abstract: The U.S. Environmental Protection Agency (EPA) has responsibility to ensure that the Clean Water Act's (CWA) National Pollutant Discharge Elimination System (NPDES) program is effectively and consistently implemented across the country. This regulation would identify the essential information that EPA needs to receive from NPDES agencies (NPDES-authorized states, territories and tribes) to manage the national NPDES permitting and enforcement program. Through this regulation, EPA seeks to ensure that such facility-specific information would be readily available, accurate, timely and nationally consistent on the facilities that are regulated by the NPDES program. In the past, EPA primarily obtained this information from the Permit Compliance System (PCS). However, the evolution of the NPDES program since the inception of PCS has created an increasing need to better reflect a more complete picture of the NPDES program and the diverse universe of regulated sources. In addition, information technology has advanced significantly so that PCS no longer meets EPA's national needs to manage the full scope of the NPDES program or the needs of individual states that use PCS to implement and enforce the NPDES program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	04/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN No. 5251

Agency Contact: Andrew Hudock, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2222A, Washington, DC 20460
Phone: 202 564–6032
Email: hudock.andrew@epamail.epa.gov

John Dombrowski, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2222A, Washington, DC 20460
Phone: 202 566–0742
Email: dombrowski.john@epamail.epa.gov

RIN: 2020–AA47

959. 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: On December 12, 2000, Congress passed HR 4577 which contained a section called ''Certain Alaskan Cruise Ship Operations'' (title XIV). Title XIV established enforceable discharge standards for sewage and graywater from large cruise ships operating in Alaskan waters and authorizes EPA to develop revised and/or additional standards for these discharges 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	07/00/10	

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

Agency Contact: Laura Johnson, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1273
Fax: 202 566–1546
Email: johnson.laura-s@epamail.epa.gov

David Redford, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1288
Email: redford.david@epamail.epa.gov

RIN: 2040–AD89

960. DEVELOPMENT OF BEST MANAGEMENT PRACTICES FOR RECREATIONAL BOATS UNDER THE CLEAN WATER ACT

Priority: Other Significant

Legal Authority: 33 USC 1251 et seq

CFR Citation: 40 CFR 140 (Revision)

Legal Deadline: Final, Statutory, July 29, 2009, Clean Boating Act requires promulgation within 1 year of enactment.

Abstract: This action is for the development of regulations by EPA to implement the Clean Boating Act (Pub. L. 110-288), which was signed by the President on July 29, 2008. The Clean Boating Act amends section 402 of the Clean Water Act (CWA) to exclude recreational vessels from National Pollutant Discharge Elimination System permitting requirements. In addition, it adds a new CWA section 312(o) directing EPA to develop regulations that identify the discharges incidental to the normal operation of recreational vessels (other than a discharge of sewage) for which it is reasonable and practicable to develop management practices to mitigate adverse impacts on waters of the United States. The regulations also need to include those management practices, including performance standards for each such practice. Following promulgation of the EPA performance standards, new CWA section 312(o) directs the Coast Guard to promulgate regulations governing the design, construction, installation, and use of the management practices. Following promulgation of the Coast Guard regulations, the Clean Boating Act prohibits the operation of a recreational vessel or any discharge incidental to their normal operation in waters of the United States and waters of the contiguous zone (i.e., 12 miles into the ocean), unless the vessel owner or operator is using an applicable management practice meeting the EPA-developed performance standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/10	
Final Action	03/00/11	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5311

Agency Contact: Brian Rappoli, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1548
Fax: 202 566–1546
Email: rappoli.brian@epa.gov

John Lishman, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1364
Email: lishman.john@epamail.epa.gov

RIN: 2040–AF03

961. OIL AND GAS CONSTRUCTION STORMWATER RULE

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1342(l) and 1362(24)

CFR Citation: 40 CFR 122.26(a)(2)(ii)

Legal Deadline: Other, Statutory, November 19, 2008, The oil and gas rule court–ordered vacatur took effect on November 19, 2008.

Abstract: On June 12, 2006, EPA published a final rule to address a new provision added by the Energy Policy Act of 2005. The 2006 regulation effectively exempted from National Pollutant Discharge Elimination System (NPDES) permit requirements stormwater discharges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities unless the relevant facility had a discharge of stormwater resulting in a discharge of a reportable quantity of oil or hazardous substances. Shortly thereafter, the Natural Resources Defense Council (NRDC) petitioned the Ninth Circuit Court of Appeals (Ninth Circuit) for direct review of EPA's action. On May 23, 2008, the Ninth Circuit Court of Appeals issued an opinion in NRDC v. U.S. EPA, 526 F.3d 591 (9th Cir. 2008), vacating EPA's 2006 oil and gas construction stormwater regulation. On July 21, 2008, EPA filed a petition for rehearing in this case. On November 3, 2008, the Ninth Circuit issued its order denying EPA's request for rehearing of the Court's decision vacating EPA's 2006 oil and gas construction stormwater regulation.

This direct final rule will (1) Remove the codified 2006 rule from the Code of Federal Regulations consistent with the court vacatur and (2) codify the revised 2005 Energy Policy Act definition of ''oil and gas exploration, production, processing, treatment, and transmission operations'' to clarify that certain uncontaminated discharges from oil and gas construction activities are exempt from permitting as identified in section 402(I)(2) of the Clean Water Act.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5330

Agency Contact: Bryan Rittenhouse, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–0577
Fax: 202 564–6431
Email: rittenhouse.bryan@epa.gov

Connie Bosma, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–6773
Fax: 202 564–6431
Email: bosma.connie@epa.gov

RIN: 2040–AF05

962. • WATER QUALITY STANDARDS (NUMERIC NUTRIENT CRITERIA) FOR FLORIDA'S LAKES AND FLOWING WATERS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1251 et seq

CFR Citation: Not Yet Determined

Legal Deadline: Other, Statutory, January 14, 2010, CWA 303(c)(4) requires the Administration to publish a rule to set new or revised WQS after a formal determination is made by the Administration.

Abstract: EPA is under a Consent Decree deadline to establish numeric nutrient criteria for the State of Florida's lakes and flowing waters. EPA made a determination on January 14, 2009, that numeric nutrient water quality standards are necessary for the state to meet the Clean Water Act (CWA) requirement to have standards to protect applicable designated uses. EPA committed in its determination to propose numeric nutrient criteria for inland waters by January 2010 and now this deadline is also in a consent decree. A separate rulemaking will follow for estuaries and coastal waters by January 2011.

EPA—Clean Water Act — Proposed Rule Stage

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. 5361

Agency Contact: Danielle Salvaterra, Environmental Protection Agency, Water, 4305T, Washington, DC 20460
Phone: 202 564–1631
Email: salvaterra.danielle@epamail.epa.gov

Claudia Fabiano, Environmental Protection Agency, Water, 4305T, Washington, DC 20460
Phone: 202 566–0446
Email: fabiano.claudia@epamail.epa.gov

RIN: 2040–AF11

Environmental Protection Agency (EPA) — Final Rule Stage
Clean Water Act

963. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE

Regulatory Plan: This entry is Seq. No. 84 in part II of this issue of the **Federal Register**.

RIN: 2050–AG16

964. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY

Regulatory Plan: This entry is Seq. No. 85 in part II of this issue of the **Federal Register**.

RIN: 2040–AE91

965. GUIDANCE FOR IMPLEMENTING THE METHYLMERCURY WATER QUALITY CRITERION

Priority: Other Significant

Legal Authority: 33 USC 1251 et seq

CFR Citation: Not Yet Determined

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 Notice	04/00/10	

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: http://www.epa.gov/waterscience/criteria/methylmercury

Agency Contact: Holly Green, Environmental Protection Agency, Water, 4305T, Washington, DC 20460
Phone: 202 566–0651
Email: holly.green@epamail.epa.gov

RIN: 2040–AE87

Environmental Protection Agency (EPA) — Long-Term Actions
Clean Water Act

966. 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 sewage sludge. This method is necessary for the implementation of water quality-based permit conditions under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permit conditions are necessary when technology-based controls do not ensure that a particular water body would meet the State's water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4049

URL For More Information: http://www.epa.gov/waterscience/methods

Agency Contact: Richard Reding, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–2237
Fax: 202 566–1053
Email: reding.richard@epamail.epa.gov

Brian Englert, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–0754
Fax: 202 566–1053
Email: englert.brian@epamail.epa.gov

RIN: 2040–AD09

967. 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 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501(a)

CFR Citation: 40 CFR 122.38; 40 CFR 122.41; 40 CFR 122.42

Legal Deadline: None

Abstract: EPA is considering whether to develop a notice of rulemaking outlining a broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The Agency is considering proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements would address reporting, public notification, and recordkeeping requirements for sanitary sewer overflows (SSOs), capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; and a prohibition on SSOs. The Agency is also considering proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.

Timetable:

Action	Date	FR Cite
NPRM	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; Note: This rule was formerly known as ''Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges.''

Sectors Affected: 22132 Sewage Treatment Facilities

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

Agency Contact: Kevin Weiss, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–0040
Fax: 202 564–0742
Email: weiss.kevin@epa.gov

Jennifer Molloy, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–6392
Fax: 202 564–6392
Email: molloy.jennifer@epa.gov

RIN: 2040–AD02

968. 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 treatment units. In addition to hydraulic concerns, wastewater associated with peak flows may have low organic strength, which can also decrease treatment efficiencies. One engineering practice that some facilities use to protect biological treatment units from damage and to prevent overflows and backups elsewhere in the system is referred to as wet weather blending. Wet weather blending occurs during peak wet weather flow events when flows that exceed the capacity of the biological units are routed around the biological units and blended with effluent from the biological units prior to discharge. Regulatory agencies, sewage treatment plant operators, and representatives of environmental advocacy groups have expressed uncertainty about National Pollutant Discharge Elimination System (NPDES) requirements addressing such situations. EPA requested public comment on a proposed policy published on November 7, 2003. EPA did not finalize the policy. The policy options associated with this activity are still under review.

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: www.epa.gov/npdes

Agency Contact: Kevin Weiss, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–0040
Fax: 202 564–0742
Email: weiss.kevin@epa.gov

Mohammed Billah, Environmental Protection Agency, Water, 4203M, Washington, DC 20460

Phone: 202 564–0729
Fax: 202 564–0717
Email:
billah.mohammed@epamail.epa.gov

RIN: 2040–AD87

969. OIL POLLUTION PREVENTION: SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE REQUIREMENTS—AMENDMENTS FOR MILK CONTAINERS

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: The Environmental Protection Agency (EPA or the Agency) has proposed to amend the Spill Prevention, Control, and Countermeasure (SPCC) rule to exempt milk containers and associated equipment and appurtenances on farms and in other dairy operations subject to the Grade ''A'' Pasteurized Milk Ordinance (PMO) requirements or a State dairy regulatory requirement equivalent to the current applicable PMO. Additionally EPA has requested comment on alternative approaches to address facilities that may have milk containers and associated piping and appurtenances. This proposal addresses concerns raised specifically by the dairy farm sector on the applicability of the SPCC requirements to milk containers.

Timetable:

Action	Date	FR Cite
NPRM	01/15/09	74 FR 2461
NPRM Comment Period End	02/17/09	
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. 2634.8; EPA publication information: NPRM— http://www.epa.gov/fedrgstr/EPA-WATER/2009/January/Day-15/w830.pdf; Split from RIN 2050-AG16; Split from RIN 2050-AC62; EPA Docket information: EPA-HQ-OPA-2007-0584

URL For More Information: www.epa.gov/oilspill/spcc.htm

Agency Contact: Hugo Fleischman, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1968
Fax: 202 564–2625
Email: fleischman.hugo@epa.gov

Gregory Wilson, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–7989
Email: wilson.gregory@epa.gov

RIN: 2050–AG50

970. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR CHLORINE AND CHLORINATED HYDROCARBON MANUFACTURING PROCESS

Priority: Other Significant

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; EPA publication information: NPRM-projected date; 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/

Agency Contact: Samantha Lewis, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1058
Fax: 202 566–1053
Email: lewis.samantha@epa.gov

Janet Goodwin, Environmental Protection Agency, Water, 4303T, Washington, DC 20460
Phone: 202 566–1060
Email: goodwin.janet@epamail.epa.gov

RIN: 2040–AE82

971. NEW/REVISED AMBIENT WATER QUALITY CRITERIA (AWQC) FOR RECREATIONAL WATERS

Priority: Substantive, Nonsignificant

Legal Authority: CWA 304(a)(9)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, October 10, 2005, CWA Section 304(a)(9), 10/10/2005.
Other, Judicial, October 15, 2012, The judicial (court ordered) deadline is October 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 pursuant to CWA 303(i)(1)(B). The scientific foundation for the development of new or revised recreational water quality criteria is the

relevant research and studies that EPA and others have conducted prior to 2007 and the research and studies that EPA (and others) will undertake between 2007 and the end of 2010. These studies are fully described in EPA's ''Critical Path Science Plan for the Development of New or Revised Recreational Water Quality Criteria'' (CPSP) as well as the Settlement Agreement and Consent Decree EPA signed to resolve litigation related to the deadlines for completing studies under CWA 104(v) and publishing criteria under CWA 304(a)(9)(A). They include freshwater and marine epidemiological studies, as well as supporting studies to aid in the development of criteria for use in a range of geographic areas. 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	03/00/12	
Final Guidance	10/00/12	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 4967

Agency Contact: Stephen Schaub, Environmental Protection Agency, Water, 4304T, Washington, DC 20460
Phone: 202 566–1126
Fax: 202 566–1126
Email: stephen.schaub@epa.gov

RIN: 2040–AE77

Environmental Protection Agency (EPA)

Clean Water Act

Completed Actions

972. 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 was intended to update the removal credits regulation found at 40 CFR 403.7. Due to a shift in regulatory priorities, this action is being removed from the regulatory agenda and will be resumed in the future.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/05	70 FR 60199
ANPRM Comment Period End	12/13/05	
Withdrawn	09/10/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3663.1; Split from RIN 2040-AC58.

Agency Contact: Jennifer Chan, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–3067
Fax: 202 564–6431
Email: chan.jennifer@epa.gov

Jan Pickrel, Environmental Protection Agency, Water, 4203M, Washington, DC 20460
Phone: 202 564–7904
Fax: 202 564–6431
Email: pickrel.jan@epa.gov

RIN: 2040–AE88

973. OIL POLLUTION PREVENTION; NONTRANSPORTATION–RELATED ONSHORE FACILITIES COMPLIANCE DATES

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: The Environmental Protection Agency (EPA) amended the dates by which facilities must prepare or amend their Spill Prevention, Control, and Countermeasure (SPCC) Plans, and implement those Plans to November 10, 2010. The Agency also established November 10, 2010, as the date for farms to prepare or amend their Spill Prevention, Control, and Countermeasure Plans (SPCC Plans), and implement those Plans.

Timetable:

Action	Date	FR Cite
NPRM	11/26/08	73 FR 72016
NPRM Comment Period End	12/26/08	
Final Action	06/19/09	74 FR 29136

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 2634.7; EPA publication information: NPRM— http://www.epa.gov/fedrgstr/EPA-WATER/2008/November/Day-26/w28120.pdf; Split from RIN 2050-AG28, RIN 2050-AG23, and from RIN 2050-AG16; EPA Docket information: EPA-HQ-OPA-2005-0003

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

Mark Howard, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460
Phone: 202 564–1964
Fax: 202 564–2625
Email: howard.markw@epa.gov

RIN: 2050–AG49

Environmental Protection Agency (EPA) — Prerule Stage

Safe Drinking Water Act (SDWA)

974. SECOND 6–YEAR REVIEW OF EXISTING NATIONAL PRIMARY DRINKING WATER REGULATIONS

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

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
Notice	12/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5066

Agency Contact: Karen Wirth, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5246
Fax: 202 564–3760
Email: wirth.karen@epamail.epa.gov

Rajiv Khera, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–4881
Fax: 202 564–3760
Email: khera.rajiv@epamail.epa.gov

RIN: 2040–AE90

Environmental Protection Agency (EPA) — Proposed Rule Stage

Safe Drinking Water Act (SDWA)

975. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM RULE

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141 and 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. In September 2008, members of the Federal Advisory Committee signed an agreement in principle (AIP), which recommended revisions to the TCR, as well as research and information collection needed to better understand potential public health impacts from conditions in the distribution system and control of microbial drinking water contamination.

Timetable:

Action	Date	FR Cite
Notice of Agreement in Principle	01/13/09	74 FR 1683
NPRM	08/00/10	
Final Action	11/00/12	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4775; EPA publication information: Notice of Agreement in Principle— http://www.epa.gov/fedrgstr/EPA-WATER/2009/January/Day-13/w469.htm;

URL For More Information: www.epa.gov/safewater/tcr/tcr.html

Agency Contact: Sean Conley, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–1781
Fax: 202 564–3767
Email: conley.sean@epamail.epa.gov

Thomas Grubbs, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5262
Fax: 202 564–3767

Email: grubbs.thomas@epamail.epa.gov

RIN: 2040–AD94

976. REVISING UNDERGROUND STORAGE TANK REGULATIONS—REVISIONS TO EXISTING REQUIREMENTS AND ADDITIONS TO INCORPORATE THE PROVISIONS OF THE ENERGY POLICY ACT

Priority: Other Significant

Legal Authority: 42 USC 15801

CFR Citation: 40 CFR 280 and 281

Legal Deadline: None

Abstract: The Underground Storage Tank (UST) regulations were first promulgated in 1988 primarily to prevent releases from retail petroleum marketers (gas stations) and other facilities into the environment. These regulations have reduced the incidents of contamination. However, there is a need to revise the regulations to incorporate changes to the UST program from the Energy Policy Act of 2005, as well as to update outdated portions of the regulations due to changes in technology since the 1980s.

On August 8, 2005, President Bush signed the Energy Policy Act of 2005 (EPAct). Title XV, subtitle B of this act (entitled the Underground Storage Tank Compliance Act of 2005), amends subtitle I of the Solid Waste Disposal Act, the original legislation that created the UST program. There are key provisions of the EPAct that apply to states receiving federal UST funding but do not apply in Indian Country, including requirements for secondary containment, operator training and delivery prohibition. As a part of this action, EPA plans to develop regulations for secondary containment and operator training to apply in Indian Country and in states that choose not to obtain State Program Approval from EPA in order to achieve more consistent program results in release prevention and compliance. EPA also plans to develop regulations for delivery prohibition that EPA may apply in its enforcement actions. Both EPA and tribes recognize the importance of having requirements that can help to ensure parity in program implementation between states and in Indian Country, which is consistent with EPA's policy. Through this action, EPA will ensure federal enforceability of the EPAct provisions across the country. EPA will also use our knowledge of the program gained over the last 20 years to update and revise the regulations to make targeted changes to improve implementation and prevent UST releases.

Timetable:

Action	Date	FR Cite
NPRM	08/00/10	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5284; None

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

Agency Contact: Elizabeth McDermott, Environmental Protection Agency, Solid Waste and Emergency Response, 5401P, Washington, DC 20460
Phone: 703 603–7175
Fax: 703 603–0175
Email: mcdermott.elizabeth@epamail.epa.gov

Paul Miller, Environmental Protection Agency, Solid Waste and Emergency Response, 5401P, Washington, DC 20460
Phone: 703 603–7165
Fax: 703 603–0175
Email: miller.paul@epamail.epa.gov

RIN: 2050–AG46

Environmental Protection Agency (EPA) Long-Term Actions
Safe Drinking Water Act (SDWA)

977. 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: None

Abstract: In 1999, EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM original	07/18/91	56 FR 33050
Notice99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
NPRM Comment Period End	01/03/00	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: SAN No. 2281; EPA publication information: NPRM—http://www.epa.gov/ogwdw/radon/proposal.html; EPA Docket information: EPA-HQ-OW-2003-0041

Sectors Affected: 22131 Water Supply and Irrigation Systems

URL For More Information: http://www.epa.gov/ogwdw/radon.html

Agency Contact: Rebeccak Allen, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–4689
Fax: 202 564–3760
Email: allen.rebeccak@epamail.epa.gov

Eric Burneson, Environmental Protection Agency, Water, 4607M, Washington, DC 20460

Phone: 202 564–5250
Email: burneson.eric@epa.gov

RIN: 2040–AA94

978. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined
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

Agency Contact: Karen Wirth, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5246
Fax: 202 564–3760
Email: wirth.karen@epamail.epa.gov

RIN: 2040–AC13

979. 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

Agency Contact: Irene Dooley, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–4699
Fax: 202 564–3760
Email: dooley.irene@epamail.epa.gov

RIN: 2040–AD54

980. ● PERCHLORATE REGULATORY DETERMINATION

Priority: Other Significant

Legal Authority: 42 USC 300g–1(b)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Safe Drinking Water Act (SDWA) requires EPA to make determinations every 5 years of whether to regulate at least five contaminants on its Contaminant Candidate List (CCL). A regulatory determination is a formal decision on whether EPA should initiate a rulemaking process to develop a national primary drinking water regulation for a specific contaminant. EPA included perchlorate on the first and second CCLs that were published in the Federal Register on March 2, 1998 (63 FR 10273), and February 24, 2005 (70 FR 9071). On October 10, 2008, EPA published a preliminary regulatory determination for perchlorate in drinking water (73 FR 60262). EPA received comments from over 32,000 individuals and organizations in response to this notice. EPA has reviewed the information in these comments and has re-evaluated the scientific information regarding the perchlorate regulatory determination. To assure transparency in its decision making process, on August 19, 2009, EPA published a supplemental request for comments on its re-evaluation of the scientific data (74 FR 41883). EPA will make a final determination for perchlorate after review and consideration of public comments received on the supplemental request for comment.

Timetable:

Action	Date	FR Cite
Preliminary Determination	10/10/08	73 FR 60262
Supplemental Notice	08/19/09	74 FR 41883
Final Determination	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4821.1; EPA publication information: Preliminary Notice—http://www.epa.gov/fedrgstr/EPA-WATER/2007/May/Day-01/w7539.pdf; Split from RIN 2040-AE60; EPA Docket information: EPA-HQ-OW-2007-0068; Also related to RIN 2040-ZA02

URL For More Information: www.epa.gov/safewater/ccl/index.html

Agency Contact: Eric Burneson, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5250
Email: burneson.eric@epa.gov

Related RIN: Related to 2040–AE60

RIN: 2040–AF08

981. 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 requirements of those programs are federally enforceable. 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 EPA will merely be incorporating by reference elements of already effective State programs.

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4236

Agency Contact: Robert–Eu Smith, Environmental Protection Agency, Water, 4606M, Washington, DC 20460
Phone: 202 564–3895
Fax: 202 564–3756
Email: smith.robert-eu@epamail.epa.gov

Jeff Jollie, Environmental Protection Agency, Water, WTR9, Washington, DC 20460
Phone: 202 564–3886
Fax: 415 947–3549
Email: jollie.jeff@epamail.epa.gov

RIN: 2040–AD40

982. ● UNREGULATED CONTAMINANT MONITORING REGULATION (UCMR 3) FOR PUBLIC WATER SYSTEMS REVISIONS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, January 4, 2012, SDWA requires EPA to publish a UCMR every 5 years.

Abstract: The Safe Drinking Water Act (SDWA), as amended in 1996, requires the U.S. Environmental Protection Agency (EPA) to establish criteria for a program to monitor not more than 30 unregulated contaminants every five years. EPA published the first group of contaminants in the Unregulated Contaminant Monitoring Regulation (i.e., UCMR 1), which established a revised approach for UCMR implementation, in the Federal Register dated September 17, 1999 (64 FR 50556), and the second list of unregulated contaminants (UCMR 2) in the Federal Register dated January 4, 2007 (72 FR 367). The proposed regulation will meet the SDWA requirement for identifying new priority contaminants to be monitored during the third UCMR cycle (i.e., UCMR 3) of 2012-2015.

Timetable:

Action	Date	FR Cite
NPRM	01/00/11	
Final Action	01/00/12	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5360;

Agency Contact: Dave Munch, Environmental Protection Agency, Water, 140, Cincinnati, OH 45268
Phone: 513 569–7843
Fax: 513 569–7191
Email: munch.dave@epamail.epa.gov

Brenda Parris, Environmental Protection Agency, Water, 140, Cincinnati, OH 45268
Phone: 513 569–7961
Fax: 513 569–7191
Email: parris.brenda@epamail.epa.gov

RIN: 2040–AF10

983. 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 (proposed revision)

Legal Deadline: None

Abstract: Geologic Sequestration (GS) is a key climate change mitigation technology. During GS, CO2 captured from an emission source such as a coal-fired electric power plant, is injected 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 (UIC) Programs in processing permit applications for pilot and other demonstration-scale GS projects as Class V UIC experimental technology wells. In addition, EPA committed to developing a long term management framework for permitting commercial scale GS projects. Part of this long term management framework included regulations for owners and operators of wells injecting CO2. New regulations for GS wells would provide a consistent framework for permitting GS wells to ensure that CO2 injection does not endanger underground sources of drinking water. EPA proposed regulations for GS wells on July 25, 2008. In addition, in August 2009, EPA published a supplemental Notice that presents and requests comment on new information and data related to GS.

Timetable:

Action	Date	FR Cite
NPRM	07/25/08	73 FR 43491
NPRM Comment Period End	11/24/08	
NODA	08/31/09	74 FR 44802
Final Action	12/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

EPA—Safe Drinking Water Act (SDWA) — Long-Term Actions

Additional Information: SAN No. 5211; EPA publication information: NPRM—http://edocket.access.gpo.gov/2008/pdf/E8-16626.pdf; EPA Docket information: EPA-HQ-OW-2008-0390

URL For More Information: www.epa.gov/ogwdw/uic/wells sequestration.html

Agency Contact: Lee Whitehurst, Environmental Protection Agency, Water, 4606M, Washington, DC 20460
Phone: 202 564–3896
Email: whitehurst.lee@epamail.epa.gov

RIN: 2040–AE98

Environmental Protection Agency (EPA) — Completed Actions
Safe Drinking Water Act (SDWA)

984. DRINKING WATER REGULATIONS FOR AIRCRAFT PUBLIC WATER SYSTEM

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: The action is to tailor drinking water rule requirements to the unique characteristics of aircraft to ensure that the water passengers drink while on an airplane is safe. This action is necessary because aircraft public water systems are very different from traditional public water systems. Aircraft fly to multiple destinations throughout the course of any given day and may board water from different sources along the way. Depending on the quality of the water that is boarded from these multiple sources and the care used to board the water, contamination could be introduced. This increases the vulnerability of the aircraft's water system to contamination when compared to a typical public water system. In the United States water loaded aboard passenger aircraft comes from public water systems. The water provided by public water systems that are regulated by state and federal authorities is among the safest in the world; however, a significant percentage of passenger aircraft travel includes international destinations. These aircraft may board water from foreign sources which are not subject to EPA drinking water standards.

Timetable:

Action	Date	FR Cite
NPRM	04/09/08	73 FR 19319
NPRM Comment Period End	07/08/08	
Final Action	10/19/09	74 FR 53589

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4966; EPA publication information: NPRM—http://edocket.access.gpo.gov/2008/pdf/E8-7035.pdf; EPA Docket information: EPA-HQ-OW-2005-0025

URL For More Information: http://www.epa.gov/safewater/airlinewater/index2.html

Agency Contact: Rick Naylor, Environmental Protection Agency, Water, 4606M, Washington, DC 20460
Phone: 202 564–3847
Fax: 202 564–3847
Email: naylor.richard@epa.gov

Cindy Mack, Environmental Protection Agency, Water, 4606M, Washington, DC 20460
Phone: 202 564–6280
Email: mack.cindy-y@epa.gov

RIN: 2040–AE84

985. DRINKING WATER CONTAMINANT CANDIDATE LIST THREE

Priority: Other Significant

Legal Authority: 42 USC 300g–1(b)

CFR Citation: None

Legal Deadline: None

Abstract: The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list every five years of contaminants that are known or anticipated to occur in public water systems, and which may require regulation under the SDWA. The purpose of this action is to prepare and publish the third Contaminant Candidate List (CCL). In preparing the third list, EPA will evaluate the classification approach recommended by the National Academy of Sciences' National Research Council (NRC) and National Drinking Water Advisory Council (NDWAC), as applicable, 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	02/21/08	73 FR 9627
Final Action	10/08/09	74 FR 51850

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4745; EPA publication information: Preliminary—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: http://www.epa.gov/safewater/ccl

Agency Contact: Thomas Carpenter, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–4885
Fax: 202 564–3760
Email: carpenter.thomas@epamail.epa.gov

Eric Burneson, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5250
Email: burneson.eric@epa.gov

RIN: 2040–AD99

986. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MINOR CORRECTION TO STAGE 2 DISINFECTANTS & DISINFECTION BYPRODUCTS RULE AND CHANGES RELATED TO REFERENCES OF ANALYTICAL METHODS IN THE CFR

Priority: Info./Admin./Other

Legal Authority: 42 USC 300f and 300g–1

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: EPA promulgated the Stage 2 Disinfectants and Disinfectant Byproducts Rule on January 4, 2006 (71

FR 388). The requirements for ground water systems serving 500 to 9,999 people were unintentionally excluded from the final rule. As a result, the rule allowed for less routine compliance monitoring than intended for this category of PWSs. These PWSs should have been required to monitor for both trihalo methanes (TTHMs) and HAA5 concentrations. Due to the error, they were only required to monitor for either TTHMs or HAA5s. EPA also added a notation to methods tables currently in the regulations to indicate where readers can find the list of methods approved under the expedited process. This action added a reference to the list of additional methods to tables in 40 CFR 141.

Timetable:

Action	Date	FR Cite
NPRM	11/14/08	73 FR 67456
NPRM Comment Period End	01/13/09	
Final Action	06/29/09	74 FR 30953

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5272; EPA publication information: Final Action—http://edocket.access.gpo.gov/2009/pdf/E9-14598.pdf.

Agency Contact: Thomas Grubbs, Environmental Protection Agency, Water, 4607M, Washington, DC 20460
Phone: 202 564–5262
Fax: 202 564–3767
Email: grubbs.thomas@epamail.epa.gov

Pat Fair, Environmental Protection Agency, Water, USEPA Facilities, Cincinnati, OH 45268
Phone: 513 569–7937
Email: fair.pat@epamail.epa.gov

RIN: 2040–AF00

987. REVISIONS TO THE UNDERGROUND INJECTION CONTROL (UIC) REQUIREMENTS FOR CLASS V WELLS (COMPLETION OF A SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: 5 USC 610

CFR Citation: None

Legal Deadline: None

Abstract: Class V wells are regulated under the authority of part C of the Safe Drinking Water Act (SDWA). The SDWA is designed to protect the quality of drinking water in the United States, and part C specifically mandates the regulation of underground injection of fluids through wells. The Agency has promulgated a series of underground injection control (UIC) regulations under this authority. Most Class V wells are authorized by rule as long as (1) they do not endanger underground sources of drinking water (USDWs), and (2) the well owners or operators submit basic inventory and assessment information. If a Class V well may endanger USDWs, UIC Program Directors can require the owner/operator to apply for a permit, order preventive actions (including closure of the well) to prevent the violation, require remediation to assure USDWs are protected, or take enforcement action.

On December 7, 1999, EPA finalized additional requirements for motor vehicle waste disposal wells and large capacity cesspools, to embrace priorities and help achieve goals defined under the 1996 Amendments to the SDWA, and to fulfill the first phase of the Agency's requirements under the 1997 consent decree with the Sierra Club. The 1999 Rule established requirements for two categories of Class V injection wells determined by EPA to be a source of endangerment to drinking water. Specifically, the rule covers: (1) Existing motor vehicle waste disposal wells located in ground water protection areas or other sensitive ground water areas; and, (2) new and existing large-capacity cesspools and new motor vehicle waste disposal wells nationwide. The conclusion that these Class V wells pose an endangerment to USDWs is based on substantial information and the combined professional judgment of EPA and State geologists and engineers that are responsible for implementing the Class V UIC program.

This entry in the regulatory agenda announced that while EPA had taken steps in the 1999 Rulemaking process to evaluate and mitigate impacts on small entities, pursuant to section 610 of the Regulatory Flexibility Act, EPA would review the Class V Rule. As part of the review, EPA considered and solicited comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. Based on the evaluation of the Class V Rule during promulgation and comment received, EPA believes there is a continued need for the Class V Rule. EPA assumes that the regulatory impact of two endangering well types on small business is not significant because the Agency believes most of these well types have been either closed or permitted.

Timetable:

Action	Date	FR Cite
Final Action	12/07/99	64 FR 68546
Begin Review	05/11/09	74 FR 21991
End Comment Period	08/11/09	
End Review	09/02/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5332; EPA Docket information: EPA-HQ-OW-2009-0082

Agency Contact: Stephanie Flaharty, Environmental Protection Agency, Water, 4601M, Washington, DC 20460
Phone: 202 564–5072
Email: flaharty.stephanie@epamail.epa.gov

Sandy Evalenko, Environmental Protection Agency, Water, 4101M, Washington, DC 20460
Phone: 202 564–0264
Email: evalenko.sandy@epamail.epa.gov

RIN: 2040–AF04

988. SHORE PROTECTION ACT 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 proposed to 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 proposed 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. 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

Agency Contact: David Redford, Environmental Protection Agency, Water, 4504T, Washington, DC 20460
Phone: 202 566–1288
Email: redford.david@epamail.epa.gov

RIN: 2040–AB85

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INDEXES

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-AF04	Revisions to the Underground Injection Control (UIC) Requirements for Class V Wells

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.

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2040-AA94	National Primary Drinking Water Regulations: Radon
2060-AM44	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources
2060-AO81	Renewable Fuels Standard Program
2070-AJ55	Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program
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2070-AJ22	Pesticides; Agricultural Worker Protection Standard Revisions

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2040-AA94	National Primary Drinking Water Regulations: Radon
2060-AM44	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources

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2060-AM44	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources

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.

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2025-AA19	TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals
2025-AA11	Clarify TRI Reporting Obligations Under EPCRA Section 313 for Metal Mining Activities
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
2040-AF09	Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures
2040-AE95	Criteria and Standards for Cooling Water Intake Structures
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2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
2040-AD09	Test Procedures for the Analysis of Co-Planar and Mono-Ortho-Substituted Polychlorinated Biphenyls (PCBs) Under the Clean Water Act
2040-AE82	Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process
2040-AC13	National Primary Drinking Water Regulations: Aldicarb
2040-AB85	Shore Protection Act Regulations
2040-AE84	Drinking Water Regulations for Aircraft Public Water System
2050-AE87	Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan
2050-AG44	Identification of Non-Hazardous Materials That Are Solid Wastes
2050-AG57	Withdrawal of Expansion of RCRA Comparable Fuels Exclusion
2050-AG46	Revising Underground Storage Tank Regulations--Revisions to Existing Requirements and Additions To Incorporate the Provisions of the Energy Policy Act
2050-AE51	Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes
2050-AG45	Standards for the Safe and Environmentally Protective Placement of Coal Combustion Residuals as Minefill in Coal Mines Not Regulated Under the Surface Mining Control and Reclamation Act
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2060-AP93	Revision of New Source Performance Standards for New Residential Wood Heaters
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2060-AN46	NESHAP: Area Source Standards--Chemical Preparations Industry
2060-AN47	NESHAP: Area Source Standards--Paints and Allied Products Manufacturing
2060-AO15	NESHAP: Portland Cement Notice of Reconsideration
2060-AO94	NESHAP: Area Source Standards--Asphalt Processing and Asphalt Roofing Manufacturing
2060-AO98	NESHAP: Area Source Standards--Prepared (Animal) Feeds Manufacturing

2060-AO04	Hospital/Medical/Infectious Waste Incineration Units--Response to Remand
2060-AO38	Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder
2060-AK26	Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide
2060-AO42	Review of New Source Performance Standards--Portland Cement
2060-AO55	Petroleum Refinery Residual Risk Standards
2060-AP36	National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines
2060-AO25	Revision of Hearing--Protector Regulations
2060-AQ03	Regulation To Establish Mandatory Reporting of GHGs From Industrial Landfills, Wastewater, Underground Coal Mines, and Magnesium Production
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2070-AJ38	Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations
2070-AJ26	Pesticides; Determination of Status of Prions as Pests
2070-AJ04	TSCA Inventory Nomenclature for Enzymes and Proteins
2070-AJ43	TSCA Inventory Update Reporting Modifications
2070-AD16	Test Rule; Testing of Certain High Production Volume (HPV) Chemicals
2070-AJ47	Test Rule; Certain Nanoscale Materials
2070-AJ50	TSCA Section 13 Amendment: Electronic Reporting of TSCA Chemical Import Data in the Automated Commercial Environment (ACE)
2070-AJ54	Nanoscale Materials
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2070-AJ21	Clarification on TSCA Inventory Status of Activated Phosphors
2070-AA59	Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances
2070-AB27	Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders
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2070-AJ29	Pesticide Agricultural Container Recycling Program
2070-AD30	Pesticides; Data Requirements for Antimicrobials
2070-AJ32	Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)
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2070-AB11	TSCA Section 8(d) Health and Safety Data Reporting Rules
2070-AB94	Testing for Existing Chemicals (Overview Entry for Future Needs)
2070-AC76	Test Rule; Hazardous Air Pollutants (HAPs)
2070-AD44	Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity
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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).

The following index lists the regulatory actions in this publication that may have effects on State, local, tribal, or Federal levels of government. The Regulatory Identifier Number (RIN) of the entry identifies the location of the entry in this edition.

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2050-AE93	Requirements for Transboundary Shipments of Wastes, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes and Imports of Hazardous Wastes
2050-AG50	Oil Pollution Prevention: Spill Prevention, Control, and Countermeasure Rule Requirements--Amendments for Milk Containers
2050-AG22	National Contingency Plan Revisions To Align With the National Response Plan
2050-AG40	Emergency Planning and Community Right-To-Know Act: Amendments and Streamlining Rule
2050-AE23	Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials
2050-AG20	Hazardous Waste Manifest Revisions--Standards and Procedures for Electronic Manifests
2050-AF01	RCRA Smarter Waste Reporting
2050-AG54	Identifying the Universe of Government Research in Laboratories and Determining Student Involvement in Generating Laboratory Hazardous Waste
2050-AG42	Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption For Disposal
2050-AG49	Oil Pollution Prevention; Nontransportation-Related Onshore Facilities Compliance Dates
2060-AI43	Review of the National Ambient Air Quality Standards for Carbon Monoxide
2060-AO47	Review of the National Ambient Air Quality Standards for Particulate Matter
2060-AO48	Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide
2060-AO72	Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur
2060-AP72	Reconsideration of Implementation of the New Source Review Program for PM2.5
2060-AP75	Implementation of the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers--Proposed Rulemaking To Repeal Grandfathering Provision and End Early the PM10 Surrogate Policy
2060-AI62	National VOC Emission Standards for Consumer Products; Amendments
2060-AO11	Air Quality Index Reporting and Significant Harm Level for PM2.5
2060-AN48	Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.
2060-AO50	Measurement of PM2.5 and PM10 Emissions by Dilution Sampling
2060-AM84	NESHAP: Defense Land Systems and Miscellaneous Equipment
2060-AN00	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
2060-AN17	Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Remand Response and Amendments
2060-AN93	Improving Implementation of the Operating Permit Rules in Response to CAAA Committee Recommendations
2060-AO23	Reconsideration of Stationary Combustion Turbine NSPS
2060-AP00	Prevention of Air Pollution Emergency Episodes
2060-AP30	Implementation of the 1997 8-Hour Ozone National Ambient Air Quality Standard: NSR Anti-Backsliding
2060-AP31	Protocols for Monitoring and Measuring Mercury Emissions
2060-AP80	Reconsideration of the Prevention of Significant Deterioration and Nonattainment New Source Review NSR: Aggregation
2060-AH90	Technical Change to Dose Methodology
2060-AO19	Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide
2060-AH37	Review of New Sources and Modifications in Indian Country
2060-AP65	Reconsideration of 2008 Final Implementation Rule for PM2.5 NSR: Stay of Effective Date for

	Grandfathering Provisions
2060-AH23	Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements
2060-AO31	Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides
2060-AH93	Revisions to the General Conformity Regulations
2060-AO38	Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder
2060-AI97	Inspection/Maintenance Program Requirements for Federal Facilities; Amendment
2060-AM45	Flexible Air Permit Rule
2060-AO24	Prevention of Significant Deterioration for PM2.5--Increments, Significant Impact Levels, and Significant Monitoring Concentrations
2060-AO53	National Emission Standards for Hazardous Air Pollutants: Appendix A--Test Methods; Amendments to Method 301
2060-AO71	Regulation of Fuels and Fuel Additives: Alternative Affirmative Defense Requirements for Ultra-Low Sulfur Diesel and Gasoline Benzene Technical Amendment
2060-AO96	Implementation of the 1997 8-Hour Ozone NAAQS: Classification of Subpart 1 Areas and Revision to AntiBacksliding Provisions; Deletion of Obsolete 1-Hour Ozone Standard Provisions
2060-AP15	Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements
2060-AP73	Reconsideration of Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions
2060-AQ03	Regulation To Establish Mandatory Reporting of GHGs From Industrial Landfills, Wastewater, Underground Coal Mines, and Magnesium Production
2060-AP38	Review of the National Ambient Air Quality Standards for Ozone
2060-AN43	Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
2060-AK54	NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements
2060-AN33	NESHAP: Polyvinyl Chloride and Copolymers Production, Amendments
2060-AM75	NESHAP: General Provisions (Once In Always In)--Amendments
2060-AM87	NESHAP: Taconite Iron Ore Processing; Amendments
2060-AN65	Revisions to the Definition of Potential To Emit (PTE)
2060-AP68	Implementing the 1997 8-hour Ozone NAAQS: Section 185 Penalty Fee Provisions
2060-AH63	Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste
2060-AP43	Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings and Uranium In Situ Leaching Processing Facilities
2060-AL75	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation, and Project Netting
2060-AO79	Greenhouse Gas Mandatory Reporting Rule
2060-AP10	Implementation of the 1997 8-Hour Ozone NAAQS: Reasonable Further Progress Emissions Reductions Credits Outside Ozone Nonattainment Areas
2060-AP49	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation
2070-AJ27	Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)
2070-AJ26	Pesticides; Determination of Status of Prions as Pests
2070-AD16	Test Rule; Testing of Certain High Production Volume (HPV) Chemicals
2070-AJ08	Testing Agreement for Decabromodiphenyl Ether (DECA)
2070-AB79	Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances
2070-AD30	Pesticides; Data Requirements for Antimicrobials
2070-AJ49	Pesticides; Data Requirements for Product Performance

2070-AJ23	Pesticides; Tolerance Processing Fees
2070-AD49	Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes
2070-AJ32	Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)
2070-AJ20	Pesticides; Competency Standards for Occupational Users
2070-AJ22	Pesticides; Agricultural Worker Protection Standard Revisions
2070-AJ45	Pesticides; Reconsideration of Exemptions for Insect Repellents
2070-AD14	Pesticides; Registration Requirements for Antimicrobial Pesticide Products
2070-AC51	Asbestos Model Accreditation Plan Revisions
2070-AC64	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
2070-AA58	Follow-Up Rules on Existing Chemicals
2070-AD64	Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing
2070-AB94	Testing for Existing Chemicals (Overview Entry for Future Needs)
2070-AC76	Test Rule; Hazardous Air Pollutants (HAPs)
2070-AD44	Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity
2070-AD53	TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)
2070-AJ07	Testing Agreement for Aryl Phosphates (ITC List 2)
2070-AD61	Endocrine Disruptor Screening Program (EDSP); Policy and Procedures for Initial Screening

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.

2020-AA47	NPDES Program Management Information Rulemaking
2040-AD39	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II
2040-AA94	National Primary Drinking Water Regulations: Radon
2050-AE81	Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers
2070-AC64	Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule

F. INDEX TO ENTRIES THAT ARE ECONOMICALLY SIGNIFICANT

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will 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. The definition of an “economically significant” rule is similar but not identical to the definition of a “major” rule under 5 USC 801 (Pub. L. 104-121).

2040-AE95	Criteria and Standards for Cooling Water Intake Structures

2040-AE91	Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category
2040-AA94	National Primary Drinking Water Regulations: Radon
2050-AE81	Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers
2050-AG16	Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule
2060-AI43	Review of the National Ambient Air Quality Standards for Carbon Monoxide
2060-AO47	Review of the National Ambient Air Quality Standards for Particulate Matter
2060-AO48	Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide
2060-AO72	Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur
2060-AM44	Combined Rulemaking for Industrial, Commercial, and Institutional Boilers and Process Heaters at Major Sources of HAP and Industrial, Commercial, and Institutional Boilers at Area Sources
2060-AN00	Implementing Periodic Monitoring in Federal and State Operating Permit Programs
2060-AP50	Clean Air Transport Rule
2060-AP86	Prevention of Significant Deterioration/Title V Greenhouse Gas Tailoring Rule
2060-AP98	Reconsideration of the 2008 Ozone National Ambient Air Quality Standards
2060-AO19	Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide
2060-AO15	NESHAP: Portland Cement Notice of Reconsideration
2060-AO42	Review of New Source Performance Standards--Portland Cement
2060-AO81	Renewable Fuels Standard Program
2060-AP36	National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines
2060-AP58	EPA/NHTSA Joint Rulemaking to Establish Light-Duty Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards
2060-AQ03	Regulation To Establish Mandatory Reporting of GHGs From Industrial Landfills, Wastewater, Underground Coal Mines, and Magnesium Production
2060-AP38	Review of the National Ambient Air Quality Standards for Ozone
2060-AP52	National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units
2060-AO79	Greenhouse Gas Mandatory Reporting Rule
2070-AJ56	Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings
2070-AJ57	Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program
2070-AJ55	Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program

G. INDEX TO ENTRIES THAT MAY HAVE INTERNATIONAL IMPACTS

This information is intended to indicate whether a regulatory action is expected to have international trade and investment effects, or otherwise may be of interest to our international trading partners. This data was added in the fall 2008 Semiannual Regulatory Agenda per the recommendation of the OMB - Secretariat General of the European Commission joint report to the U.S. – European Union (EU) High Level Regulatory Cooperation Forum and Transatlantic Council. The report recommended that both the U.S. and the EU better identify regulations of international interest to our trading partners. This report is available at OMB's web site.

2050-AG22	National Contingency Plan Revisions To Align With the National Response Plan
2050-AG42	Polychlorinated Biphenyls (PCBs); Manufacturing (Import) Exemption For Disposal

2060-AN48	Protection of Stratospheric Ozone: Amending Requirements To Import Ozone-Depleting Substances for Destruction in the U.S.
2060-AP11	Protection of Stratospheric Ozone: New Substitute in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program
2060-AP59	Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2010
2060-AP62	Protection of Stratospheric Ozone: The 2010 Critical Use Exemption From the Phaseout of Methyl Bromide
2060-AP92	Protection of Stratospheric Ozone: The 2011 Critical Use Exemption From the Phaseout of Methyl Bromide
2060-AO38	Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder
2060-AN58	Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances
2060-AO76	Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export
2060-AO81	Renewable Fuels Standard Program
2060-AL94	Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide
2060-AO68	Protection of Stratospheric Ozone: Labeling of Products Using HCFCs
2060-AM54	Protection of Stratospheric Ozone: Listing of Substitutes in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program
2060-AN30	Protection of Stratospheric Ozone: Revision to Listing of Carbon Dioxide Total Flooding Fire Extinguishing Systems Restricting Use to Only Unoccupied Areas
2060-AO78	Protection of Stratospheric Ozone: The 2009 Critical Use Exemption From the Phaseout of Methyl Bromide
2060-AO77	Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009
2070-AD16	Test Rule; Testing of Certain High Production Volume (HPV) Chemicals
2070-AD58	Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Certain Polymers
2070-AJ60	Mercury Export Ban Act; Procedures for Essential Use Exemptions
2070-AJ44	Formaldehyde Emissions From Pressed Wood Products