



# Federal Register

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**Monday,  
October 31, 2005**

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**Part XXIV**

**Environmental  
Protection Agency**

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**Semiannual Regulatory Agenda**

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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**


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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**
**40 CFR Ch. I**
**FRL 7971-7**
**Fall 2005 Regulatory Agenda**
**AGENCY:** Environmental Protection Agency.

**ACTION:** Semiannual regulatory agenda.

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**SUMMARY:** The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda to update the public about:

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

**TO BE PLACED ON THE AGENDA MAILING LIST:**

If you would like to subscribe, please send an e-mail with your name and address to: [ncepimal@one.net](mailto:ncepimal@one.net), or call 800-490-9198. There is no charge for single copies of the agenda.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:**
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**A. What Are EPA's Regulatory Goals and What Key Principles, Statutes, and Executive Orders Inform Our Rule and Policymaking Process?**

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

For a more expansive discussion of our regulatory philosophy and priorities please see our new Statement of Priorities in the FY 2006 Regulatory Plan ([www.epa.gov/regagenda](http://www.epa.gov/regagenda)). Besides the fundamental environmental laws authorizing EPA actions such as the Clean Air Act and Clean Water Act, there are legal requirements that apply to the issuance of regulations that are generally contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act.

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

You can find information on these laws and Executive Orders through links from [www.epa.gov/regagenda](http://www.epa.gov/regagenda).

**B. How Can You Be Involved in EPA's Rule and Policy Making Process?**

You can make your voice heard by getting in touch with the contact person provided in each Agenda entry. We urge you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the **Federal Register**. To be most effective, comments should contain information and data that support your position, and you also should explain why we should incorporate your suggestion in the rule or non-regulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives. We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems and we stress this point most strongly in all of our training programs for rule and policy developers. Democracy gives real power to individual citizens, but with that power comes responsibility. We urge you to become involved in EPA's rule and policymaking process.

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

EPA includes regulations and certain major policy documents in the Agenda. 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.

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

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

The Regulatory Plan, which is required by EO 12866, is published along with the fall edition of the Regulatory Agenda. The Plan includes a limited number of EPA actions, typically 20-45, which will be published during the current fiscal year and which are the centerpieces of our regulatory priorities. Plan entries include all of the information included in Agenda entries described in section E, below, as well as additional information about alternatives, the need for a Federal solution, costs, benefits, and risks.

EPA's and other agencies' Regulatory Plans are published together in part 2 of the **Federal Register** on the same day that the Regulatory Agenda is published. To save money we do not include detailed information on actions that are included in the Plan in the

Regulatory Agenda itself; rather, we cross-reference the Plan entries.

#### To Find the Regulatory Plan:

EPA's FY06 Regulatory Plan is located in part 2 of this issue of the **Federal Register**. Within a day or two of publication, on-line versions will be located at <http://www.epa.gov/REGAGENDA> and at

[http://ciir.cs.umass.edu/ua/Fall2005/regplan/ENVIRONMENTAL\\_PROTECTION\\_AGENCY\\_\(EPA\).html](http://ciir.cs.umass.edu/ua/Fall2005/regplan/ENVIRONMENTAL_PROTECTION_AGENCY_(EPA).html)

#### D. How is the Agenda Organized?

We have organized the Agenda:

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

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

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

1. Prerulemaking - Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section

610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

2. Proposed Rule - This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rule - This section includes rules that will be issued as a final rule within a year.
4. Long-Term Action - This section includes rulemakings for which the next scheduled regulatory action is after October 2006.
5. Completed Action - This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2005 Agenda. It also includes actions that we are no longer considering. If an action appears in the completed section, it will not appear in future Agendas unless we decide to initiate action again, in which case it will appear as a new entry. EPA also announces the results of our Regulatory Flexibility Act section 610 reviews in this section of the Agenda.

Third, by the Regulation Identifier Number (RIN) that is assigned when an action first appears in the Agenda. The RIN has two parts: The first part corresponds to the lead subagency within EPA (e.g. 2040 stands for the Office of Water, 2060 for the Office of Air and Radiation); the second part corresponds to the order in which actions were added to the agenda.

#### E. What Information is in Agenda Entries?

Agenda entries include the following information, where applicable:

*Sequence Number:* This indicates where the entry appears in the agenda.

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

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

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“economically significant” and “other significant.”

**Economically Significant:** Under Executive Order 12866, a rulemaking action that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

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

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

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

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

**Informational/Administrative/Other:** An action that is primarily informational or pertains to an action outside the scope of EO 12866.

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

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

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

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

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

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

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

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

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

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

**Unfunded Mandates:** Section 202 of the Unfunded Mandates Reform Act generally requires an assessment of

anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than \$100 million in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If we expect to exceed this \$100 million threshold, we note it in this section.

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

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

**SAN Number:** 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: <http://docket.epa.gov/edkpub/index.jsp>. Once there, to get into the edocket for a particular rule you will need the edocket identification number. We include this number in the additional information section of Agenda entries that have already been proposed. EDOCKET, EPA's electronic public docket and comment system, will be replaced by an enhanced Federal-wide electronic docket management and comment system located at [www.regulations.gov](http://www.regulations.gov). When that occurs, you should be redirected to that site to access the docket and submit comments. Follow the on-line instructions to access this docket and submit comments.

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

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

### 1. Public Dockets

When EPA publishes either an advance notice of proposed rulemaking or a notice of proposed rulemaking in the **Federal Register**, the Agency may establish an official docket to accumulate materials throughout the development process for that rulemaking. The official docket serves as the repository for the collection of

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documents or information related to a particular agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for Regulatory Flexibility Act section 610 reviews of rules with significant impacts on a substantial number of small entities and various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other non-rule activities.

**2. EPA Websites**

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

**3. Regulatory Agenda Databases and Search Engines**

If you have access to the Internet you can use databases and their accompanying search engines developed by the EPA and the Regulatory Information Service Center (RISC) at the General Services Administration to help you locate actions that are of interest to you. The EPA Regulatory Agenda search engine is located at [www.epa.gov/regAgenda](http://www.epa.gov/regAgenda). We thoroughly update this database each spring and fall and we partially update it several other times during the year. RISC's searchable databases are at <http://ciir.cs.umass.edu/ua/>.

**4. Agenda Indexes**

There are five indexes that provide:

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

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

included in EPA's Agenda reprints for reasons of costs and because of the availability of the search engines described in no. 3, immediately above.

**5. Listservers**

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

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

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

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

list of these rules. See Index C for a list of the rules that may affect small entities, but which we do not expect will have a significant economic impact on a substantial number of them.

The Regulatory Flexibility Act (RFA) section 610 requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SISNOSE). There is one rule for which we are conducting a section 610 review this year, 2050-AG26; Docket No. OAR-2005-0166; Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r) (7) (Section 610 Review). We undertake section 610 reviews to decide whether we should continue the rule unchanged, amend it, or withdraw it. We announce our forthcoming section 610 reviews in the "Prerule" section of the Agenda. We encourage small entities to provide comments on the need to change this rule. We will consider all of your comments as we decide whether to continue, amend, or withdraw this rule. We particularly encourage comments by small entities about how this rule could be made clearer, more effective, or remove conflicting or overlapping requirements with other Federal or State regulations.

EPA has established an official public docket for each of our 610 Reviews. The official public docket is the collection of materials that is available for public viewing at the docket facility. An electronic version of the public docket is available through EPA's electronic public docket and comment system as described below. You may use EPA Dockets at <http://www.epa.gov/edocket> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

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

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not be placed in EPA’s electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA’s electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA’s electronic public docket.

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

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

i. Agency Website. Your use of EPA’s electronic public docket to submit

comments to EPA electronically is EPA’s preferred method for receiving comments. Go directly to EPA Dockets at <http://epa.gov/edocket>, and follow the online instructions for submitting comments. Once in the system, select “search,” and then key in the appropriate Docket ID number. The system is an “anonymous access” system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. Note that EPA Dockets will be replaced by an enhanced Federal-wide electronic docket management and comment system located at [www.regulations.gov](http://www.regulations.gov). When that occurs, you should be redirected to that site to access the docket and submit comments. Follow the on-line instructions to access the relevant docket and submit comments.

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

iii. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. *By Mail.* Send your comments, identified by the appropriate Docket ID number, to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Mailcode: 28221, 1200 Pennsylvania Avenue NW., Washington, DC, 20460

3. *By Hand Delivery or Courier.* Deliver your comments, identified by the appropriate Docket ID number, to: EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1742. Such deliveries are only accepted during the Docket’s normal hours of operation as identified below. For public

commenters, it is important to note that EPA’s policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in EPA’s electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA’s electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket. Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA’s electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA’s electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA’s electronic public docket along with a brief description written by the docket staff. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments. For these actions, please DO NOT submit CBI or information that is otherwise protected by statute.

**H. Thank You for Collaborating with Us**

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

**Dated:** October 18, 2005.

**Louise P. Wise,**

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

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3012	SAN No. 4292 Proposed Revision to EPA’s Implementing NEPA Regulations .....	2020-AA42

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## GENERAL—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3013	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest .....	2030-AA67
3014	SAN No. 4904 Security Requirements for Toxic Substances Control Act Confidential Business Information Access for Contractors .....	2030-AA88
3015	SAN No. 4903 Award Term Contracting .....	2030-AA89
3016	SAN No. 4931 Accessibility Standards for Contract Deliverables (508) .....	2030-AA90
3017	SAN No. 4964 Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada ( <b>Reg Plan Seq No. 108</b> ) .....	2060-AN15
3018	SAN No. 4836 Project XL Site Specific Rulemaking for the NASA White Sands Test Facility in Las Cruces, New Mexico (Phases III-VI) .....	2090-AA35

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

## GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3019	SAN No. 3580 Incorporation of Class Deviations Into EPAAR .....	2030-AA37
3020	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements .....	2020-AA39
3021	SAN No. 4270 Cross-Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR) .....	2025-AA07
3022	SAN No. 4693 Privacy Act Regulations (Revised) .....	2025-AA13
3023	SAN No. 4813 Miscellaneous Revisions to EPAAR Clauses .....	2030-AA84
3024	SAN No. 3671 Guidelines for Carcinogen Risk Assessment .....	2080-AA06
3025	SAN No. 4536 Project XL Site Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I-II) .....	2090-AA27

## GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3026	SAN No. 3240 Public Information and Confidentiality Regulations .....	2025-AA02

## GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3027	SAN No. 4925 Technical Amendments to the Federal Policy for the Protection of Human Subjects .....	2080-AA11

## CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3028	SAN No. 5018 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7) ( <b>Section 610 Review</b> ) .....	2050-AG26
3029	SAN No. 4759 Revision to Policy on Control of Volatile Organic Compounds (VOC) .....	2060-AK75
3030	SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations .....	2060-AM09
3031	SAN No. 5009 Advance Notice for Information on Determining the Emissions Reductions Achieved From Limiting the VOC Content of Architectural Coatings .....	2060-AN42
3032	SAN No. 5020 Action on Petition To List Diesel Exhaust as a Hazardous Air Pollutant .....	2060-AN49

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

Sequence Number	Title	Regulation Identifier Number
3033	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter ( <b>Reg Plan Seq No. 100</b> ) .....	2060-AI44
3034	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives .....	2060-AJ61
3035	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings) .....	2060-AF72
3036	SAN No. 4070 General Conformity Regulations; Revisions .....	2060-AH93
3037	SAN No. 3975 Review of New Sources and Modifications in Indian Country .....	2060-AH37
3038	SAN No. 4752 Clean Air Fine Particle Implementation Rule ( <b>Reg Plan Seq No. 102</b> ) .....	2060-AK74
3039	SAN No. 4119 Performance Specification 16—Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources .....	2060-AH84
3040	SAN No. 4478 Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills: Amendment .....	2060-AJ41
3041	SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment To Implement Court Remand .....	2060-AJ78
3042	SAN No. 4654 NESHAP: Ethylene Oxide for Sterilization Facilities—Residual Risk Standards .....	2060-AK09
3043	SAN No. 4655 NESHAP: Gasoline Distribution (Stage I) Residual Risk and MACT Standards Review .....	2060-AK10
3044	SAN No. 4660 NESHAP: Industrial Process Cooling Towers Residual Risk Standards .....	2060-AK16
3045	SAN No. 4662 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards .....	2060-AK18
3046	SAN No. 4668 NESHAP: Halogenated Solvent Cleaning—Residual Risk Standards .....	2060-AK22
3047	SAN No. 4669 NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard .....	2060-AK23
3048	SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards .....	2060-AK14
3049	SAN No. 4309 National VOC Emission Standards for Consumer Products; Amendments .....	2060-AI62
3050	SAN No. 4748 Control of Hazardous Air Pollutants From Mobile Sources ( <b>Reg Plan Seq No. 101</b> ) .....	2060-AK70
3051	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide .....	2060-AK26
3052	SAN No. 4697 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries .....	2060-AK45
3053	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO <sub>2</sub> ) Area .....	2008-AA00
3054	SAN No. 4421 Ambient Air Quality Monitoring Regulations; Revisions .....	2060-AJ25
3055	SAN No. 4570 Control of Air Pollution From Motor Vehicles and Engines: Alternative Low-Sulfur Highway Diesel Fuel Transition Program for Alaska .....	2060-AJ72
3056	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems .....	2060-AJ86
3057	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
3058	SAN No. 4758 Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline Including Butane Blenders and Attest Engagements .....	2060-AK77
3059	SAN No. 4793 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Allowables Plantwide Applicability Limit (PAL), Aggregation, and Debottlenecking ( <b>Reg Plan Seq No. 103</b> ) .....	2060-AL75
3060	SAN No. 4796 Section 126 Rule: Withdrawal of Findings for Sources in Michigan .....	2060-AL83
3061	SAN No. 4804 Protection of Stratospheric Ozone; Allowance System for Controlling HCFC Production, Import and Export; Correction .....	2060-AL90
3062	SAN No. 4809 Control of Emissions of Air Pollution From New Motor Vehicles: On-Board Diagnostic Requirements for Heavy-Duty Engines and Vehicles Above 14,000 Pounds and In-Use, Not-To-Exceed Emission Standard Test .....	2060-AL92
3063	SAN No. 4829 5-Year Review of MACT Standards for Large MWC .....	2060-AL97
3064	SAN No. 4830 Alternative Work Practice for Leak Detection and Repair .....	2060-AL98
3065	SAN No. 4871 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters Per Cylinder ( <b>Reg Plan Seq No. 104</b> ) .....	2060-AM06
3066	SAN No. 4846 NESHAP: Municipal Solid Waste Landfills—Amendments .....	2060-AM08
3067	SAN No. 4859 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization .....	2060-AM14
3068	SAN No. 4849 Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK) .....	2060-AM20
3069	SAN No. 4848 NESHAP: Total Facility Low Risk Determination (TFLRD) for Residual Risk .....	2060-AM22
3070	SAN No. 4867 NESHAP: Hydrochloric Acid Production Amendments .....	2060-AM25
3071	SAN No. 4853 Requirements for Transmix Processing and Blending Under the Reformulated Gasoline and Gasoline Sulfur Rules .....	2060-AM27
3072	SAN No. 4864 NESHAP: Surface Coating of Metal Cans—Technical Amendments .....	2060-AM28
3073	SAN No. 4866 NESHAP: Site Remediation; Amendments .....	2060-AM30
3074	SAN No. 4880 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Amendments to Evaporative Emissions Regulations and Technical Amendments .....	2060-AM32



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

Sequence Number	Title	Regulation Identifier Number
3075	SAN No. 4882 Control of Emissions from Spark-Ignition Engines and Fuel Systems from Marine Vessels and Small Equipment ( <b>Reg Plan Seq No. 105</b> ) .....	2060-AM34
3076	SAN No. 4891 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing; Amendments .....	2060-AM43
3077	SAN No. 4885 Flexible Air Permit Rule .....	2060-AM45
3078	SAN No. 4905 National Volatile Organic Compound Emission Standards for Architectural Coatings—Amendments .....	2060-AM47
3079	SAN No. 4899 Control of Ultra Low Sulfur Diesel Fuel Lubricity: Notice of Proposed Rulemaking .....	2060-AM48
3080	SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants .....	2060-AM49
3081	SAN No. 4918 Protection of the Stratospheric Ozone: Alternatives for the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program .....	2060-AM54
3082	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act .....	2060-AM55
3083	SAN No. 4676 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments .....	2060-AM62
3084	SAN No. 4908 NESHAP: General Provisions—Amendments .....	2060-AM75
3085	SAN No. 4909 NESHAP: Integrated Iron and Steel; Amendments .....	2060-AM76
3086	SAN No. 4910 NESHAP: Organic Liquid Distribution—Amendments .....	2060-AM77
3087	SAN No. 4915 Standards of Performance for Stationary Spark Ignited Internal Combustion Engines .....	2060-AM81
3088	SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment .....	2060-AM84
3089	SAN No. 4927 NESHAP: Iron and Steel Foundries; Amendments .....	2060-AM85
3090	SAN No. 4940 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions .....	2060-AM91
3091	SAN No. 4941 Amendments to Compliance Certification Requirements for State and Federal Operating Permits Programs; Correction .....	2060-AM92
3092	SAN No. 4699 Implementing Periodic Monitoring in Federal and State Operating Permit Programs ( <b>Reg Plan Seq No. 106</b> ) .....	2060-AN00
3093	SAN No. 4757 Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks and Heavy Duty Vehicles .....	2060-AN01
3094	SAN No. 4955 NESHAP: Plastic Parts and Products (Surface Coating)—Area Source Rule .....	2060-AN08
3095	SAN No. 4958 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Amendments .....	2060-AN10
3096	SAN No. 4959 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances in Foam Blowing .....	2060-AN11
3097	SAN No. 4960 Response to Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport .....	2060-AN12
3098	SAN No. 4962 Fuel Economy Labeling of Motor Vehicles: Revisions to Improve Calculation of Fuel Economy Estimates ( <b>Reg Plan Seq No. 107</b> ) .....	2060-AN14
3099	SAN No. 4969 Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program and the NOx Budget Trading Program .....	2060-AN16
3100	SAN No. 4972 Protection of Stratospheric Ozone: The 2006 Critical Use Exemption Rule From the Phaseout of Methyl Bromide .....	2060-AN18
3101	SAN No. 4951 Revisions to Air Emissions Reporting Requirements .....	2060-AN20
3102	SAN No. 4978 NESHAP: Autobody Refinishing—Area Source Rule .....	2060-AN21
3103	SAN No. 5008 Review of the National Ambient Air Quality Standards for Ozone ( <b>Reg Plan Seq No. 109</b> ) .....	2060-AN24
3104	SAN No. 4625 Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification .....	2060-AN26
3105	SAN No. 4794 Prevention of Significant Deterioration and Nonattainment New Source Review: Alternative Applicability Test for Electric Generating Units ( <b>Reg Plan Seq No. 110</b> ) .....	2060-AN28
3106	SAN No. 4986 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2006 .....	2060-AN29
3107	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
3108	SAN No. 4987 Industrial, Commercial, and Institutional Boiler and Process Heater NESHAP, Amendment .....	2060-AN32
3109	SAN No. 4988 National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production, Amendments .....	2060-AN33
3110	SAN No. 5010 Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of HFE-7300 .....	2060-AN34
3111	SAN No. 4910 NESHAP: Organic Liquid Distribution (Non-Gasoline); Amendments .....	2060-AN37
3112	SAN No. 4989 NESHAP: Secondary Aluminum Production - Amendments .....	2060-AN38
3113	SAN No. 4993 Optional Chassis Certification for Diesel Vehicles .....	2060-AN39

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

Sequence Number	Title	Regulation Identifier Number
3114	SAN No. 4998 Air Quality Data Affected by Exceptional, Natural, and International Events .....	2060-AN40
3115	SAN No. 5011 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004 .....	2060-AN43
3116	SAN No. 5024 Renewable Fuel Standards Requirements for 2006 ( <b>Reg Plan Seq No. 111</b> ) .....	2060-AN51

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

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

Sequence Number	Title	Regulation Identifier Number
3117	SAN No. 4768 Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon From DOE Facilities .....	2060-AK81
3118	SAN No. 3470 Revision to the Guideline on Air Quality Models (Appendix W to 40 CFR Part 51): Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions .....	2060-AK60
3119	SAN No. 3751 NSPS and Emission Guidelines for Other Solid Waste Incinerators .....	2060-AG31
3120	SAN No. 2915 Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51 .....	2060-AF83
3121	SAN No. 3900 Addition of Method 207 to Appendix M of 40 CFR Part 51 Method for Measuring Isocyanates in Stationary Source Emissions .....	2060-AG88
3122	SAN No. 3380 NSPS: SOCM—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60 .....	2060-AE94
3123	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements (40 CFR Part 60, Appendix F, Procedure 3) .....	2060-AH23
3124	SAN No. 4161 Update of Continuous Instrumental Test Methods .....	2060-AK61
3125	SAN No. 4310 NESHAP: Printing and Publishing Industry; Amendments .....	2060-AI66
3126	SAN No. 4313 Petitions To Delist Hazardous Air Pollutants: MEK .....	2060-AI72
3127	SAN No. 4713 NESHAP for Primary Aluminum Reduction Plants; Amendments .....	2060-AK50
3128	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements .....	2060-AK54
3129	SAN No. 4689 Section 126 Rule Withdrawal Provision .....	2060-AK41
3130	SAN No. 3910 Streamlined Evaporative Test Procedures .....	2060-AH34
3131	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline .....	2060-AJ82
3132	SAN No. 4757 Emissions Durability Procedures for New Light-Duty Vehicles and Light-Duty Trucks .....	2060-AK76
3133	SAN No. 4631 Adoption of the Amended International NOx Standard for Aircraft Engines .....	2060-AK01
3134	SAN No. 4632 Modification of Anti-dumping Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska, and the U.S. Territories .....	2060-AK02
3135	SAN No. 4634 Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline .....	2060-AK04
3136	SAN No. 4557 Amendments to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program .....	2060-AK62
3137	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition .....	2060-AK69
3138	SAN No. 4854 Amendments to Vehicle Inspection and Maintenance Program Requirements To Address New 8-Hour Ozone Standard .....	2060-AM21
3139	SAN No. 4857 Fire Suppression and Explosion Protection Listing Under SNAP .....	2060-AM24
3140	SAN No. 4868 Exemption of Certain Area Sources From Federal and State Operating Permit Programs .....	2060-AM31
3141	SAN No. 4881 Prevention of Significant Deterioration for Nitrogen Oxides .....	2060-AM33
3142	SAN No. 4895 Regulation of Fuel and Fuel Additives: Gasoline and Diesel Test Methods .....	2060-AM42
3143	SAN No. 4900 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels .....	2060-AM46
3144	SAN No. 4894 Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone Depleting Substances .....	2060-AM56
3145	SAN No. 3259 Nonattainment Major New Source Review (NSR) .....	2060-AM59
3146	SAN No. 4890 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing; Amendment .....	2060-AM72
3147	SAN No. 4911 NESHAP: Plywood and Composite Wood Products; Amendments .....	2060-AM78
3148	SAN No. 4912 New Source Performance Standards (NSPS) for Stationary Combustion Turbines .....	2060-AM79

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

Sequence Number	Title	Regulation Identifier Number
3149	SAN No. 4913 New Source Performance Standards (NSPS) for Electric Utility Steam Generating Units and Industrial and Commercial Boilers .....	2060-AM80
3150	SAN No. 4914 Standards of Performance for Stationary Compression Ignition Internal Combustion Engines .....	2060-AM82
3151	SAN No. 4930 Regulation of Fuels and Fuel Additives: Refiner and Importer Quality Assurance Requirements for Downstream Oxygenate Blending .....	2060-AM88
3152	SAN No. 4934 Part 63 General Provisions—Response to Petition To Reconsider .....	2060-AM89
3153	SAN No. 4937 NESHAP for Refractory Products Manufacturing—Amendments .....	2060-AM90
3154	SAN No. 4325 NESHAP: Brick and Structural Clay Products Manufacturing; Reconsideration .....	2060-AM94
3155	SAN No. 4794 Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule ( <b>Reg Plan Seq No. 119</b> ) ...	2060-AM95
3156	SAN No. 3837 NESHAP: Industrial, Commercial, and Institutional Boilers and Process Heaters; Reconsideration Notice .....	2060-AM97
3157	SAN No. 4943 Revision to the Definition of Volatile Organic Compounds—Removal of VOC Exemptions for California's Aerosol Coatings Reactivity-Based Regulation .....	2060-AM98
3158	SAN No. 4956 Rule on Section 126 Petition from NC to Reduce Interstate Transport of Fine PM and O <sub>3</sub> ; FIPs to Reduce Interstate Transport of Fine PM & O <sub>3</sub> ; Revisions to CAIR Rule; Revisions to Acid Rain Program ( <b>Reg Plan Seq No. 120</b> ) .....	2060-AM99
3159	SAN No. 4811 PM 2.5 and PM 10 Hot-Spot Analyses in Transportation Conformity Rule Amendments .....	2060-AN02
3160	SAN No. 4911 NESHAP: Plywood and Composite Wood Products; List of Hazardous Air Pollutants, Lesser Quantity Designations, Source Category List; Reconsideration .....	2060-AN05
3161	SAN No. 4970 Small Municipal Waste Combustor New Source Performance Standards and Emission Guidelines Amendments .....	2060-AN17
3162	Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations ( <b>Reg Plan Seq No. 121</b> ) .....	2060-AN22
3163	SAN No. 4625 Implementation Rule for 8-Hour Ozone NAAQS - Phase 2 ( <b>Reg Plan Seq No. 122</b> ) .....	2060-AN23
3164	SAN No. 4994 Commercial and Industrial Solid Waste Incinerators NSPS and EG: Definitions .....	2060-AN31
3165	SAN No. 5001 Revisions to Motor Vehicle Diesel Fuel Sulfur Transition Provisions .....	2060-AN41
3166	SAN No. 5017 Protection of Stratospheric Ozone: Amending Requirements To Import Used Ozone-Depleting Substances for Destruction in the U.S. ....	2060-AN48

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

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

Sequence Number	Title	Regulation Identifier Number
3167	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation .....	2009-AA00
3168	SAN No. 3569 Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant .....	2009-AA01
3169	SAN No. 4695 NESHAP: Off-Site Waste and Recovery Operations Residual Risk Standard .....	2060-AK68
3170	SAN No. 4607 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Availability of Information to the Public; Technical Amendment .....	2050-AE95
3171	SAN No. 4619 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(3); Revisions to the List of Substances .....	2050-AE96
3172	SAN No. 4266 Review National Ambient Air Quality Standards for Carbon Monoxide .....	2060-AI43
3173	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand) .....	2060-AA61
3174	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins—Amendments .....	2060-AH47
3175	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas .....	2060-AH01
3176	SAN No. 4653 NESHAP: Aerospace Manufacturing and Rework Facilities Residual Risk Standards .....	2060-AK08
3177	SAN No. 4657 NESHAP: Group II Polymers and Resins—Residual Risk Standards .....	2060-AK13
3178	SAN No. 4661 NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations—Residual Risk Standard .....	2060-AK17
3179	SAN No. 4665 NESHAP: Secondary Lead Smelting Residual Risk Standards .....	2060-AK19
3180	SAN No. 4666 NESHAP: Shipbuilding and Ship Repair Surface Coating—Residual Risk Standards .....	2060-AK20
3181	SAN No. 4667 NESHAP: Wood Furniture Manufacturing Operations—Residual Risk Standards .....	2060-AK21
3182	SAN No. 4664 NESHAP: Printing and Publishing Industry—Residual Risk Standards .....	2060-AK24
3183	SAN No. 4663 NESHAP: Petroleum Refineries—Residual Risk Standards .....	2060-AK25

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

Sequence Number	Title	Regulation Identifier Number
3184	SAN No. 4750 National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks—Residual Risk Standards .....	2060-AK72
3185	SAN No. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines—Petition To Delist .....	2060-AK73
3186	SAN No. 4782 Petition To Delist Hazardous Air Pollutant : 4,4'-Methylene Diphenyl Diisocyanate .....	2060-AK84
3187	SAN No. 4656 NESHAP: Group I Polymers and Resins—Residual Risk Standards .....	2060-AK12
3188	SAN No. 4658 NESHAP: Group IV Polymers and Resins—Residual Risk Standards .....	2060-AK15
3189	SAN 4383. Interstate Ozone Transport: Rulemaking on Section 126 Petitions From the District of Columbia, Delaware, Maryland, and New Jersey .....	2060-AI99
3190	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations .....	2060-AI03
3191	SAN No. 4700 Selection of Sequence of Mandatory Sanctions To Be Applied Pursuant to Section 502 of the Clean Air Act .....	2060-AK46
3192	SAN No. 3263 Performance Warranty and Inspection/Maintenance Test Procedures .....	2060-AE20
3193	SAN No. 3262 Inspection/Maintenance Recall Requirements .....	2060-AE22
3194	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions .....	2060-AH31
3195	SAN No. 4348 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment .....	2060-AI97
3196	SAN No. 4722 California Gasoline Technical Correction .....	2060-AK56
3197	SAN No. 4783 Voluntary Superior Monitoring .....	2060-AK85
3198	SAN No. 4797 Lifting the Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport (“NOx SIP Call”) .....	2060-AL84
3199	SAN 4798. Deferral of Effective Date of Nonattainment Designations for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas .....	2060-AL85
3200	SAN No. 4799 Consideration of Industry Petition To Remove the two-piece Can Subcategory From the Clean Air Act Hazardous Air Pollutant Source Category List .....	2060-AL86
3201	SAN No. 4810 NESHAP: Ferroalloys Production: Ferromanganese and Silicomanganese Residual Risk Standards .....	2060-AL93
3202	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide .....	2060-AL94
3203	SAN No. 4825 Mineral Wool Production Residual Risk Standard .....	2060-AL96
3204	SAN No. 4831 NESHAP for Flexible Polyurethane Foam Production: Residual Risk Standards .....	2060-AL99
3205	SAN No. 4832 NESHAP: Pharmaceuticals Production: Residual Risk Standards .....	2060-AM00
3206	SAN No. 4861 NESHAP: Area Source Standards—Paint Stripping .....	2060-AM07
3207	SAN No. 4873 NESHAP: Area Source Standards—Glass Manufacturing Industry .....	2060-AM12
3208	SAN No. 4860 NESHAP: Area Source Standards—Acrylic/ Modacrylic Fiber (AMF) Production .....	2060-AM13
3209	SAN No. 4851 Protection of Stratospheric Ozone: Restriction on the Sales of Pre-Charged Split Systems .....	2060-AM15
3210	SAN No. 4875 NESHAP: Oil and Natural Gas Production Facilities—Area Source Rule .....	2060-AM16
3211	SAN No. 4847 NESHAP: Oil and Natural Gas Production Residual Risk Standards .....	2060-AM18
3212	SAN No. 4874 NESHAP: Area Source Standards—Industrial Inorganic Chemicals Manufacturing .....	2060-AM19
3213	SAN No. 4865 Strategy for Addressing Air Emissions From Animal Feeding Operations .....	2060-AM26
3214	SAN No. 4879 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries .....	2060-AM36
3215	SAN No. 4886 NESHAP: Area Source Standards—Plating and Polishing .....	2060-AM37
3216	SAN No. 4884 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers .....	2060-AM44
3217	SAN No. 4906 NESHAP: Area Source Standards—Clay Ceramics Industry .....	2060-AM53
3218	SAN No. 4699 Request for Comments on Potentially Inadequate Monitoring in Clean Air Applicable Requirements and on Methods To Improve Such Monitoring .....	2060-AM63
3219	SAN No. 4887 Area Source NESHAP for Primary Nonferrous Metals—Zn, Cd, Be .....	2060-AM69
3220	SAN No. 4888 Area Source NESHAP for Secondary Nonferrous Metals .....	2060-AM70
3221	SAN No. 4889 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing .....	2060-AM71
3222	SAN No. 4907 NESHAP: Gasoline Distribution Stage I—Area Source Standards .....	2060-AM74
3223	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments .....	2060-AM87
3224	SAN No. 4866 NESHAP: Site Remediation Amendments—Response to Litigation .....	2060-AN36
3225	SAN No. 5012 NESHAP: Area Source Standards—Lead Acid Battery Manufacturing .....	2060-AN44
3226	SAN No. 5013 NESHAP: Area Source Standards—Primary and Secondary Copper .....	2060-AN45
3227	SAN No. 5015 NESHAP: Area Source Standards—Chemical Preparations Industry .....	2060-AN46
3228	SAN No. 5016 NESHAP: Area Source Standards—Paint and Allied Products .....	2060-AN47

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## CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3229	SAN No. 4625 Implementation Rule for 8-Hour Ozone NAAQS - Phase 1 .....	2060-AJ99
3230	SAN No. 4571 Clean Air Mercury Rule—Electric Utility Steam Generating Unit MACT .....	2060-AJ65
3231	SAN No. 4763 NESHAP: Ethylene Processes; Amendments .....	2060-AK80
3232	SAN No. 4391 Rescinding Finding That Preexisting PM10 Standards Are No Longer Applicable in Northern Ada County/Boise, Idaho .....	2060-AJ05
3233	SAN No. 4450 Clean Air Visibility Rule .....	2060-AJ31
3234	SAN No. 4621 Control of Hazardous Air Pollutants From Mobile Sources: Default Baseline Revision .....	2060-AJ97
3235	SAN No. 4794 Clean Air Interstate Rule (Formerly Titled: Interstate Air Quality Rule) .....	2060-AL76
3236	SAN No. 4808 Amendments to the NESHAP for Cellulose Products Manufacturing .....	2060-AL91
3237	SAN No. 4840 Clean Air Fine Particle Designations .....	2060-AM04
3238	SAN No. 4855 NESHAP: Asphalt Processing and Asphalt Roofing Manufacturing—Amendments .....	2060-AM10
3239	SAN No. 4845 Control of Air Pollution From New Motor Vehicles: In-Use, Not-To-Exceed Emission Standard Testing for Heavy-Duty Diesel Engines and Vehicles .....	2060-AM17
3240	SAN No. 4863 NESHAP: Reinforced Plastic Composites—Amendments .....	2060-AM23
3241	SAN No. 4883 Test Procedures for Testing Highway and Nonroad Engines and Omnibus Technical Amendments .....	2060-AM35
3242	SAN No. 4893 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2005 .....	2060-AM50
3243	SAN No. 4892 National Emission Standards for Pharmaceuticals Production; Amendments .....	2060-AM52
3244	SAN No. 4676 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR) Equipment Replacement Provision (ERP); Reconsideration .....	2060-AM58
3245	SAN No. 4919 NESHAP: Coke Ovens: Pushing, Quenching, and Battery Stacks; Amendments .....	2060-AM83
3246	SAN No. 4933 Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone .....	2060-AM93
3247	SAN No. 4811 Transportation Conformity Amendments for the New PM 2.5 NAAQS Standards and PM 2.5 Precursors .....	2060-AN03
3248	SAN No. 4839 Extension of the Deferred Effective Date of Nonattainment Designations for 8-Hour Ozone NAAQS for Early Action Compact Areas .....	2060-AN04
3249	SAN No. 4952 Stay of the Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport .....	2060-AN06
3250	SAN No. 4954 Finding of Failure To Submit Section 110(a) SIP Requirements .....	2060-AN07
3251	SAN No. 4957 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing—Amendments .....	2060-AN09
3252	SAN No. 4961 Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide for the 2005 Supplemental Request .....	2060-AN13
3253	SAN No. 4973 Control of Emissions of Air Pollution From Diesel Engines and Fuels; Amendments to the Nonroad and Highway Diesel Fuel Regulations .....	2060-AN19
3254	SAN No. 4625 Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration of NSR Anti-Backsliding Provisions .....	2060-AN25
3255	SAN No. 4625 Implementation Rule for 8-Hour Ozone NAAQS; Final Identification of Ozone Areas for Which the 1-Hour Standard Has Been Revoked and Technical Corrections to Phase 1 Rule .....	2060-AN27

## ATOMIC ENERGY ACT (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3256	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste .....	2060-AH63
3257	SAN No. 4003 Technical Change to Dose Methodology for 40 CFR Part 190, Subpart B, and 40 CFR 191, Subpart A .....	2060-AH90

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

Sequence Number	Title	Regulation Identifier Number
3258	SAN No. 4596 Pesticides; Data Requirements for Biochemical and Microbial Products .....	2070-AD51

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

Sequence Number	Title	Regulation Identifier Number
3259	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes ....	2070-AD49

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

Sequence Number	Title	Regulation Identifier Number
3260	SAN No. 4175 Pesticide Tolerance Reassessment Program .....	2070-AD24
3261	SAN No. 4610 Protections for Test Subjects in Human Research ( <b>Reg Plan Seq No. 126</b> ) .....	2070-AD57
3262	SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment .....	2070-AB95
3263	SAN No. 3222 Groundwater and Pesticide Management Plan Rule .....	2070-AC46
3264	SAN No. 4170 Pesticides; Procedures for the Registration Review Program ( <b>Reg Plan Seq No. 124</b> ) .....	2070-AD29
3265	SAN No. 4216 Pesticides; Emergency Exemption Process Revisions ( <b>Reg Plan Seq No. 125</b> ) .....	2070-AD36

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

Sequence Number	Title	Regulation Identifier Number
3266	SAN No. 2687 Pesticides; Data Requirements for Conventional Chemicals .....	2070-AC12
3267	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials .....	2070-AD30
3268	SAN No. 4728 Endocrine Disrupter Screening Program (EDSP); Implementing the Screening and Testing Phase .....	2070-AD61
3269	SAN No. 4027 Pesticides; Tolerance Processing Fees .....	2070-AJ23
3270	SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants .....	2070-AD55
3271	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant .....	2070-AD56
3272	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations .....	2020-AA44
3273	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products .....	2070-AD14
3274	SAN No. 5007 Pesticides; Competency Standards for Occupational Users .....	2070-AJ20
3275	SAN No. 5006 Pesticides; Agricultural Worker Protection Standard Revisions .....	2070-AJ22

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

Sequence Number	Title	Regulation Identifier Number
3276	SAN No. 4727 Endocrine Disrupter Screening Program (EDSP); Chemical Selection Approach for Initial Round of Screening .....	2070-AD59

## TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3277	SAN No. 3493 Future Testing for Existing Chemicals (Overview Entry) .....	2070-AB94

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

Sequence Number	Title	Regulation Identifier Number
3278	SAN No. 3557 Lead-Based Paint Activities; Amendments for Renovation, Repair and Painting ( <b>Reg Plan Seq No. 112</b> ) .....	2070-AC83
3279	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce .....	2070-AB20
3280	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers .....	2070-AD58
3281	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances .....	2070-AB79
3282	SAN No. 4983 Significant New Use Rule (SNUR); Mercury Switches in Motor Vehicles .....	2070-AJ19
3283	SAN No. 4512 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture .....	2070-AD48
3284	SAN No. 4858 Notification of Chemical Exports Under TSCA Section 12(b) ( <b>Reg Plan Seq No. 113</b> ) .....	2070-AJ01
3285	SAN No. 4878 TSCA Inventory Nomenclature for Enzymes and Proteins .....	2070-AJ04
3286	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemption Request From U.S. Maritime Administration (MARAD) .....	2070-AJ05
3287	SAN No. 4953 Lead-Based Paint; Pre-Renovation Lead Education Rule .....	2070-AJ14
3288	SAN No. 4975 Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA .....	2070-AJ15
3289	SAN No. 4974 Significant New Use Rule, Perfluoroalkyl Sulfonates (PFAS) .....	2070-AJ18
3290	SAN No. 4984 Clarification on Guidance for Activated Phosphors .....	2070-AJ21

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## TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3291	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban .....	2070-AC21
3292	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals ( <b>Reg Plan Seq No. 123</b> ) .....	2070-AD16
3293	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules .....	2070-AB08
3294	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules .....	2070-AB11
3295	SAN No. 3301 TSCA Inventory Update Rule Revisions .....	2070-AD63
3296	SAN No. 4176 Voluntary High Production Volume (HPV) Chemical Challenge Program .....	2070-AD25
3297	SAN No. 4870 Significant New Use Rule (SNUR); Certain Polybrominated Diphenyl Ethers (PBDEs) .....	2070-AJ02
3298	SAN No. 3493 Testing Agreement for Perfluorooctanoic Acid (PFOA) .....	2070-AJ06
3299	SAN No. 3493 Testing Agreement for Diethanolamine .....	2070-AJ09
3300	SAN No. 3493 Testing Agreement for Hydrogen Fluoride .....	2070-AJ10
3301	SAN No. 3493 Testing Agreement for Phthalic Anhydride .....	2070-AJ11
3302	SAN No. 4942 Significant New Use Rule for Glycol Ethers .....	2070-AJ12
3303	SAN No. 3493 Testing Agreement for Maleic Anhydride .....	2070-AJ13

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

Sequence Number	Title	Regulation Identifier Number
3304	SAN No. 3148 Asbestos Model Accreditation Plan Revisions .....	2070-AC51
3305	SAN No. 4376 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule .....	2070-AC64
3306	SAN No. 4597 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues .....	2070-AD52
3307	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances .....	2070-AA59
3308	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders .....	2070-AB27
3309	SAN No. 4876 Voluntary Children's Chemical Evaluation Program (VCCEP) .....	2070-AC27
3310	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs) .....	2070-AC76
3311	SAN No. 3882 Test Rule; Certain Metals .....	2070-AD10
3312	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives .....	2070-AD28
3313	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity .....	2070-AD44
3314	SAN No. 1923 Follow-Up Rules on Existing Chemicals .....	2070-AA58

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

Sequence Number	Title	Regulation Identifier Number
3315	SAN No. 3528 Significant New Use Rule (SNUR); Refractory Ceramic Fibers (RCFs) .....	2070-AC37
3316	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants) .....	2070-AD53
3317	SAN No. 4777 Lead-Based Paint; Amendments to Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing .....	2070-AD64
3318	SAN No. 3493 Testing Agreement for Aryl Phosphates (ITC List 2) .....	2070-AJ07
3319	SAN No. 3493 Test Rule; Brominated Flame Retardants (BFRs) .....	2070-AJ08

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

Sequence Number	Title	Regulation Identifier Number
3320	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
3321	SAN No. 4896 Toxics Release Inventory Reporting Burden Reduction Rule ( <b>Reg Plan Seq No. 118</b> ) .....	2025-AA14
3322	SAN No. 2425 TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory .....	2025-AA16
3323	SAN No. 2425 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals .....	2025-AA19

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

Sequence Number	Title	Regulation Identifier Number
3324	SAN No. 4595 Rulemaking To Change Toxic Release Inventory (TRI) Reporting Requirements From Standard Industrial Classification (SIC) Codes to North American Industrial Classification System (NAICS) Codes .....	2025-AA10
3325	SAN No. 4692 Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-Like Compounds Category Under EPCRA, Section 313 .....	2025-AA12

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

Sequence Number	Title	Regulation Identifier Number
3326	SAN No. 3215 Emergency Planning and Community Right-To-Know Act: Amendments and Streamlining Rule .....	2050-AE17
3327	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation .....	2025-AA11
3328	SAN No. 2425 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
3329	SAN No. 4938 TRI Reporting Forms Modification Rule .....	2025-AA15



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## RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3330	SAN No. 4743 Land Disposal Restrictions: Determination of Equivalent Treatment for Macroencapsulation of Radioactive Lead Solids; Definition of Macroencapsulation .....	2050-AF12

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

Sequence Number	Title	Regulation Identifier Number
3331	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers .....	2050-AE81
3332	SAN No. 4651 Increase Metals Reclamation From F006 Waste Streams .....	2050-AE97
3333	SAN No. 4606 Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development .....	2050-AE93
3334	SAN No. 4834 Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants) .....	2050-AG15
3335	SAN No. 4920 Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories .....	2050-AG18
3336	SAN No. 4977 Expanding the Comparable Fuels Exclusion Under RCRA ( <b>Reg Plan Seq No. 117</b> ) .....	2050-AG24
3337	SAN No. 5019 Criteria for Safe and Environmentally Protective Use of Granular Mine Tailings .....	2050-AG27
3338	SAN No. 4828 RCRA Incentives for Performance Track Members .....	2090-AA34

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

Sequence Number	Title	Regulation Identifier Number
3339	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials .....	2050-AE23
3340	SAN No. 4084 RCRA Burden Reduction Initiative ( <b>Reg Plan Seq No. 127</b> ) .....	2050-AE50
3341	SAN No. 4411 Regulation of Hazardous Oil-Bearing Secondary Materials From Petroleum Refining Industry and Other Hazardous Secondary Materials Processed in a Gasification System To Produce Synthesis Gas .....	2050-AE78
3342	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes .....	2050-AE51
3343	SAN No. 4092 Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations .....	2050-AE52
3344	SAN No. 4670 Revisions to the Definition of Solid Waste ( <b>Reg Plan Seq No. 128</b> ) .....	2050-AE98
3345	SAN No. 4565 Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York .....	2090-AA29

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

Sequence Number	Title	Regulation Identifier Number
3346	SAN No. 3856 Management of Cement Kiln Dust (CKD) .....	2050-AE34
3347	SAN No. 4469 Standards for the Management of Coal Combustion Wastes—Non-Power Producers and Minefilling .....	2050-AE83
3348	SAN No. 4230 Revisions to Solid Waste Landfill Criteria—Leachate Recirculation on Alternative Liners .....	2050-AE67
3349	SAN No. 4735 RCRA Smarter Waste Reporting .....	2050-AF01
3350	SAN No. 4701 E-Cycling Pilot Project for Region 3 States (ECOS); Streamlining RCRA Regulations To Encourage Reuse, Recycling, and Recovery of Electronic Equipment .....	2003-AA00
3351	SAN No. 3189 Final Determination of the Applicability of the Toxicity Characteristic Rule to Petroleum Contaminated Media and Debris From Underground Storage Tanks .....	2050-AD69
3352	SAN No. 4824 Hazardous Waste Generator Program Evaluation .....	2050-AG25
3353	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision) .....	2050-AC71

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

Sequence Number	Title	Regulation Identifier Number
3354	SAN No. 4778 Revisions of the Lead-Acid Battery Export Notification and Consent Requirements .....	2050-AF06
3355	SAN No. 3147 Hazardous Waste Manifest Revisions—Standards and Procedures for Electronic Manifests .....	2050-AG20

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3356	SAN No. 4028 Standardized Permit for RCRA Hazardous Waste Management Facilities .....	2050-AE44
3357	SAN No. 3989 Methods Innovation Rule .....	2050-AE41
3358	SAN No. 3147 Hazardous Waste Manifest Regulation .....	2050-AE21
3359	SAN No. 4501 Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures .....	2050-AE84
3360	SAN No. 3333 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) .....	2050-AE01
3361	SAN No. 4092 Hazardous Waste Management System; Modification of the Hazardous Waste Program: Mercury-Containing Equipment .....	2050-AG21
3362	SAN No. 4439 Project XL — Ortho-McNeil Pilot Project Allowing On-Site Treatment of Low-Level Mixed Wastes Without RCRA Permit .....	2090-AA14

OIL POLLUTION ACT (OPA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3363	SAN No. 2634 Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule, 40 CFR Part 112 ( <b>Reg Plan Seq No. 115</b> ) .....	2050-AG16
3364	SAN No. 2634 Regulatory Actions Associated with the Notices of Data Availability on the Spill Prevention, Control, and Countermeasure (SPCC) Rule, 40 CFR Part 112 ( <b>Reg Plan Seq No. 116</b> ) .....	2050-AG23

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

Sequence Number	Title	Regulation Identifier Number
3365	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules .....	2050-AD75
3366	SAN No. 4736 Administrative Reporting Exemption for Certain Air Releases of NOx ( <b>Reg Plan Seq No. 114</b> ) .....	2050-AF02
3367	SAN No. 4971 National Contingency Plan Revisions To Align With the National Response Plan .....	2050-AG22

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

Sequence Number	Title	Regulation Identifier Number
3368	SAN No. 3423 Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste (K178) .....	2050-AE12
3369	SAN No. 4739 Standards and Practices for Conducting All Appropriate Inquiries .....	2050-AF04

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

Sequence Number	Title	Regulation Identifier Number
3370	SAN No. 4201 Criteria for the Designation of Hazardous Substances Under CERCLA Section 102(a) .....	2050-AE63
3371	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities .....	2050-AF03
3372	SAN No. 4177 Revise 40 CFR Part 35 Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Actions .....	2050-AE62

## CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3373	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements .....	2050-AE87
3374	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II .....	2040-AD39
3375	SAN No. 4746 Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters .....	2040-AD89
3376	SAN No. 4965 2006 Effluent Guidelines Program Plan .....	2040-AE76
3377	SAN No. 4996 Concentrated Animal Feeding Operation Rule .....	2040-AE80
3378	SAN No. 4979 Oil and Gas Phase II Storm Water Permit Requirements .....	2040-AE81

## CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3379	SAN No. 4540 Test Procedures: New and Updated Test Procedures for the Analysis of Pollutants Under the Clean Water Act and Safe Drinking Water Act .....	2040-AD71
3380	SAN No. 4543 Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 3 .....	2040-AD70
3381	SAN No. 4950 Test Procedures for the Analysis of E. coli, Enterococci, Fecal Coliforms, and Salmonella Under the Clean Water Act .....	2040-AE68
3382	SAN No. 4947 Effluent Guidelines for the Iron and Steel Manufacturing Point Source Category (Revision) .....	2040-AE78
3383	SAN No. 4995 Rulemaking on Direct Application of Pesticides to Waters of the United States in Compliance With FIFRA .....	2040-AE79

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

Sequence Number	Title	Regulation Identifier Number
3384	SAN No. 4370 Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Point Source Category, Dissolving Kraft and Dissolving Sulfite Subcategories (Phase III) .....	2040-AD49
3385	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act .....	2040-AC75
3386	SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring .....	2040-AC92
3387	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures .....	2040-AC93
3388	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
3389	SAN No. 3786 NPDES Applications Revisions .....	2040-AC84
3390	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
3391	SAN No. 4690 Policy Regarding National Pollutant Discharge Elimination System Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions .....	2040-AD87
3392	SAN No. 4822 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines .....	2040-AE61
3393	SAN No. 4948 Effluent Limitations Guidelines and Standards for Airport Deicing Operations .....	2040-AE69
3394	SAN No. 4949 Effluent Limitations Guidelines and Standards for Drinking Water Supply and Treatment .....	2040-AE74

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

Sequence Number	Title	Regulation Identifier Number
3395	SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters .....	2040-AE77
3396	SAN No. 4980 Effluent Limitations Guidelines and Standards for the Vinyl Chloride and Chlor-Alkali Point Source Categories .....	2040-AE82

CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3397	SAN No. 3663 Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution .....	2040-AC58

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3398	SAN No. 4770 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions .....	2040-AD93
3399	SAN No. 4821 Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List .....	2040-AE60
3400	SAN No. 4981 National Primary Drinking Water Regulations for Lead and Copper: Short-Term Regulatory Revisions and Clarifications .....	2040-AE83

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3401	SAN No. 2340 National Primary Drinking Water Regulations: Ground Water Rule ( <b>Reg Plan Seq No. 129</b> ) .....	2040-AA97
3402	SAN No. 4341 National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule ( <b>Reg Plan Seq No. 130</b> ) .....	2040-AD37
3403	SAN No. 4342 National Primary Drinking Water Regulations: Stage 2 Disinfection Byproducts Rule ( <b>Reg Plan Seq No. 131</b> ) .....	2040-AD38

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

Sequence Number	Title	Regulation Identifier Number
3404	SAN No. 2281 National Primary Drinking Water Regulations: Radon .....	2040-AA94
3405	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb .....	2040-AC13
3406	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR .....	2040-AD54
3407	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements .....	2040-AD94
3408	SAN No. 4745 Drinking Water Contaminant Candidate List 3 .....	2040-AD99
3409	SAN No. 4236 Underground Injection Control: Update of State Programs .....	2040-AD40
3410	SAN No. 4966 Drinking Water Regulations for Aircraft Public Water System .....	2040-AE84

EPA

SHORE PROTECTION ACT (SPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3411	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations .....	2040-AB85

**Environmental Protection Agency (EPA)**  
**General**

**Proposed Rule Stage**

**3012. PROPOSED REVISION TO EPA'S IMPLEMENTING NEPA REGULATIONS**

**Priority:** Other Significant  
**Legal Authority:** 42 USC 4321  
**CFR Citation:** 40 CFR 6  
**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	02/00/06	
Final Action-	08/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4292

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**RIN:** 2020-AA42

**3013. REVISIONS TO ACQUISITION REGULATION CONCERNING CONFLICT OF INTEREST**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Not Yet Determined  
**CFR Citation:** Not Yet Determined  
**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	12/00/05	
Final Action-	03/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4319

**Sectors Affected:** 5413 Architectural, Engineering and Related Services; 54162 Environmental Consulting Services; 5416 Management, Scientific and Technical Consulting Services;

5417 Scientific Research and Development Services; 562 Waste Management and Remediation Services

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**RIN:** 2030-AA67

**3014. SECURITY REQUIREMENTS FOR TOXIC SUBSTANCES CONTROL ACT CONFIDENTIAL BUSINESS INFORMATION ACCESS FOR CONTRACTORS**

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

**CFR Citation:** 48 CFR 1552; 48 CFR 1535

**Legal Deadline:** None

**Abstract:** Current security requirements for Toxic Substances Contract Act Confidential Business Information (TSCA CBI) access for contractors are implemented in three Environmental Protection Agency contract clauses, 1552.235-75, 1552.235-76, and 1552.235-78. Security requirements for the Government and contractors have been updated in a 2003 TSCA CBI Protection Manual. This rulemaking will implement the new TSCA CBI requirements into the three EPAAR clauses cited above.

## EPA—General

## Proposed Rule Stage

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4904;

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**RIN:** 2030-AA88**3015. AWARD TERM CONTRACTING****Priority:** Info./Admin./Other**Legal Authority:** 41 USC 418(b); 5 USC 301, sec 205(c); 63 Stat 390, as amended**CFR Citation:** 48 CFR 1516 and 1552**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	11/00/05	
Final Action—	08/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4903;

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**RIN:** 2030-AA89**3016. ACCESSIBILITY STANDARDS FOR CONTRACT DELIVERABLES (508)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301, sec 205(c); 41 USC 418(b)**CFR Citation:** 48 CFR 1511; 48 CFR 1552**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	12/00/05	
Final Action—	03/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4931

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**RIN:** 2030-AA90**3017. AMENDMENT OF THE STANDARDS FOR RADIOACTIVE WASTE DISPOSAL IN YUCCA MOUNTAIN, NEVADA**

**Regulatory Plan:** This entry is Seq. No. 108 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AN15**3018. PROJECT XL SITE SPECIFIC RULEMAKING FOR THE NASA WHITE SANDS TEST FACILITY IN LAS CRUCES, NEW MEXICO (PHASES III-VI)****Priority:** Info./Admin./Other**Legal Authority:** 33 USC 2701 to 2761; 42 USC 300(f) to 300(j) to 26; 42 USC 6901 to 6992(k)**CFR Citation:** 40 CFR NYD**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	02/00/06	
Final Action—	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4836

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**RIN:** 2090-AA35

## Environmental Protection Agency (EPA)

Final Rule Stage

## General

**3019. INCORPORATION OF CLASS DEVIATIONS INTO EPAAR****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c)**CFR Citation:** 48 CFR 1537; 48 CFR 1552**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Action—	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3580

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**RIN:** 2030-AA37**3020. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS****Priority:** Other Significant

**Legal Authority:** PL 101-507; PL 102-389; PL 101-549; 42 USC 9605(f); PL 100-590; EO 12432; EO 12138; EO 11625

**CFR Citation:** 40 CFR 33**Legal Deadline:** None

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4056;

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**RIN:** 2020-AA39**3021. CROSS-MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE (CROMERRR)****Priority:** Other Significant**Legal Authority:** PL 104-13; PL 105-277**CFR Citation:** 40 CFR 3 (New); 40 CFR 9 (Revision)**Legal Deadline:** None

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

## EPA—General

## Final Rule Stage

revisions or modifications to allow electronic reporting.

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/01	66 FR 46162
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4270; Formerly listed as RIN 2020-AA41.

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**RIN:** 2025-AA07

**3022. PRIVACY ACT REGULATIONS (REVISED)**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 552a

**CFR Citation:** 40 CFR 16 (revised)

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	09/14/04	69 FR 55377
Final Action-	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4693

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**RIN:** 2025-AA13

**3023. MISCELLANEOUS REVISIONS TO EPAAR CLAUSES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Action-	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4813

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**RIN:** 2030-AA84

**3024. GUIDELINES FOR CARCINOGEN RISK ASSESSMENT**

**Priority:** Info./Admin./Other

**Legal Authority:** Not applicable

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In 9/86 EPA issued risk assessment guidelines relating to five areas: Carcinogenicity, mutagenicity, chemical mixtures, developmental toxicants, and estimating exposures. EPA publishes, and periodically updates/revises, a series of guidelines whose purpose is to assist risk assessors in evaluating the risks of environmental hazards. The guidelines were developed to promote high technical quality and Agency-wide consistency in the human health risk assessment process. The Agency began revising the 1986 guidelines in light of significant scientific advances in our understanding of the processes of carcinogenesis and the modes of actions of disease at the cellular level. The revision of these guidelines is in keeping with the Agency's original intent when it issued the first risk assessment guidelines in 1986. The guidelines were meant to be dynamic, flexible documents that would evolve to reflect the current state of the science and risk assessment practices. EPA released draft final guidelines in March 2003 for public comment, along with a new draft supplemental guidance document entitled, Supplemental Guidance for Assessing Cancer Susceptibility Resulting from Early-life Exposure to Carcinogens, to address early-life exposure issues. (Prior to the 2003 release, guidance on early life exposure issues was incorporated into the cancer guideline document. Early-life exposures issues were moved into a separate document anticipating that updates on the science will be necessary sooner than issues entailed in the draft final cancer guidelines.) The Supplemental Guidance document was peer reviewed by the SAB in May 2003. The final documents will be made available for review by the Science Policy Council and other governmental agencies prior to being submitted for Final Agency Closure. Revisions are being made to the documents based on comments



## EPA—General

## Final Rule Stage

received, balanced against input received during prior SAB reviews and prior public comment periods. The workgroups finalizing the Guidelines represent the major program offices and regional offices.

**Timetable:**

Action	Date	FR Cite
Final Action—	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3671

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**RIN:** 2080-AA06

**3025. PROJECT XL SITE SPECIFIC RULEMAKING FOR NASA WHITE SANDS TEST FACILITY ELECTRONIC REPORTING IN LAS CRUCES, NEW MEXICO (PHASES I-II)**

**Priority:** Info./Admin./Other

**Legal Authority:** Safe Drinking Water Act; 42 USC 300f to 300j-26; Solid

Waste Disposal Act; 42 USC 6901 to 6992k

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

and the SDWA. A second and subsequent rule will address Phases III-VI of the project covering additional reporting requirements under the CWA and CAA.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/31/01	66 FR 55050
Final Action—	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4536

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**RIN:** 2090-AA27

## Environmental Protection Agency (EPA)

## Long-Term Actions

## General

**3026. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

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

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

**Abstract:** EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information

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

**Timetable:**

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

Action	Date	FR Cite
ANPRM—	12/21/00	65 FR 80394
Final Action—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3240;

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**EPA—General**

**Long-Term Actions**

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 RIN: 2025-AA02

**Environmental Protection Agency (EPA)**

**Completed Actions**

**General**

**3027. TECHNICAL AMENDMENTS TO THE FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS**

**Priority:** Info./Admin./Other

**CFR Citation:** 40 CFR 26

**Completed:**

Reason	Date	FR Cite
Final Action – Common Rule with HHS–	06/23/05	70 FR 36325

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 2080-AA11

**Environmental Protection Agency (EPA)**

**Prerule Stage**

**Clean Air Act (CAA)**

**3028. ● ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7) (SECTION 610 REVIEW)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412(r)

**CFR Citation:** 40 CFR 68

**Legal Deadline:** None

**Abstract:** The Agency promulgated the Accidental Release Prevention Requirements on June 20, 1996 (61 FR 31668). The regulations apply to all stationary sources with processes that contain more than a threshold quantity of a regulated substance. Processes are divided into three categories based on the potential for offsite consequences associated with a worst-case accidental release; accident history; or compliance with the prevention requirements under OSHA’s Process Safety Management (PSM). Processes that have no potential impact on the public in the case of an accidental release have minimal requirements. For other processes, sources must implement a risk management program that includes more detailed requirements for hazard assessment, prevention, and emergency response. Processes in industry categories with a history of accidental releases and processes already complying with OSHA’s PSM are subject to prevention program requirements that are virtually identical to parallel elements of the OSHA standard. All other processes are subject to streamlined prevention requirements. All sources must prepare

a risk management plan based on the risk management programs established at the source. The sources submit the plan to EPA. The first submission was on June 20, 1999. Some sources re-submitted their plans or revised their plans after the first submission. The second submission was due on June 20, 2004. There are approximately 15,000 sources subject to the accidental release prevention regulations. This new entry in the Regulatory Agenda announces that EPA will review this regulation pursuant to section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 610). EPA solicits comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public since promulgation; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rule, and to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. In the Agency’s view, there is a continued need for the rule because it calls on sources to reduce the probability and adverse consequences of accidental releases of substances that have the potential to cause immediate harm to public health and the environment, and stimulates dialogue between industry and the public to improve accident prevention and emergency response practices. The

Agency has received few complaints about this rule from small businesses. The Agency has developed many guidance documents to help small entities comply with the rule. Efforts were made to minimize the burden and complexity of the rule by taking a tiered approach. In other words, entities with complex processes have to follow more rigorous requirements and those with simple processes follow only some of the requirements. EPA believes that there is no conflict or overlap between this rule and any other rule except for OSHA’s PSM rule as indicated above. This is the first time the rule has been evaluated under the RFA section 610. EPA has established a public docket for this effort, Docket No. OAR-2005-0166 at <http://www.epa.gov/edocket>.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 5018;

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## EPA—Clean Air Act (CAA)

## Prerule Stage

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RIN: 2050-AG26

### 3029. REVISION TO POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS (VOC)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 51.100(s)

**Legal Deadline:** None

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

such rules would be separately noticed in the Regulatory Agenda.) For example, the ANPRM could eventually lead to a revision of the definition of VOC at 40 CFR 51.100(s). Alternatively, EPA may go directly to a proposed revision of policy.

#### Timetable:

Action	Date	FR Cite
Guidance-	10/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4759;

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RIN: 2060-AK75

### 3030. PROTECTION OF STRATOSPHERIC OZONE: AMENDMENTS TO THE SECTION 608 LEAK REPAIR REGULATIONS

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

**Legal Authority:** 42 U.S.C. 7401 to 7671q

**CFR Citation:** 40 CFR 82, subpart F

**Legal Deadline:** None

**Abstract:** This rulemaking will propose changes and amendments to the refrigerant leak repair regulations (40 CFR 82, subpart F) promulgated under section 608 of the Clean Air Act. The goal of the regulations is to protect the stratospheric ozone layer by promulgating regulations that reduce the use and emissions of ozone-depleting refrigerants to the lowest achievable level. This proposal will clarify the leak repair regulations by requiring that owners and operators of comfort cooling, commercial refrigeration, and industrial process refrigeration appliances that have

ozone-depleting charges greater than 50 pounds calculate leak rates, verify all repairs, and document repair efforts. This rulemaking will provide further clarity by adding definitions and discussing compliance scenarios.

#### Timetable:

Action	Date	FR Cite
ANPRM-	10/00/05	
NPRM-	04/00/06	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4856;

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RIN: 2060-AM09

### 3031. • ADVANCE NOTICE FOR INFORMATION ON DETERMINING THE EMISSIONS REDUCTIONS ACHIEVED FROM LIMITING THE VOC CONTENT OF ARCHITECTURAL COATINGS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAAA sec 110

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** EPA will issue an Advanced Notice of Proposed Rulemaking (ANPRM) to discuss and take comment on approaches for calculating emission reductions from the national architectural and Industrial maintenance (AIM) coating rule and other architectural rules. Review of the comments received could result in a rule or policy guidance on calculation methodology.

#### Timetable:

Action	Date	FR Cite
ANPRM-	08/31/05	70 FR 51694
ANPRM Comment	10/17/05	
Period End- Notice	10/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

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Prerule Stage

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5009;

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**RIN:** 2060-AN42**3032. • ACTION ON PETITION TO LIST DIESEL EXHAUST AS A HAZARDOUS AIR POLLUTANT****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, February 11, 2005.

NPRM, Judicial, June 12, 2006,  
 Tentative deadline for proposal, under negotiation.

Final, Judicial, May 1, 2007, Tentative, under negotiation.

**Abstract:** EPA received a petition from Environmental Defense to list Diesel Exhaust as a Hazardous Air Pollutant (HAP). Upon initially reviewing the petition, we have decided the petition needs to be reviewed and evaluated by a Workgroup to make a final determination on how to proceed. Our initial review indicates that the petition meets the CAAA requirements for listing as a HAP, namely that (1) It is an air pollutant, and (2) emissions, ambient concentrations, bioaccumulation, or deposition of the substance must be known to cause or reasonably anticipated to cause adverse effects to human health or the environment. The petition is based primarily on human health effects, and relies heavily on the EPA's Health Assessment Document for Diesel Engine Exhaust (2002), which shows that exposure to diesel exhaust leads to cancerous and non-cancerous effects. In addition, the National Air Toxics Assessment (NATA) concludes that diesel exhaust is among the air pollutants that pose the greatest risk to human health and that the ambient concentration of diesel exhaust exceeds

EPA's non-cancer reference concentration in multiple urban areas across the U.S. This activity may be considered precedent-setting, as a pollutant has not been added to the HAP list to date.

**Timetable:**

Action	Date	FR Cite
ANPRM-	03/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 5020;

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**RIN:** 2060-AN49Environmental Protection Agency (EPA)  
Clean Air Act (CAA)

Proposed Rule Stage

**3033. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER**

**Regulatory Plan:** This entry is Seq. No. 100 in part II of this issue of the Federal Register.

**RIN:** 2060-AI44**3034. EVALUATION OF UPDATED TEST PROCEDURES FOR THE CERTIFICATION OF GASOLINE DEPOSIT CONTROL ADDITIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA 211**CFR Citation:** 40 CFR 80**Legal Deadline:** None

**Abstract:** All gasoline must contain additives to control the formation of deposits in the fuel supply system and engine of motor vehicles. If uncontrolled, such deposits can result in a significant increase in motor vehicle emissions. This action will

propose that updated test procedures be adopted for the certification of gasoline deposit control additives regarding their ability to control fuel injector and intake valve deposits. The adoption of the updated procedures will ensure that the gasoline deposit control program continues to ensure an adequate level of deposit control, thereby preventing an increase in motor vehicle emissions. The updated test procedures require less time to perform and are less costly. Therefore, the adoption of the proposed procedures will reduce the burden on industry of complying with the gasoline deposit control program. The proposed action will not impact small businesses, or state, local, or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/05	
Final Action-	08/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4531;

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**RIN:** 2060-AJ61**3035. AMENDMENTS TO METHOD 24 (WATER-BASED COATINGS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 60**Legal Deadline:** Final, Statutory, June 15, 2001.

**Abstract:** The determination of volatile organic compounds (VOCs) content of a surface coating by reference Method

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

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	
Final Action—	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3649

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**RIN:** 2060-AF72

**3036. GENERAL CONFORMITY REGULATIONS; REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 to 7671

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

**Legal Deadline:** None

**Abstract:** Section 176(c) of the Clean Air Act prohibits Federal entities from taking actions which do not conform to the State implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). In November 1993, EPA promulgated two sets of regulations to implement section 176(c). First, on November 24, EPA promulgated the Transportation Conformity Regulations to establish the

criteria and procedures for determining that transportation plans, programs, and projects which are funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. Then, on November 30, EPA promulgated regulations, known as the General Conformity Regulations, to ensure that other Federal actions also conformed to the SIPs. The EPA has not reviewed or revised the General Conformity Regulations since their 1993 promulgation. Several Federal agencies have identified concerns over the implementation of the General Conformity Regulations, including the requirements for areas designated nonattainment for the newly promulgated NAAQS. In conjunction with an ad hoc work group of representatives from several Federal agencies, EPA will review the implementation of the General Conformity Regulations. The EPA will then propose and promulgate any appropriate revision to those regulations.

**Timetable:**

Action	Date	FR Cite
NPRM—	01/00/06	
Final Action—	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Tribal

**Additional Information:** SAN No. 4070;

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**RIN:** 2060-AH93

**3037. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 49

**Legal Deadline:** None

**Abstract:** As required by the Clean Air Act's New Source Review (NSR) provisions, the EPA is proposing Federal regulations governing preconstruction permitting of minor stationary sources and major stationary sources of air pollution in nonattainment areas in Indian country. Pursuant to the Tribal Air Rule, eligible Indian tribes may receive EPA authorization to develop and implement such programs. The Federal NSR permitting programs would be effective throughout Indian country and would be implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization, to manage such programs. The proposed Federal NSR rule would require sources in Indian country, with certain exceptions, to obtain a permit prior to construction if they are: (1) New minor sources, (2) existing minor sources undergoing modification, (3) new major sources in nonattainment areas in Indian country, or (4) existing major sources in nonattainment areas in Indian country undergoing minor modification. The proposed rule also would allow new or existing stationary sources of regulated NSR pollutants and HAPs to accept enforceable limits on their production capacity or hours of operation in order to be considered minor sources and avoid being subject to other Clean Air Act requirements such as the title V operating permits program. These rules would not impose any mandates on tribal governments to implement NSR permitting programs. Tribal governments may be affected, however, insofar as they own or operate sources that must obtain a permit from the EPA under the final Federal permitting program regulations.

**Timetable:**

Action	Date	FR Cite
NPRM—	01/00/06	
Final Action—	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, Tribal

**Additional Information:** SAN No. 3975

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 RIN: 2060-AH37

**3038. CLEAN AIR FINE PARTICLE IMPLEMENTATION RULE**

**Regulatory Plan:** This entry is Seq. No. 102 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AK74

**3039. PERFORMANCE SPECIFICATION 16—SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	08/08/05	70 FR 45608
NPRM Comment Period End-	10/07/05	
Final Action-	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4119

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

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**RIN:** 2060-AH84

**3040. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: MUNICIPAL SOLID WASTE LANDFILLS: AMENDMENT**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

above. It will improve implementation and compliance with this regulation.

**Timetable:**

Action	Date	FR Cite
Proposed Amdmt-	05/23/02	67 FR 36476
Supplemental NPRM-	10/00/05	
Final Action-	10/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4478;

**Sectors Affected:** 562212 Solid Waste Landfill

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**RIN:** 2060-AJ41

**3041. PORTLAND CEMENT MANUFACTURING INDUSTRY NESHAP: AMENDMENT TO IMPLEMENT COURT REMAND**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63.1340 to 63.1359

**Legal Deadline:** None

**Abstract:** The Portland Cement Manufacturing Industry NESHAP was promulgated June 14, 1999, and has been codified in 40 Code of Federal Regulations 63, Subpart LLL. The Sierra Club and the National Lime Association petitioned the court to review Subpart LLL, while the American Portland Cement Alliance (APCA) opted to negotiate a settlement agreement. On December 15, 2000, a panel of the D.C. Circuit issued its opinion in National Lime Ass'n v. EPA. The Court remanded the three standards for which we established floors of no control (hydrogen chloride [HCl], total hydrocarbon [THC], and mercury [Hg]). The Court found that we committed

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error in not considering other means of control, in particular, control of HAPs in raw materials and in fossil fuels. The Court also remanded that we consider setting beyond-the-floor standards for HAP metals, for which particulate matter (PM) is a surrogate. This action will consist of amendments to respond to the court remand.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	
Final Action—	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4585;**Sectors Affected:** 32731 Cement Manufacturing

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**RIN:** 2060-AJ78**3042. NESHAP: ETHYLENE OXIDE FOR STERILIZATION FACILITIES—RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 6, 2002.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA codified in 40 CFR Part 63, Subpart O. This source category covers ethylene oxide commercial sterilizers. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. We have completed the risk assessment, received Work Group comments, completed Options Selection, completed Final Agency Review, and submitted the

package to OMB on June 10, 2005. The assessment results show cancer incidence less than 1.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4654;**Sectors Affected:** 3254 Pharmaceutical and Medicine Manufacturing; 311942 Spice and Extract Manufacturing

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**RIN:** 2060-AK09**3043. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK AND MACT STANDARDS REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Judicial, March 31, 2006.

**Abstract:** On December 14, 1994, we promulgated National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (59 FR 64318). The national emission standards limit and control hazardous air pollutants (HAP) that are known or suspected to cause cancer or have other serious health or environmental effects. Section 112(f)(2) of the Clean Air Act (CAA) directs EPA to assess the risk remaining (residual risk) after the application of national emission standards controls. Also, CAA section 112(d)(6) requires us to review and revise the national emission standards

as necessary by taking into account developments in practices, processes, and control technologies. The proposal will announce a decision and request public comments on the residual risk assessment and technology review for the national emission standards. To meet a consent deadline, EPA must promulgate this decision by March 31, 2006.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4655, EDocket No. OAR-2004-0019;

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**RIN:** 2060-AK10**3044. NESHAP: INDUSTRIAL PROCESS COOLING TOWERS RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, September 30, 2002.

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

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ample margin of safety. This action is to examine the remaining risk from IPCT and, if warranted, to develop new risk based standards.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4660;

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**RIN:** 2060-AK16

### 3045. NESHAP: PERCHLOROETHYLENE DRY CLEANING FACILITIES RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, April 28, 2006, court ordered deadline for final rule.

**Abstract:** EPA developed technology-based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by Section 112(f) of the Clean Air Act, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. Approximately 27,000 perchloroethylene (perc) dry cleaning facilities are in existence. Fifteen of these facilities are major sources (use > 2100 gallons of perc per year), subject to MACT requirements under the technology-based NESHAP requirements. The remaining facilities are area sources (use <2100 gallons of perc per year) subject to GACT requirements under the NESHAP. The peer reviewed risk assessment revealed risk from major source dry cleaning facilities in excess of 100 in a million, therefore, EPA is currently assessing

options to reduce risk from these facilities. EPA has agreed with litigants to a deadline of April 28, 2006 for completion of this effort.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	
Final Action—	05/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4662;

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

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**RIN:** 2060-AK18

### 3046. NESHAP: HALOGENATED SOLVENT CLEANING—RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, December 2, 2002.  
Final, Judicial, December 31, 2006.

**Abstract:** The Halogenated Solvent Cleaning NESHAP limits emissions of HAP from solvent cleaning machines that use any of the following halogenated solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1, -trichloroethane, carbon tetrachloride, chloroform, or any combination of these solvents in a total concentration greater than 5 percent by weight. Each individual solvent cleaning machine is an affected source. The Halogenated Solvent Cleaning NESHAP was projected to reduce nationwide

emissions of hazardous air pollutants (HAP) from halogenated solvent cleaning machines by 85,300 tons per year, or 63 percent of the 1991 baseline emissions of 140,525 tons/year. On December 3, 1999, the rule was amended by adding compliance options for continuous web cleaning machines. Continuous web cleaning machines are considered a subset of in-line cleaning machines and are defined as: “a solvent cleaning machine in which parts such as film, coils, wire, and metal strips are cleaned at speeds typically in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent application area of the solvent cleaning machine, and then recoiled or cut.” This action is required by the CAA to assess residual risk and develop standards as necessary to provide an ample margin of safety.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4668;

**Sectors Affected:** 335999 All Other Miscellaneous Electrical Equipment and Component Manufacturing; 332999 All Other Miscellaneous Fabricated Metal Product Manufacturing; 336999 All Other Transportation Equipment Manufacturing; 337124 Metal Household Furniture Manufacturing; 332116 Metal Stamping; 339 Miscellaneous Manufacturing; 336 Transportation Equipment Manufacturing

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AK22

### 3047. NESHAP: MAGNETIC TAPE MANUFACTURING OPERATIONS RESIDUAL RISK STANDARD

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, December 15, 2002, Court ordered deadline for final rule. Other, Judicial, March 31, 2006.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. The facilities covered by the 112(d) standard and under investigation in the project are Magnetic Tape coatings facilities that manufacture audio and video recording and computer information storage, and emit major source levels of air toxics. The magnetic tape coating process entails a mixture of magnetic (metal) particles, resins, and solvents applied to either a plastic film or paper. The HAP used in this industry include methyl ethyl ketone (MEK), methyl isobutyl ketone (MIBK), toluene, toluene diisocyanate, ethylene glycol, methanol, xylenes, chromium, cobalt, ethylbenzene, and acetaldehyde. The most common HAP solvents are MEK (68 percent) and toluene (29 percent). The non-HAP solvents used in this industry include cyclohexanone, acetone, and isopropyl alcohol (IPA). The magnetic particles are combinations of iron, chrome, and cobalt. Particulate HAP emissions can result from handling of materials, cleaning of process equipment, and adding dry media to mix tanks during coating mix preparation. New processes for manufacturing magnetic tape products have been developed by at least one company in recent years. There are a total of six facilities manufacturing magnetic tape in the nation. Half of these are located in the State of Alabama. The residual risk analyses performed for this source category and the final determination to develop and promulgate additional standards for the source category is dependent on certain policy decisions. The EPA modeled each of the six

facilities with magnetic tape manufacturing source category emission sources and found no facilities with a cancer risk at or above 1 in 1 million. The EPA also found the maximum noncancer risks from these facilities to be significantly below 0.2. The EPA believes that these six facilities constitute all of the emissions from this source category and that the assessment is likely to overestimate rather than underestimate risks. Therefore, EPA has determined that this source category currently presents an acceptable level of cancer and noncancer risks and provides an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4669;

**Sectors Affected:** 334613 Magnetic and Optical Recording Media Manufacturing; 33461 Manufacturing and Reproducing Magnetic and Optical Media

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RIN: 2060-AK23

### 3048. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, April 22, 2003. Final, Judicial, December 30, 2006, court ordered deadline for final rule.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section

112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. This rule will cover the major sources of air emissions within the synthetic organic chemical industry.

**Timetable:**

Action	Date	FR Cite
NPRM-	01/00/06	
Final Action-	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4659

**Sectors Affected:** 325 Chemical Manufacturing

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RIN: 2060-AK14

### 3049. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7511b

**CFR Citation:** 40 CFR 59

**Legal Deadline:** None

**Abstract:** Amendments to the consumer products rule are being proposed to clarify and correct the rule. There are no new categories being regulated nor are any limits being lowered. Several definitions are being updated to provide more clarity. The variance process is being streamlined. A correction is being made to the address for Region 3.

**Timetable:**

Action	Date	FR Cite
NPRM-	01/00/06	
Final Action-	10/00/06	

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**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, C504-03, Research Triangle Park, NC 27711

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**RIN:** 2060-AI62**3050. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES****Regulatory Plan:** This entry is Seq. No. 101 in part II of this issue of the **Federal Register**.**RIN:** 2060-AK70**3051. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES: N-PROPYL BROMIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None**Abstract:** This rule would list whether n-propylbromide (nPB) is an acceptable substitute for class I and class II ozone depleting substances used as solvents for general metals, precision, and electronics cleaning, as well as in aerosol solvent and adhesives end uses. This could provide another alternative to solvents with higher ozone depletion potential that industry is interested in using. The rule also would propose specific conditions on the use of nPB as a solvent. These might include limiting the specific applications in which it may be used to those with

low emissions and requiring exposure limits consistent with industry practices. This will ensure that nPB is used in a manner that is safe and environmentally protective. OSHA does not currently regulate nPB. EPA would revise our ruling to adopt whatever OSHA requires if OSHA later regulates the use of nPB. If finalized as proposed, this rule would be consistent with most existing industry practices and would impose little or no burden on industry.

**Timetable:**

Action	Date	FR Cite
NPRM-	06/03/03	68 FR 33283
NPRM Correction-	10/02/03	68 FR 56809
Supplemental NPRM-	12/00/05	
Final Action-	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4599; Split from RIN 2060-AJ58. The previous ANPRM was under SAN No. 3525.**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**Agency Contact:** Margaret Sheppard, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AK26**3052. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR Part 82**Legal Deadline:** None**Abstract:** This action reinforces the economic incentives related to the transition of Article 5 countries to ozone-depleting substance alternatives. Currently, Article 5 allowances are determined as a percentage of total production allowances assigned to U.S. companies for Class I ozone-depleting substances. In accordance with the Beijing Amendments of the Montreal Protocol, this action establishes Article 5 allowances independently of total production allowances.**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4697**Agency Contact:** Hodayah Finman, Environmental Protection Agency, Air and Radiation, 6205 J, Washington, DC 20460

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**RIN:** 2060-AK45**3053. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO<sub>2</sub>) AREA****Priority:** Info./Admin./Other**Legal Authority:** 12 USC 1701 et seq**CFR Citation:** 40 CFR 52

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4542

**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2008-AA00

**3054. AMBIENT AIR QUALITY MONITORING REGULATIONS: REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

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

**Legal Deadline:** Final, Judicial, September 27, 2005, Relevant areas of the PM monitoring methods and network are tied to the consent decree for the PM NAAQS. NPRM, Judicial, December 20, 2005, Relevant areas of the PM monitoring

methods and network are tied to the consent decree for the PM NAAQS.

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

**Timetable:**

Action	Date	FR Cite
NPRM-	01/00/06	
Final Action-	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4421;

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

**URL For Public Comments:**

oar-2004-0018

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**RIN:** 2060-AJ25

**3055. CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND ENGINES: ALTERNATIVE LOW-SULFUR HIGHWAY DIESEL FUEL TRANSITION PROGRAM FOR ALASKA**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 69 and 80 (Revision)

**Legal Deadline:** None

**Abstract:** This action will carry out a flexibility provision for Alaska that was included in EPA's heavy-duty diesel rule, which was promulgated on January 18, 2001. That rule established more stringent national emission standards for heavy-duty highway vehicles and engines for the 2007 model year, and a technology-enabling sulfur limit of 15 ppm for highway diesel fuel beginning in 2006. In that rule, EPA recognized Alaska's unique geographical, meteorological, air quality, and economic factors and provided Alaska an opportunity to develop its own plan to transition to low-sulfur highway diesel fuel, as an alternative to the national transition program. Our goal in offering this flexibility is to transition Alaska into the low-sulfur fuel program in a manner that minimizes costs, while ensuring that the new vehicles and engines receive the low-sulfur fuel they need. As stated in the Federal Register notice for the diesel rule, if Alaska submits an alternative plan by April 1, 2002, and if EPA determines that it provides a reasonable alternative, EPA intends to initiate rulemaking and,

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

within one year from the date of Alaska's submittal, promulgate a final rule to incorporate the alternative plan. A stakeholder process to develop options is already underway in Alaska, and the State informed EPA that it intends to submit an alternative transition plan in late 2001 or early 2002. This action will be in response to that anticipated submittal. We are also adding a related re-proposal to implement nationwide diesel fuel content standards for nonroad, locomotive and marine engines as it applies to Alaska's rural areas.

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4570;**Sectors Affected:** 336112 Light Truck and Utility Vehicle Manufacturing**Agency Contact:** David Korotney, Environmental Protection Agency, Air and Radiation, 6407, Ann Arbor, MI 48105

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**RIN:** 2060-AJ72**3056. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60 app B; 40 CFR 60 app F**Legal Deadline:** None

**Abstract:** This action proposes Performance Specification 17 (PS-17), Quality Assurance (QA) Procedure 4, and amendments to Appendix F, QA Procedure 1. Performance Specification 17 and QA Procedure 4 apply to continuous parameter monitoring systems (CPMS). Many of the rules

promulgated under 40 CFR part 63 require owners and operators of affected emission units to install and operate CPMS to monitor various parameters, such as temperature, pressure, flow rate, and pH, associated with the operation and performance of emission control devices. However, few, if any, of those rules specify complete procedures for ensuring the quality of the data measured by CPMS. The proposed PS-17 establishes procedures and other requirements that will ensure that those CPMS are properly selected, installed, and placed into operation. The proposed QA Procedure 4 specifies procedures that will ensure that those CPMS provide quality data on an ongoing basis. Both PS-17 and QA Procedure 4 will help to ensure compliance with emission limitations established under 40 CFR part 63. Procedure 1 of Appendix F currently addresses QA procedures for continuous emission monitoring systems (CEMS) that measure a single pollutant. The proposed amendments to QA Procedure 1 broadens the procedure to address the unique requirements of CEMS that are used for monitoring multiple pollutants. Because several of the regulations promulgated under 40 CFR part 63 require multiple pollutant CEMS, these amendments are needed to ensure those CEMS are operated in a manner that ensures the quality of the emission data collected. This action is not expected to have any impacts on small entities or State, local, or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM-	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4584;**Sectors Affected:** 31-33 Manufacturing; 21 Mining; 486 Pipeline Transportation; 562213 Solid Waste Combustors and Incinerators; 562212 Solid Waste Landfill; 22 Utilities

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**RIN:** 2060-AJ86**3057. PERFORMANCE-BASED MEASUREMENT SYSTEM FOR FUELS: CRITERIA FOR SELF-QUALIFYING ALTERNATIVE TEST METHODS; DESCRIPTION OF OPTIONAL STATISTICAL QUALITY CONTROL MEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7545**CFR Citation:** 40 CFR 80**Legal Deadline:** None

**Abstract:** Transportation fuels (like gasoline and diesel fuel) are regulated by EPA under the Clean Air Act to control the emissions that result when they are burned in engines, and also to protect engines' emission control equipment. Fuels regulations require measurement of various of the fuels' properties, and prescribe "designated" analytical methods for that purpose. This regulation is intended to provide a way for regulated parties to self-qualify alternatives to the designated measurement methods that may be cheaper, quicker, simpler, more amenable to automation, or otherwise preferable. The regulation will also prescribe a minimum level of statistical quality control for all fuels test methods, designated or alternative. The regulations should quicken the adoption of new measurement technologies by removing the need for multiple method-specific 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-	11/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4633

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**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

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**RIN:** 2060-AK03

**3058. REGULATION OF FUELS AND FUEL ADDITIVES: MODIFICATIONS TO STANDARDS AND REQUIREMENTS FOR REFORMULATED AND CONVENTIONAL GASOLINE INCLUDING BUTANE BLENDERS AND ATTEST ENGAGEMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7414; 42 USC 7454(c); 42 USC 7454(k); 42 USC 7601

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

**Abstract:** Through the Clean Air Act Amendments of 1990, Congress mandated that EPA promulgate regulations for reformulated and conventional gasoline. The purpose of this mandate was to reduce vehicle emissions of toxic and ozone-forming compounds. EPA published the regulations on February 16, 1994. On July 11, 1997, EPA published a proposed rule that included various minor adjustments to the 1994 rule. The emissions benefits achieved from the reformulated gasoline and conventional gasoline programs would not be reduced by the proposed changes. On December 31, 1997, EPA finalized many of the proposed changes. This rule would finalize certain other of the remaining changes that were not included in the December 31, 1997 final rule. These changes make minor adjustments to the structure of the reformulated gasoline and

conventional gasoline programs, correct technical errors, and codify guidance previously issued by the Agency. This rule also makes several minor technical corrections to the reformulated gasoline rule which were not included in the aforementioned July 11, 1997 proposal, and makes minor technical corrections to the gasoline sulfur rule.

**Timetable:**

Action	Date	FR Cite
NPRM Original-	07/11/97	62 FR 37338
Final (Partial)-	12/31/97	62 FR 68196
NPRM-	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4758

**Sectors Affected:** 42271 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries

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**RIN:** 2060-AK77

**3059. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ALLOWABLES PLANTWIDE APPLICABILITY LIMIT (PAL), AGGREGATION, AND DEBOTTLENECKING**

**Regulatory Plan:** This entry is Seq. No. 103 in part II of this issue of the Federal Register.

**RIN:** 2060-AL75

**3060. SECTION 126 RULE: WITHDRAWAL OF FINDINGS FOR SOURCES IN MICHIGAN**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 52.34

**Legal Deadline:** None

**Abstract:** EPA coordinated the Section 126 Rule with another rule known as the NOx State implementation plan (SIP) Call, because both rules address ozone transport in the Eastern half of the United States. EPA established a

mechanism in the Section 126 Rule whereby the rule would be withdrawn for sources in a State if the State submitted, and EPA approved, a SIP that complied with the NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA proposed to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. Under that proposal, where a State submits a NOx SIP that meets only Phase 1 of the NOx SIP Call, EPA would need to make a determination that the SIP controls the total group of Section 126 sources to the same stringency as the Section 126 Rule would before the Section 126 Rule could be withdrawn. In this current action, EPA is proposing that the Michigan Phase I SIP meets the proposed revised Section 126 Rule withdrawal criteria, and therefore, if EPA finalizes the withdrawal criteria as proposed, EPA would withdraw the Section 126 Rule for sources in Michigan.

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local

**Additional Information:** SAN No. 4796;

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**RIN:** 2060-AL83

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3061. PROTECTION OF STRATOSPHERIC OZONE; ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT AND EXPORT; CORRECTION****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671**CFR Citation:** 40 CFR 82 (Revision)**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4804

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**RIN:** 2060-AL90**3062. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MOTOR VEHICLES: ON-BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY-DUTY ENGINES AND VEHICLES ABOVE 14,000 POUNDS AND IN-USE, NOT-TO-EXCEED EMISSION STANDARD TEST****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7671q**CFR Citation:** 40 CFR 86**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	11/00/05	
Final Action—	03/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4809;

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**RIN:** 2060-AL92**3063. 5-YEAR REVIEW OF MACT STANDARDS FOR LARGE MWC**

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

**Legal Authority:** 42 USC 7401 et seq.**CFR Citation:** 40 CFR 60**Legal Deadline:** Final, Judicial, April 28, 2006.

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4829;

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**RIN:** 2060-AL97**3064. ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7411**CFR Citation:** 40 CFR 60; 40 CFR 61; 40 CFR 63; 40 CFR 65**Legal Deadline:** None**Abstract:** This rule would amend existing regulations controlling

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emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAP) under the Clean Air Act. These regulations are codified at 40 CFR Part 60, 61, 63, and 65. These regulations require periodic leak detection and repair (LDAR) of pumps, valves, and connectors. The current work practice requires each pump, valve, and connector to be individually monitored for leaks. Facilities have had LDAR programs in place for over 20 years and view them as burdensome because they are labor intensive. Newer image-based monitoring technology is being developed which will detect leaks at a reduced costs because of the ability to monitor multiple components at one time. This rule would amend the existing regulations to enable the plant operators to use the new technology.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4830;

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**RIN:** 2060-AL98**3065. CONTROL OF EMISSIONS FROM NEW LOCOMOTIVES AND NEW MARINE DIESEL ENGINES LESS THAN 30 LITERS PER CYLINDER**

**Regulatory Plan:** This entry is Seq. No. 104 in part II of this issue of the Federal Register.

**RIN:** 2060-AM06**3066. NESHAP: MUNICIPAL SOLID WASTE LANDFILLS—AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 63.1960; 40 CFR 63.1975; 40 CFR 63.1980**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	11/00/05	
Final Action—	10/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Local, Tribal**Additional Information:** SAN No. 4846;

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**RIN:** 2060-AM08**3067. NESHAP: AREA SOURCE STANDARDS—ETHYLENE OXIDE HOSPITAL STERILIZATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 30, 2000.

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

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Tribal**Additional Information:** SAN No. 4859

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**RIN:** 2060-AM14

**3068. 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

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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 requests that EPA reopen its review of the MIBK petition. Since the last submittal by the petitioner, a 2-year MIBK bioassay by the National Toxicology Program has been completed, but the results report has not been published. The schedule for the delisting petition is tied to a report on the results of the bioassay.

**Timetable:**

Action	Date	FR Cite
Notice—	07/19/04	69 FR 42954
NPRM—	08/00/06	
Final Action—	07/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4849

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**RIN:** 2060-AM20**3069. NESHAP: TOTAL FACILITY LOW RISK DETERMINATION (TFLRD) FOR RESIDUAL RISK****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** Section 112(f) of the Clean Air Act requires that we assess residual risk remaining after MACT and develop additional emission standards, as necessary, to provide an ample margin of safety. Many facilities have numerous MACT standards that they are subject to. This action will provide

a procedure for facilities to assess risk, and if a facility-wide low risk determination can be shown, to avoid applicable residual risk standards. The evaluation will be made on a facility-wide HAP emissions basis.

**Timetable:**

Action	Date	FR Cite
NPRM—	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4848

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**RIN:** 2060-AM22**3070. NESHAP: HYDROCHLORIC ACID PRODUCTION AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401et seq**CFR Citation:** 40 CFR 63 (revision)**Legal Deadline:** None

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

impacts are expected. The total nationwide capital and annual costs associated with the amendments are negligible. No price impacts are projected. No significant impacts on a substantial number of small entities are expected.

**Timetable:**

Action	Date	FR Cite
NPRM—	08/24/05	70 FR 49530
NPRM Comment Period End—	10/24/05	
Final Action—	05/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4867, EDocket No. OAR-2002-0057

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**RIN:** 2060-AM25**3071. REQUIREMENTS FOR TRANSMIX PROCESSING AND BLENDING UNDER THE REFORMULATED GASOLINE AND GASOLINE SULFUR RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7545 (c) and (k)**CFR Citation:** 40 CFR 80**Legal Deadline:** None

**Abstract:** This rule codifies existing guidance for transmix processors and blenders in the reformulated gasoline regulations. Transmix is a mixture of gasoline and distillate produced by pipelines - transmix processors distill the transmix into separate gasoline and distillate products, and transmix blenders blend small amounts of transmix into gasoline. The rule also establishes gasoline sulfur standards for transmix processors and blenders that are consistent with the sulfur standards



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for other entities downstream of refineries, such as pipelines and terminals, in the gasoline distribution system. The rule will provide operational flexibility for transmix processors and blenders without causing any adverse environmental impacts.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4853;

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**RIN:** 2060-AM27

**3072. NESHAP: SURFACE COATING OF METAL CANS—TECHNICAL AMENDMENTS**

**Priority:** Info./Admin./Other

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** National emission standards for hazardous air pollutants (NESHAP) for metal can surface coating operations located at major sources of hazardous air pollutants (HAP) were promulgated on 11/13/2003 (68 FR 64432). The final standards implement section 112(d) of the Clean Air Act (CAA) by requiring these operations to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The final rule will protect air quality and promote public health by reducing emissions of HAP from facilities in the metal can surface coating source category. This action would provide technical amendments and clarify monitoring provisions in the surface coating of metal cans final rule.

**Timetable:**

Action	Date	FR Cite
NPRM—	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4864

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**RIN:** 2060-AM28

**3073. NESHAP: SITE REMEDIATION; AMENDMENTS**

**Priority:** Routine and Frequent

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The Site Remediation regulation was promulgated on October 8, 2003. This action will revise language in the final rule to correct errors or language that doesn't reflect our intent. Specifically, we will revise language specifying where the concentration for remediation material management units (RMMU) is measured from point of extraction to point of treatment as proposed in the original rule. We will also clarify that facilities with current site remediations can use the 1 Mg HAP exemption if they currently meet that level. We will also clarify that facilities meeting equipment leak standards for part 61 or other part 63 standards are exempt from those provisions in 63 subpart GGGGG. Some grammatical things and incorrect section references will be fixed too.

**Timetable:**

Action	Date	FR Cite
NPRM—	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4866;

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**RIN:** 2060-AM30

**3074. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: AMENDMENTS TO EVAPORATIVE EMISSIONS REGULATIONS AND TECHNICAL AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401

**CFR Citation:** 40 CFR 9; 40 CFR 86

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	
Final Action—	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4880

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**RIN:** 2060-AM32

### 3075. CONTROL OF EMISSIONS FROM SPARK-IGNITION ENGINES AND FUEL SYSTEMS FROM MARINE VESSELS AND SMALL EQUIPMENT

**Regulatory Plan:** This entry is Seq. No. 105 in part II of this issue of the Federal Register.  
**RIN:** 2060-AM34

### 3076. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING; AMENDMENTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7412  
**CFR Citation:** 40 CFR 63  
**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	03/00/06	
Final Action-	10/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4891

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**RIN:** 2060-AM43

### 3077. FLEXIBLE AIR PERMIT RULE

**Priority:** Other Significant

**Legal Authority:** Clean Air Act Title V

**CFR Citation:** 40 CFR 70

**Legal Deadline:** None

**Abstract:** EPA is conducting a flexible permits rulemaking based on what it has learned from its field experiences. The term "flexible permit" is used to describe air permits with conditions designed to reduce the administrative "friction" — costs, time, delay, uncertainty, and risk — experienced by sources and permitting authorities when implementing a permit or making changes under the permit. This is typically accomplished by authorizing a source to make certain types of changes (e.g., additional equipment and/or modifications to a source's method of operation, equipment, raw materials, emission factors, or monitoring parameters) without requiring further review and/or approval provided the source meets specific criteria outlined in its permit. While the chosen solution will depend on individual State permitting rules and requirements, such techniques typically include descriptions of changes or categories of changes authorized to occur under the approved permit terms, one or more emissions caps to safeguard NAAQS and/or to assure certain requirements are not applicable, procedures for testing pollution control device performance and updating emissions factors or parameter values without requiring the permit to be amended or re-opened, streamlining of redundant requirements by applying the most stringent applicable requirement, and provisions to encourage pollution prevention. Flexible permitting has the potential to benefit a wide variety of types of facilities that are regulated under the CAA's Title V operating permits program. Among the benefits flexible permits are anticipated to provide are: improved knowledge of a facility's emissions for the entire site; improved public understanding of a facility's activities over an extended period of time; increased certainty and flexibility to make changes in response to the market; and no less environmental protection (i.e., often more occurs from the use of emissions caps and the increased use of pollution prevention practices).

**Timetable:**

Action	Date	FR Cite
NPRM-	03/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4885;

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**RIN:** 2060-AM45

### 3078. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR ARCHITECTURAL COATINGS—AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 59 subpart D

**Legal Deadline:** None

**Abstract:** This action would amend the national volatile organic compound emission standards for architectural coatings by adding new coating categories for certain coating chemistries which did not exist when the original rule was promulgated. We are reviewing new data from one architectural coating manufacturer and after this review, we will determine if these amendments are necessary.

**Timetable:**

Action	Date	FR Cite
NPRM-	04/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4905

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RIN: 2060-AM47

### 3079. CONTROL OF ULTRA LOW SULFUR DIESEL FUEL LUBRICITY: NOTICE OF PROPOSED RULEMAKING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 86

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4899;

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RIN: 2060-AM48

### 3080. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rule would amend the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants. This amendment would clarify how the requirements of Clean Air Act Section 608 extend to refrigerant recovery and/or recycling equipment intended for use with substitutes for CFC and HCFC refrigerants.

**Timetable:**

Action	Date	FR Cite
NPRM-	02/00/06	
Final Action-	07/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4916;

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RIN: 2060-AM49

### 3081. PROTECTION OF THE STRATOSPHERIC OZONE: ALTERNATIVES FOR THE MOTOR VEHICLE AIR CONDITIONING SECTOR UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7671k

**CFR Citation:** 40 CFR 82.180

**Legal Deadline:** None

**Abstract:** This rulemaking will list two new alternatives to ozone depleting substances in the motor vehicle air conditioning sector and outline the conditions necessary for their safe use. These new alternatives have better energy efficiency and lower impacts on the environment than currently available systems. By approving these systems under SNAP, EPA will provide additional choices to the automotive

industry which, if adopted would reduce the impact of motor vehicle air conditioners on the global environment. The automotive industry, if they chose to adopt these technologies, would be required to comply with the conditions necessary to deploy these systems in a safe manner.

**Timetable:**

Action	Date	FR Cite
NPRM-	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4918

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RIN: 2060-AM54

### 3082. PROTECTION OF STRATOSPHERIC OZONE: MODIFICATIONS TO THE TECHNICIAN CERTIFICATION REQUIREMENTS UNDER SECTION 608 OF THE CLEAN AIR ACT

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
NPRM—	05/00/06	
Final Action—	03/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4901;

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**RIN:** 2060-AM55

**3083. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR, AND REPLACEMENT (RMRR); MAINTENANCE AND REPAIR AMENDMENTS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7401 et seq

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

**Legal Deadline:** None

**Abstract:** This rulemaking is a follow up to SAN 4676, which is a final rule that specifies categories of equipment replacement activities that would qualify as “routine maintenance, repair, and replacement” (RMRR) under the Clean Air Act’s New Source Review (NSR) Program (40 CFR parts 51 and 52). SAN 4676’s final action — referred to as the “equipment replacement provision” (ERP) — was promulgated in the Federal Register on 10/27/03 (68

FR 61248). The action summarized here, SAN 4676.3, when finalized, will establish a regulatory definition for maintenance and repair activities (that are not equipment replacements) that qualify for the RMRR Exclusion from Major NSR. We previously proposed options for this SAN in our RMRR proposal on 12/31/02 (67 FR 80920). However, this action will propose and take comments on an additional approach.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	
Final Action	09/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4676.3; Split from RIN A2060. Split from RIN A2060. Split from RIN 2060-AK28

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**RIN:** 2060-AM62

**3084. NESHAP: GENERAL PROVISIONS—AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 63.1

**Legal Deadline:** None

**Abstract:** The proposed amendments would revise and codify EPA’s policy on when a major source can become an area source, and thus become not subject to national emission standards for hazardous air pollutants (NESHAP) for major sources. EPA is reconsidering the policy, established in May 16, 1995,

memorandum, which allows sources to attain area source status prior to the source’s first substantive compliance date of an applicable NESHAP for major sources. No source would be subject to the requirements unless they voluntarily decided to implement them.

**Timetable:**

Action	Date	FR Cite
NPRM—	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4908

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**RIN:** 2060-AM75

**3085. NESHAP: INTEGRATED IRON AND STEEL; AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

Action	Date	FR Cite
NPRM—	08/30/05	70 FR 51306

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Action	Date	FR Cite
NPRM Comment Period End—	10/31/05	
Final Action—	09/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4909;

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**RIN:** 2060-AM76**3086. NESHAP: ORGANIC LIQUID DISTRIBUTION—AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	12/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4910;

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**RIN:** 2060-AM77**3087. STANDARDS OF PERFORMANCE FOR STATIONARY SPARK IGNITED INTERNAL COMBUSTION ENGINES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Clean Air Act sec 111**CFR Citation:** 40 CFR 60**Legal Deadline:** None

**Abstract:** This project is to develop New Source Performance Standards (NSPS) for stationary reciprocating internal combustion spark ignited engines. This includes two stroke lean burn (2SLB) engines, four stroke lean burn (4SLB) engines, and four stroke rich burn (4SRB) engines. These standards are being developed under section 111 of the CAA to require the application of the best system of emission reduction taking into account the cost of achieving emission reductions and environmental and energy impacts. The pollutants that will be addressed in this rulemaking are PM, NO<sub>x</sub>, SO<sub>2</sub>, and CO. The project is on a litigated schedule to propose by May 06 and to promulgate by December 07. Information gathering began in early April 04 and will result in the development of regulatory packages to propose and promulgate an NSPS standard.

**Timetable:**

Action	Date	FR Cite
NPRM—	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local, State**Additional Information:** SAN No. 4915

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**RIN:** 2060-AM81**3088. NESHAP: DEFENSE LAND SYSTEMS AND MISCELLANEOUS EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	05/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal**Additional Information:** SAN No. 4926;

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**RIN:** 2060-AM84

**3089. NESHAP: IRON AND STEEL  
FOUNDRIES; AMENDMENTS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Clean Air Act sec 112  
**CFR Citation:** 40 CFR 63  
**Legal Deadline:** None  
**Abstract:** The EPA promulgated  
National Emission Standards for  
Hazardous Air Pollutants (NESHAP) for  
iron and steel foundries on April 22,  
2004. EPA was subsequently petitioned  
by industry concerning several issues.  
EPA has engaged in negotiations with  
industry concerning these issues and is  
issuing these amendments to address  
the concerns. The amendments clarify  
several sections of the rule and provide  
clearer and more consistent directions  
on complying with the standards. The  
amendments are being promulgated in  
two groups, denoted by "1" and "2"  
in the schedule below.

**Timetable:**

Action	Date	FR Cite
Final Action 1-	05/20/05	70 FR 29400
NPRM 2-	02/00/06	
Final Action 2-	12/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 4927

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**RIN:** 2060-AM85**3090. PREVENTION OF SIGNIFICANT  
DETERIORATION (PSD) AND  
NONATTAINMENT NEW SOURCE  
REVIEW (NSR): RECONSIDERATION  
OF INCLUSION OF FUGITIVE  
EMISSIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act Title I**CFR Citation:** 40 CFR 51 and 52**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	02/00/06	
Final Action-	12/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal,  
Local, State, Tribal**Additional Information:** SAN No. 4940;

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**RIN:** 2060-AM91**3091. AMENDMENTS TO  
COMPLIANCE CERTIFICATION  
REQUIREMENTS FOR STATE AND  
FEDERAL OPERATING PERMITS  
PROGRAMS; CORRECTION****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7414a; 42  
USC 7661 to 7661f**CFR Citation:** 40 CFR 70.6 (correction);  
40 CFR 71.6 (correction)**Legal Deadline:** None

**Abstract:** Amendments to the  
compliance certification requirements  
for State and Federal operating permits  
were published in the Federal Register  
on June 27, 2003 (SAN 4671). The  
amendatory language of the final rules  
contained an editing error; a sentence  
was removed from the rules. This error  
could be misleading and needs to be  
clarified. Today's action corrects this  
error by inserting the missing sentence  
back into the rules.

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/05	
Direct Final Action-	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4941,  
EDocket No. OAR-2002-0062

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**RIN:** 2060-AM92**3092. IMPLEMENTING PERIODIC  
MONITORING IN FEDERAL AND  
STATE OPERATING PERMIT  
PROGRAMS**

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

**RIN:** 2060-AN00

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**3093. 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. During the comment period of the NPRM the Agency received a comment from the Afton Chemical Corporation (formally known as Ethyl Corporation) suggesting that EPA did not address the component durability portion of the new vehicle emission certification process and should establish a procedure for rulemaking requesting comment on whether our current component durability process is appropriate or if we should revise the process to include a limited amount of testing.

**Timetable:**

Action	Date	FR Cite
Supplemental NPRM-	11/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4757.1; Split from RIN 2060-AK76.**Agency Contact:** Linda Hormes, Environmental Protection Agency, Air and Radiation, Ann Arbor, MI 48105  
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**RIN:** 2060-AN01**3094. NESHAP: PLASTIC PARTS AND PRODUCTS (SURFACE COATING)—AREA SOURCE RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** These standards are being developed under the Clean Air Act, Section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from "area" sources, which are sources that emit hazardous air pollutants (HAP) below the major source level of 10 tons/year of a single HAP or 25 tons/year of all HAP. As part of that strategy, several area-source categories were listed for regulation. Plastic parts and products was listed as one of those categories, and these standards will establish requirements to control pollution from facilities engaged in the surface coating of plastic parts and products. Plastic parts and products surface coating facilities are known to emit cadmium compounds, chromium compounds, lead compounds, manganese compounds, and nickel compounds. In 2004, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for major sources engaged in the surface coating of plastic parts and products NESHAP.

**Timetable:**

Action	Date	FR Cite
NPRM-	06/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4955;**Agency Contact:** Kim Teal, Environmental Protection Agency, Air and Radiation, C539-03, Research Triangle Park, NC 27711  
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**RIN:** 2060-AN08**3095. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SURFACE COATING OF AUTOMOBILES AND LIGHT-DUTY TRUCKS; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 63 subpart IIII**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	02/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4958**Agency Contact:** David Salman, Environmental Protection Agency, Air and Radiation, C539-03, Research Triangle Park, NC 27711  
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**RIN:** 2060-AN10

**3096. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES IN FOAM BLOWING**

**Priority:** Other Significant

**Legal Authority:** Clean Air Act sec 612

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** EPA is initiating this rulemaking in response to a DC Circuit action. In July 2004, the DC Circuit Court vacated a portion of an SNAP Final Rule published on July 22, 2002 (67 FR 47703). This rule responds to that vacature and would rule on the use of HCFC-22 and -142b as substitutes for HCFC-141b in foam blowing. This rule will address effects of stratospheric ozone depletion and health and environmental impacts of substitutes for ozone-depleting substances. The ultimate impact will be to reduce skin cancer, cataracts, and other adverse impacts of ozone depletion.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4959

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**RIN:** 2060-AN11

**3097. RESPONSE TO PETITION OF RECONSIDERATION FOR FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR GEORGIA FOR PURPOSES OF REDUCING OZONE INTERSTATE TRANSPORT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act Title I

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/05	
Final Action-	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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

**Additional Information:** SAN No. 4960

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**RIN:** 2060-AN12

**3098. FUEL ECONOMY LABELING OF MOTOR VEHICLES: REVISIONS TO IMPROVE CALCULATION OF FUEL ECONOMY ESTIMATES**

**Regulatory Plan:** This entry is Seq. No. 107 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AN14

**3099. REVISIONS TO THE CONTINUOUS EMISSIONS MONITORING RULE FOR THE ACID RAIN PROGRAM AND THE NOX BUDGET TRADING PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 75 (Revision)

**Legal Deadline:** None

**Abstract:** This rule would modify the existing requirements for sources affected by the Acid Rain Program, and the NOx Budget Trading Program. The Acid Rain Continuous Emission Monitoring (CEM) rule would be revised to improve implementation by making improvements to the monitoring and reporting process that will benefit both EPA and the facilities affected by the rule. These amendments will have no environmental impacts, and are expected to reduce the ongoing costs and burden associated with reporting emissions under the current rule by instituting a revised reporting procedure that will reduce the redundancy that currently exists with the existing procedures. Specifically, as part of its reengineering efforts, EPA is replacing the existing record type dependant reporting format to an XML data reporting format that takes advantage of technological advances in data management. This fundamental change is expected to reduce the costs of programming data collection systems at the affected facilities and should provide EPA with the flexibility to better adapt its systems to unique data configurations, which are not currently easily (or properly) adaptable by the current reporting structure. EPA expects to reduce the cost and burden associated with resubmittals of data



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reports due to errors identified after the submittals are made. This action also attempts to clarify, simplify, and enhance certain sections in the CEM rule to make it easier for sources to understand and comply with the regulation. Examples include: providing a mechanism for a source to utilize the concept of long-term cold storage; clarifying that only one monitoring methodology should be specified at any time; and modifying the quality assurance timing requirements for ozone season only reporters. These amendments need to be finalized prior to the planned implementation date of January 1, 2007.

**Timetable:**

Action	Date	FR Cite
NPRM—	11/00/05	
Final Action—	10/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4969**Agency Contact:** Matthew Boze, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20460

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**RIN:** 2060-AN16**3100. PROTECTION OF STRATOSPHERIC OZONE: THE 2006 CRITICAL USE EXEMPTION RULE FROM THE PHASEOUT OF METHYL BROMIDE****Priority:** Other Significant**Legal Authority:** Clean Air Act Title VI**CFR Citation:** 40 CFR 82**Legal Deadline:** None

**Abstract:** With this action, EPA would amend section 82.8 of 40 CFR Part 82, Subpart A, entitled "Grant of essential use allowances and critical use allowances" for the chemical methyl bromide. Methyl bromide is an ozone-depleting substance. Specifically, the rule lists uses that qualify for the

critical use exemption in 2006, and the amount of additional methyl bromide that may be produced or imported for those uses in 2006.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4972**Agency Contact:** Marta Montoro, Environmental Protection Agency, Air and Radiation, 6205 J, Washington, DC 20460

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**RIN:** 2060-AN18**3101. REVISIONS TO AIR EMISSIONS REPORTING REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 51, subpart A**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	11/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** SAN No. 4951**Agency Contact:** Bill Kuykendal, Environmental Protection Agency, Air and Radiation, D205-01, Washington, DC 20460

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**RIN:** 2060-AN20**3102. NESHAP: AUTOBODY REFINISHING—AREA SOURCE RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** These standards are being developed under the Clean Air Act, Section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from "area" sources, which are sources that emit hazardous air pollutants (HAP) below the major source level of 10 tons/year of a single HAP or 25 tons/year of all HAP. As part of that strategy, several area-source categories were listed for regulation. Autobody Refinishing was listed as one of those categories, and these standards will establish requirements to control pollution from facilities engaged in autobody refinishing. Autobody refinishing facilities are known to emit benzene, cadmium compounds, chromium compounds, lead compounds, manganese compounds, and nickel compounds. In 2004, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for major sources engaged in the surface coating of assembled on-road vehicles as a subcategory of the plastic parts and products NESHAP.

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM—	07/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 4978

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**RIN:** 2060-AN21**3103. ● REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE****Regulatory Plan:** This entry is Seq. No. 109 in part II of this issue of the **Federal Register**.**RIN:** 2060-AN24**3104. ● IMPLEMENTATION RULE FOR 8-HOUR OZONE NAAQS: RECONSIDERATION; OVERWHELMING TRANSPORT CLASSIFICATION****Priority:** Other Significant**Legal Authority:** 42 USC 7408; 42 USC 7410; 42 USC 7501 to 7511f; 42 USC 7601(a)(1)**CFR Citation:** 40 CFR 51; 40 CFR 50; 40 CFR 81**Legal Deadline:** None

**Abstract:** This rule was issued as a result of EPA's Reconsideration of the Phase 1 Rule to Implement the 8-Hour Ozone NAAQS as requested by EarthJustice. Specifically, this rule will address the Overwhelming Transport Classification. The Phase 1 Rule provided specific requirements for State and local air pollution control agencies and Tribes to prepare State implementation plans (SIPs) and Tribal

Implementation Plans (TIPs) under the 8-hour national ambient air quality standard (NAAQS) for ozone, published by EPA on July 18, 1997. The Clean Air Act (CAA) requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards. The 1997 standards were challenged in court, but in February 2001, the Supreme Court determined that EPA has authority to implement a revised ozone standard, but ruled that EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard. The Supreme Court identified conflicts between different parts of the CAA related to implementation of a revised NAAQS, provided some direction to EPA for resolving the conflicts, and left it to EPA to develop a reasonable approach for implementation. Thus, the Phase 1 Rule addressed the requirements of the CAA and the Supreme Court's ruling. .

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal**Additional Information:** SAN No. 4625.4; Split from RIN 2060-AJ99.

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**RIN:** 2060-AN26**3105. ● PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW: ALTERNATIVE APPLICABILITY TEST FOR ELECTRIC GENERATING UNITS****Regulatory Plan:** This entry is Seq. No. 110 in part II of this issue of the **Federal Register**.**RIN:** 2060-AN28**3106. ● PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2006****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82.8(a)**Legal Deadline:** None

**Abstract:** This rule will allocate essential use allowances for import and production of class I controlled substances for calendar year 2005. Essential use allowances enable a company to obtain ozone depleting substances as an exemption to the regulatory ban on production and import of these chemicals, which took effect on January 1, 1996. EPA allocates essential use allowances for exempted production and import of a specific quantity of chlorofluorocarbons solely for use in medically essential asthma inhalers.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	
Final Action—	01/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4986

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**RIN:** 2060-AN29

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3107. • PROTECTION OF STRATOSPHERIC OZONE: REVISION TO LISTING OF CARBON DIOXIDE TOTAL FLOODING FIRE EXTINGUISHING SYSTEMS RESTRICTING USE TO ONLY UNOCCUPIED AREAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

**Abstract:** Section 612 of the Clean Air Act requires EPA to identify alternatives to Class I and II ozone-depleting substances and to publish lists of acceptable and unacceptable substitutes. Producers of substitutes must notify EPA at least 90 days before alternatives are introduced into interstate commerce. Substitutes which are deemed by EPA to be unacceptable or acceptable subject to use restrictions must go through notice and comment rulemaking. Substitute lists are updated intermittently depending on the volume of notifications. Independent of any petitions or notifications received, EPA may also initiate updates to the substitute lists based on new data on either additional substitutes or on characteristics of substitutes previously reviewed. Based on new information on the continued and growing use of carbon dioxide total flooding fire extinguishing systems, EPA is revising its listing of carbon dioxide as an acceptable total flooding substitute for ozone-depleting halons to acceptable subject to narrowed use limits. Use would be limited to unoccupied areas where personnel could not be exposed to lethal concentration of the agent. Recent changes to national fire protection industry standards reflect need to improve personnel safety requirements for carbon dioxide systems by limiting its applications. Carbon dioxide total flooding fire extinguishing systems are used in some industrial applications such as automobile paint rooms and in marine applications such as machinery spaces. Restricted use limits on carbon dioxide total flooding systems supports the use of substitutes that are not potentially lethal to personnel that could be exposed.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4991**Agency Contact:** Bella Maranion, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AN30**3108. • INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILER AND PROCESS HEATER NESHAP, AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.7480**Legal Deadline:** None

**Abstract:** On September 13, 2004, national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial and institutional boilers, and process heaters were promulgated. Following promulgation, EPA received a petition for reconsideration filed by the General Electric Company. The petitioner claim that the proposal did not provide sufficient information on the emission averaging provision added in the final rule upon which to provide meaningful comment. The petitioner requests reconsideration or clarification that the rule allows for consolidated testing of commonly vented boilers. This rulemaking will address that petition.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4987**Agency Contact:** Jim Eddinger, Environmental Protection Agency, Air

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**RIN:** 2060-AN32**3109. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4701 et seq**CFR Citation:** 40 CFR 63.210 - 17**Legal Deadline:** None

**Abstract:** This action re-proposes the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Polyvinyl Chloride and Copolymers. These standards were proposed on December 8, 2000 (65 FR 76958) and originally promulgated on July 10, 2002 (67 FR 45886) but are expected to be vacated. As of the date of the tiering application, the actual vacatur has not yet occurred. This action assures continuity of the parts of the standard that were upheld by the court in the event of expected vacatur, and precludes implications of CAA section 112(j) which is triggered when the EPA does not have a standard for a source category subject to 112(d) promulgated. This action also recognizes that one component of these standards, regarding the use of vinyl chloride as a surrogate for all other HAP, was not upheld by the court and warrants further study. This action also recognizes that these MACT standards are effective in the absence of this one component for the purposes of 112(j), and this component will be addressed in a separate subsequent rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/05	
Final Action—	02/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4988, EDocket No. OAR-2002-0037

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**RIN:** 2060-AN33

**3110. • AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF HFE-7300**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act Title I

**CFR Citation:** 40 CFR 51.100(s)

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 5010

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**RIN:** 2060-AN34

**3111. • NESHAP: ORGANIC LIQUID DISTRIBUTION (NON-GASOLINE); AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	05/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2060-AN37

**3112. • NESHAP: SECONDARY ALUMINUM PRODUCTION – AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 63.1500

**Legal Deadline:** None

**Abstract:** This technical amendment will correct a punctuation error in the existing Secondary Aluminum NESHAP (40 CFR 63.1500).

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/05	
Direct Final Action-	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4989;

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**RIN:** 2060-AN38

**3113. • OPTIONAL CHASSIS CERTIFICATION FOR DIESEL VEHICLES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 86.1863-07

**Legal Deadline:** None

**Abstract:** Prior to the heavy-duty 2007 rulemaking (HD 2007), we have required that crankcase emissions be controlled only on naturally aspirated diesel engines. We made an exception for turbocharged heavy-duty diesel

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## Proposed Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4993;

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RIN: 2060-AN39

**3114. • AIR QUALITY DATA AFFECTED BY EXCEPTIONAL, NATURAL, AND INTERNATIONAL EVENTS**

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title I

CFR Citation: 40 CFR 50

Legal Deadline: None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	12/00/05	
Final Action—	12/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4998

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RIN: 2060-AN40

**3115. • FEDERAL PLAN REQUIREMENTS FOR OTHER SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE DECEMBER 9, 2004**

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 129 and 111(d)

CFR Citation: 40 CFR 62 (New)

**Legal Deadline:** Final, Statutory, December 31, 2007, Section 129(b)(3) of CAA – 2 Years after promulgation of underlying emission guidelines is deadline for this action. Other, Statutory, December 31, 2008, Section 129(e)(1) of CAA – 3 Years after promulgation of underlying emission guidelines is Hammer Date for Permit Applications.

**Abstract:** The Clean Air Act Amendments of 1990 directed the Environmental Protection Agency (EPA) to set emission guidelines under sections 111 and 129 for existing incinerators categorized as other solid waste incinerators (OSWI), a catch-all grouping for those classes of incinerators not directly named in the Act. Under court order, EPA published proposed regulations for OSWI on December 9, 2004 and is under a judicial requirement to establish final regulations for OSWI by November 30, 2005. In accordance with section 129, any State with affected sources must submit a State plan by one year after publication of the final rule describing how the State will implement the emission guidelines for existing CISWI. Section 129 also requires the Administrator to develop and implement a Federal plan for existing CISWI units located in any State which has not submitted an approvable plan within 2 years of promulgation of the emissions guidelines. In this OSWI Federal plan rulemaking, EPA becomes the implementing authority in those instances where the State or local

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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 November 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—	07/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 5011;

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**RIN:** 2060-AN43

**3116. • RENEWABLE FUEL STANDARDS REQUIREMENTS FOR 2006**

**Regulatory Plan:** This entry is Seq. No. 111 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AN51

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Clean Air Act (CAA)

**3117. AMENDMENT TO SUBPARTS H AND I FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 95-95; CAAA 112(g) or (q)

**CFR Citation:** 40 CFR 61

**Legal Deadline:** None

**Abstract:** Subparts H and I of 40 CFR Part 61 establish standards under the Clean Air Act for emissions of radionuclides other than radon from Department of Energy (DOE) and other non-DOE federal facilities. Under subparts H and I, regulated entities currently determine compliance with the emission standards by utilizing the approved computer models CAP88 and AIRDOS-PC or any other procedures for which EPA has granted prior approval. Since promulgation of Subparts H and I, EPA has developed an additional model, GENII-NESHAPS, which is suitable for regulated entities to use to determine compliance, in addition to the currently-approved models mentioned above. The model was developed to incorporate the internal dosimetry models recommended by the International Commission on Radiological Protection (ICRP) and the radiological risk estimating procedures of Federal Guidance Report 13 into updated versions of existing environmental pathway analysis models. The model was developed

under the direction of OAR's Office of Radiation and Indoor Air, in consultation with OAR's Office of Air Quality Planning and Standards (OAQPS). Also, GENII-NESHAPS has undergone Science Advisory Board (SAB) review. In this direct final rule, EPA is updating Subparts H and I to include GENII-NESHAPS as an approved compliance model.

**Timetable:**

Action	Date	FR Cite
Direct Final Action—	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 4768

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**RIN:** 2060-AK81

**3118. REVISION TO THE GUIDELINE ON AIR QUALITY MODELS (APPENDIX W TO 40 CFR PART 51): ADOPTION OF A PREFERRED GENERAL PURPOSE (FLAT AND COMPLEX TERRAIN) DISPERSION MODEL AND OTHER REVISIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This action would revise the Guideline on Air Quality Models, published as appendix W to 40 CFR part 51. The Guideline provides EPA-recommended models for use in predicting ambient concentrations of pollutants for programs ranging from Prevention of Significant Deterioration (PSD) to State Implementation Plans (SIPs) for controlling air pollution sources. The Guideline fulfills a Clean Air Act mandate for EPA to specify models for air management purposes. This revision would enhance the Guideline by incorporating a new, general-purpose dispersion model called AERMOD, which would replace the existing Industrial Source Complex (ISC3) model in many air-quality assessments, including those involving complex terrain. An earlier version of the AERMOD revision was previously

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proposed (65 FR 21505, 4/21/2000; see SAN 3470), but not promulgated. In response to public comments received on the April 2000 proposal, we integrated the PRIME downwash algorithm and made other incidental modifications, creating AERMOD(02222). On September 8, 2003, we issued a Notice of Data Availability (NDA) to announce the AERMOD revisions, and to reveal new performance data. Public comments taken for 30 days have now been summarized and Agency responses have been developed that support the intended action.

**Timetable:**

Action	Date	FR Cite
NPRM—	04/21/00	65 FR 21505
Notice of Data Availability—	09/08/03	68 FR 52934
Final Action—	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 3470.1; Split from RIN 2060-AF01.

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**RIN:** 2060-AK60

### 3119. NSPS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 60

**Legal Deadline:** NPRM, Judicial, November 30, 2004.

Final, Judicial, November 30, 2005.

**Abstract:** Section 129 of the Clean Air Act requires the EPA to promulgate New Source Performance Standards (NSPS) for new sources and Emission Guidelines (EG) for existing sources for solid waste incinerators. On November

30, 2004, EPA proposed rules to reduce emissions from the category of incinerators known as "other solid waste incinerators" (OSWI). OSWI consists of two classes of incinerators: (1) Institutional waste incinerators and (2) very small municipal waste combustors. Institutional waste incinerators are located at institutions (e.g., public or private school; college or university; church or civic organization; fire or police department; town, city, county, State or Federal government; etc.) which burn waste generated at that institution. Very small municipal waste combustors are incinerators which burn less than 35 tons per day of municipal solid waste. Municipal solid waste is nonhazardous solid waste or refuse collected from residential, commercial, institutional, and industrial sources. Emission standards were proposed for the following nine air pollutants: particulate matter, sulfur dioxide, hydrogen chloride, nitrogen oxides, carbon monoxide, lead, cadmium, mercury, and dioxins. Opacity limits were also proposed. EPA must promulgate standards by November 30, 2005.

**Timetable:**

Action	Date	FR Cite
Notice—	08/28/00	65 FR 52058
Prop. Stds & Guidance—	11/09/00	65 FR 67357
NPRM—	12/09/04	69 FR 71472
Final Action—	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** SAN No. 3751

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**RIN:** 2060-AG31

### 3120. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS—ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	11/22/93	58 FR 61640
Final Action—	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 2915

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**RIN:** 2060-AF83

### 3121. ADDITION OF METHOD 207 TO APPENDIX M OF 40 CFR PART 51 METHOD FOR MEASURING ISOCYANATES IN STATIONARY SOURCE EMISSIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	12/08/97	62 FR 64532
Final Action—	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3900

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**RIN:** 2060-AG88

### 3122. NSPS: SOCMI—WASTEWATER AND AMENDMENT TO APPENDIX C OF PART 63 AND APPENDIX J OF PART 60

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60 – SOCMI Wastewater NSPS and app J; 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. The final rule will encompass the clarifications and revisions to subpart YYY and appendix J that will reduce emissions of volatile organic compounds (VOC). VOC, when emitted into the ambient air, are precursors to the formation of tropospheric ozone. A wide variety of acute and chronic respiratory health effects and welfare (agricultural, ecosystem) effects have been attributed to concentrations of ozone commonly measured in the ambient air throughout the U.S. In conjunction with the rule development for the NSPS, amendments to appendix C to part 63 were proposed on June 30, 2004. On June 30, 2004, amendments to Appendix C to part 63 were proposed (69 FR 39383). See <http://www.epa.gov/ttn/atw/nsps/socww/socwwpg.html> for more information.

**Timetable:**

Action	Date	FR Cite
NPRM (NSPS)—	09/12/94	59 FR 46780
Supplemental NPRM	10/11/95	60 FR 52889
1—		

Action	Date	FR Cite
Supplemental NPRM	12/09/98	63 FR 67988
2—		
NPRM Amdmt—	06/30/04	69 FR 39383
Final Action—	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3380

**Sectors Affected:** 3251 Basic Chemical Manufacturing

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**RIN:** 2060-AE94

### 3123. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (40 CFR PART 60, APPENDIX F, PROCEDURE 3)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60

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

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

**Timetable:**

Action	Date	FR Cite
NPRM1—	10/07/92	57 FR 46114
Supplemental NPRM—	05/08/03	68 FR 24692
Final Action—	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No



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**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3958

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**RIN:** 2060-AH23

### 3124. UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

add flexibility to the testing provisions currently in place and will not add requirements or affect the stringency of the underlying emission standards.

#### Timetable:

Action	Date	FR Cite
NPRM-	10/10/03	68 FR 58838
Final Action-	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4161

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**RIN:** 2060-AK61

### 3125. NESHAP: PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

#### Timetable:

Action	Date	FR Cite
Direct Final Action-	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 4310

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**RIN:** 2060-AI66

### 3126. PETITIONS TO DELIST HAZARDOUS AIR POLLUTANTS: MEK

**Priority:** Substantive, Nonsignificant

**Legal Authority:** "Clean Air Act sec 112(b)(3)"

**CFR Citation:** 40 CFR 63

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

**Abstract:** The Agency has received a petition to remove methyl ethyl ketone (MEK) from the list of hazardous air pollutants (HAPs) under Section 112(b) of the Clean Air Act. The Agency must review the petitions and either grant or deny the petition within 18 months of the date the complete petition was received. If the Agency grants a petition, a notice of proposed rulemaking will be published in the Federal Register, allowing the opportunity for public comment. If the Agency denies a petition, a notice of denial will be published in the Federal Register providing an explanation for such denial. If the Agency grants a petition and ultimately removes the pollutant from the HAP list then sources emitting such pollutants would not be required to meet MACT emissions standards for the pollutant. If on the other hand, the Agency denies the petition, then MACT standards would be issued as currently planned under Section 112(c) and 112(d) of the Clean Air Act for sources emitting such pollutants.

#### Timetable:

Action	Date	FR Cite
Final Action-	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4313

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RIN: 2060-AI72

### 3127. NESHAP FOR PRIMARY ALUMINUM REDUCTION PLANTS; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The NESHAP for Primary Aluminum Reduction Plants was promulgated in 1997 (40 CFR part 63, subpart LL). The amendments described here would revise the emission limit for polycyclic organic matter applicable to one subcategory of source based on newly available data more representative of performance from the top five performing sources. The proposed amendments would also clarify language on compliance dates and add specific provisions for startup of new or reconstructed affected sources and affected sources that restart after being idled for long periods of time. More time would be allowed due to the nature of the process operation, depending on the type of source. No additional costs or information collection requirements would be incurred as a result of the amendments. There also are no significant policy issues. State agency and industry representatives concur with the changes, which will improve implementation of the 1997 rule.

#### Timetable:

Action	Date	FR Cite
NPRM—	03/17/03	68 FR 12645
Final Action—	11/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4713

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RIN: 2060-AK50

### 3128. NESHAP: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63.2; 40 CFR 63.17; 40 CFR 63.18

**Legal Deadline:** None

**Abstract:** We are amending the part 63 General Provisions to allow facilities that are subject to a maximum achievable control technology (MACT) Subpart to discontinue unnecessary requirements if, through pollution prevention measures, they achieve and can demonstrate continued hazardous air pollutant (HAP) emission reductions equivalent to or better than the MACT level of control. We are promulgating these amendments to encourage and promote pollution prevention, which is our strategy of first choice in reducing HAP emissions. We expect these amendments to result in no additional burden for sources and air pollution control agencies. This effort is the product of discussions with State and local air pollution control officials. There also are no significant policy issues.

#### Timetable:

Action	Date	FR Cite
NPRM—	05/15/03	68 FR 26249
Final Action—	02/00/06	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4719;

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RIN: 2060-AK54

### 3129. SECTION 126 RULE WITHDRAWAL PROVISION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7426

**CFR Citation:** 40 CFR 52

**Legal Deadline:** None

**Abstract:** EPA is proposing to revise one narrow aspect of the Section 126 Rule, which was promulgated January 18, 2000. That rule requires certain sources located in the eastern United States to reduce their NOx emissions for purposes of reducing ozone transport. EPA coordinated the Section 126 Rule with a related ozone transport rule, known as the NOx State implementation plan call (NOx SIP Call), which also addresses ozone transport in the eastern United States. The EPA established the same compliance date for both rules, May 1, 2003. The EPA included a provision in the Section 126 Rule which provided that where a State adopted, and EPA approved, a SIP controlling transport under the NOx SIP Call, and with a May 1, 2003 compliance date, EPA would withdraw the Section 126 requirements for sources in that State. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have both been delayed until May 31, 2004. In addition, the NOx SIP Call has been divided into two phases. Therefore, it is necessary to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. This action also proposes to withdraw the Section 126 Rule in States that meet the proposed revised criteria.

#### Timetable:

Action	Date	FR Cite
NPRM—	04/04/03	68 FR 16644
Final Action—	12/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4689

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**RIN:** 2060-AK41

**3130. STREAMLINED EVAPORATIVE TEST PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7521(m)

**CFR Citation:** 40 CFR 86 (Revision)

**Legal Deadline:** None

**Abstract:** This action will streamline the test procedure used to establish compliance with evaporative emission requirements for light duty vehicles and trucks. The current test procedure requires both two and three day diurnal emission tests, as well as running-loss testing. The revisions will delete the three day requirement and add flexibilities for running-loss compliance. This will enable manufacturers to save significant resources without any decrease in environmental benefits.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule-	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3910;

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**RIN:** 2060-AH34

**3131. MODIFICATION OF THE ANTI-DUMPING BASELINE DATE CUT-OFF LIMIT FOR DATA USED IN DEVELOPMENT OF AN INDIVIDUAL BASELINE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)

**CFR Citation:** 40 CFR 80.91(b)(1)(i); 40 CFR 80.93(a)

**Legal Deadline:** None

**Abstract:** "Dumping" refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and "dump" them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing "anti-dumping" rules on the books that codify this Clean Air Act prohibition. This regulation is a minor technical amendment to those existing regulations. It would amend a portion of those regulations to allow the use of data collected after January 1, 1995 in the development of baselines, and it would establish a cut-off date of January 1, 2002 for the submission of all individual baselines under the anti-dumping program. This date is the same as that allowed for foreign refineries seeking a unique individual baseline under the anti-dumping program.

**Timetable:**

Action	Date	FR Cite
Direct Final Action-	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4604

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**RIN:** 2060-AJ82

**3132. EMISSIONS DURABILITY PROCEDURES FOR NEW LIGHT-DUTY VEHICLES AND LIGHT-DUTY TRUCKS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7521

**CFR Citation:** 40 CFR 86

**Legal Deadline:** None

**Abstract:** On October 22, 2002 the United States Court of Appeals for the District of Columbia Circuit vacated durability provisions that automotive manufacturers used to demonstrate that the emissions of their vehicles would comply with emission standards for the useful lives of those vehicles. The Court also required EPA to issue new regulations. This action fulfills the mandate. The new durability regulations will include options that a manufacturer may choose from to age pre-production vehicles to determine the rate of emission deterioration over the vehicle's useful life. The options will include a prescribed fixed driving cycle and a prescribed bench aging cycle that are used to age prototype vehicles or emission control components to the equivalent of the useful life period of the vehicle in a manner that replicates the aging that the vehicle or components would see in actual use. This rule does not change the Federal emission standards or the test procedures used to quantify emissions. Although there is no court-ordered deadline, this is a court-ordered action.

**Timetable:**

Action	Date	FR Cite
NPRM-	04/02/04	69 FR 17532
Final Action-	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4757;

**Sectors Affected:** 3361 Motor Vehicle Manufacturing

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RIN: 2060-AK76

### 3133. ADOPTION OF THE AMENDED INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES

**Priority:** Other Significant

**Legal Authority:** 42 USC 7401 et seq; 42 USC 7571-7572; 5 USC 552(a)

**CFR Citation:** 40 CFR 87.1; 40 CFR 87.21; 40 CFR 87.64; 40 CFR 87.71; 40 CFR 87.10; 40 CFR 87.31(b); 40 CFR 87.82; 40 CFR 87.89

**Legal Deadline:** None

**Abstract:** The purpose of this final rulemaking is to amend the existing United States regulations governing the exhaust emissions from new commercial aircraft gas turbine engines. The amendment will codify into United States law the recently amended voluntary NOx emission standard of the United Nation's International Civil Aviation Organization (ICAO), thus bringing the United States emission standards into alignment with the internationally adopted standards. This NOx standard was adopted at the ICAO/Committee on Aviation Environmental Protection (CAEP) 4 meeting in 1998. The implementation of the standard is to begin in January 2004. Further, this amendment will establish consistency between U.S. and international requirements and test procedures. This action is necessary to ensure that domestic commercial aircraft meet international standards and the public can be assured that they are receiving the air quality benefits of the international standards.

**Timetable:**

Action	Date	FR Cite
NPRM-	09/30/03	68 FR 56226
Final Action-	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4631;

**Sectors Affected:** 33641 Aerospace Product and Parts Manufacturing; 336412 Aircraft Engine and Engine Parts Manufacturing; 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing; 336413 Other Aircraft Part and Auxiliary Equipment Manufacturing

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RIN: 2060-AK01

### 3134. MODIFICATION OF ANTI-DUMPING BASELINES FOR GASOLINE PRODUCED OR IMPORTED FOR USE IN HAWAII, ALASKA, AND THE U.S. TERRITORIES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80 (Revision)

**Legal Deadline:** None

**Abstract:** "Dumping" refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and "dump" them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing "anti-dumping" rules on the books that codify this Clean Air Act prohibition. This action proposes to allow refiners and importers of conventional gasoline produced or imported for use in Hawaii, Alaska, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands to petition EPA to modify their baselines to use the most appropriate seasonal baseline and Complex Model for purposes of compliance with the RFG program's anti-dumping requirements. Specifically, this action would allow refiners and importers to petition EPA to use the summer Complex Model for all anti-dumping baseline and compliance determinations for conventional gasoline produced or imported for use in Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands. This action would allow refiners and importers to petition EPA to use the winter Complex Model for all anti-dumping baseline and compliance purposes in Alaska. We are proposing this action to address certain inconsistencies in the RFG program's anti-dumping provisions which may

have significant unintended negative impacts on refiners and importers. Today's proposed actions would not compromise the environmental goals of the RFG program, or result in any environmental degradation. Today's proposed actions would not have any negative impact on small businesses or State/local/tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM-	01/04/05	70 FR 646
Final Action-	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4632

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RIN: 2060-AK02

### 3135. REGULATION OF FUEL AND FUEL ADDITIVES: EXTENSION OF CALIFORNIA ENFORCEMENT EXEMPTIONS FOR REFORMULATED GASOLINE TO CALIFORNIA PHASE 3 GASOLINE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80.81

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	08/11/04	69 FR 48827
Final Action-	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## EPA—Clean Air Act (CAA)

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**Additional Information:** SAN No. 4634  
**Sectors Affected:** 32511 Petrochemical Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2060-AK04

### 3136. AMENDMENTS TO THE REQUIREMENTS ON VARIABILITY IN THE COMPOSITION OF ADDITIVES CERTIFIED UNDER THE GASOLINE DEPOSIT CONTROL PROGRAM

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80

**Legal Deadline:** Other, Statutory, May 30, 2001, Settlement Agreement with American Chemistry Council in 8/2000 requires publication of NPRM "as expeditiously as practicable."

**Abstract:** A Direct Final Rule (DFRM) and parallel Notice of Proposed Rule (NPRM) was published on November 5, 2001 in response to a settlement agreement reached with the American Chemistry Council (ACC) regarding their litigation on the Gasoline Deposit Control Additive Rule. This litigation pertained to the information that manufacturers must provide on additive composition at the time of certification. Adverse comments were received on two of the four amendments. A partial withdrawal notice was published on January 24, 2002 which withdrew the amendments on which we received adverse comments. In this action, we plan to finalize the provisions that were withdrawn. The provisions we plan to finalize are based on an ACC consensus position, which reduces the burden on manufacturers in demonstrating compliance with limits on the compositional variability of the deposit control additives, while maintaining

the emissions control benefits of the gasoline deposit control program.

#### Timetable:

Action	Date	FR Cite
Direct Final Action 1-	11/05/01	66 FR 55885
Final Action 2-	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4557.1; Split from RIN 2060-AJ69. Action is consistent with Settlement Agreement signed with American Chemistry Council in January 2000, which became final in August, 2000 (no comments were received in the public notice and comment). ACC v. EPA, D.C. Cir. No. 94-1778 (consol).

**Sectors Affected:** 325998 All Other Miscellaneous Chemical Product Manufacturing

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**RIN:** 2060-AK62

### 3137. ANTI-DUMPING BASELINE RECALCULATION FOR DOWNSTREAM OXYGENATE ADDITION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80.91

**Legal Deadline:** None

**Abstract:** This rule would allow a refiner who added oxygenate after sampling and just before shipment to exclude that oxygenate from its anti-dumping baseline determination. This exclusion of oxygenate is already allowed for a refinery's gasoline to which oxygenate was added outside of the refinery gate. This rule will have limited application, and could provide relief to small refiners.

#### Timetable:

Action	Date	FR Cite
Direct Final Action-	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4706;

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**RIN:** 2060-AK69

### 3138. AMENDMENTS TO VEHICLE INSPECTION AND MAINTENANCE PROGRAM REQUIREMENTS TO ADDRESS NEW 8-HOUR OZONE STANDARD

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM-	01/06/05	70 FR 1314
Final Action-	12/00/05	

**Regulatory Flexibility Analysis Required:** No

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4854;

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**RIN:** 2060-AM21

### 3139. FIRE SUPPRESSION AND EXPLOSION PROTECTION LISTING UNDER SNAP

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Action-	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4857

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**RIN:** 2060-AM24

### 3140. EXEMPTION OF CERTAIN AREA SOURCES FROM FEDERAL AND STATE OPERATING PERMIT PROGRAMS

**Priority:** Other Significant

**Legal Authority:** Clean Air Act sec 502

**CFR Citation:** 40 CFR 70; 40 CFR 71; 40 CFR 63

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	03/25/05	70 FR 15250
Final Action-	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4868, EDocket No. OAR-2004-0010;

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**RIN:** 2060-AM31

### 3141. PREVENTION OF SIGNIFICANT DETERIORATION FOR NITROGEN OXIDES

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 51; 40 CFR 52

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

**Abstract:** Section 166 of the Clean Air Act authorizes the Environmental Protection Agency to establish regulations to prevent significant deterioration of air quality due to emissions of nitrogen oxides. On October 17, 1988, EPA promulgated regulations which included maximum allowable increases in ambient nitrogen dioxide concentrations (NO<sub>2</sub> increments) allowed in an area above the baseline concentration. Following promulgation, the Environmental Defense (formerly the Environmental Defense Fund) filed a petition asking the Court to order EPA to remand the regulations and to impose an immediate deadline of two years for promulgating new regulations. In 1990, the Court did not impose a deadline but remanded the case for EPA to develop an interpretation of Section 166 that considered the statutory provisions contained in subsections (c) and (d), and if necessary to take new evidence and modify the regulations. In July 2003, EarthJustice, on behalf of Environment Defense, asked the Court to put EPA on an enforceable schedule to issue new regulations under the original court remand. Consequently, EPA agreed to a 2-year schedule for promulgating such regulations by September 30, 2005. At a minimum, the regulations will provide EPA's interpretation of the statutory requirements for developing adequate

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increments to prevent significant deterioration for nitrogen oxides. Based on our interpretation, we will consider the need for revising the existing increments for nitrogen dioxide, including both an annual and short-term averaging period, and the regulation of other nitrogen oxide compounds other than nitrogen dioxide.

**Timetable:**

Action	Date	FR Cite
NPRM—	02/23/05	70 FR 8880
Final Action—	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4881, EDocket No.

<http://www.epa.gov/edocket>, OAR-2004-0013;

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**RIN:** 2060-AM33

**3142. REGULATION OF FUEL AND FUEL ADDITIVES: GASOLINE AND DIESEL TEST METHODS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80.46(a)(1); 40 CFR 80.46(a)(2); 40 CFR 80.46(f)(3)(i); 40 CFR 80.46(g)(2)(i); 40 CFR 80.580(a)(2)(i); 40 CFR 80.580(a)(3)(ii)

**Legal Deadline:** None

**Abstract:** Fuel manufacturers of gasoline and diesel fuel are required to measure certain properties in order to demonstrate compliance with our motor vehicle fuels programs at 40 CFR part 80. This rule promulgates test method changes which are approved under the jurisdiction of the American Society of Testing and Materials

(ASTM). Except as specified below, the American Petroleum Institute (API) recently recommended these test method changes to the Agency. The Agency has evaluated these recommended test methods changes, agrees with them, and believes they are based on good science. Furthermore, they would provide additional flexibility to the regulated parties. Specifically, the following changes would occur by this action: 1) Update ASTM analytical test methods, ASTM D 2622, ASTM D 3120, ASTM D 5453, ASTM D 1319 and ASTM D 4815 to their most recent ASTM version, 2) update the regulations to refer to analytical test method ASTM D 6920-03 in our regulations, rather than ASTM D 6428-99, 3) change the designated test method for measuring sulfur in butane to ASTM D 6667-01, and continuing to allow ASTM D 3246-96 as an alternative test method for measuring sulfur in butane until the Agency promulgates a performance-based test method approach, 4) upon petition to the Agency by X-Ray Optical Systems, Inc., allow an additional alternative test method for measuring sulfur in gasoline, ASTM D 7039-04, and 5) remove the September 1, 2004, sunset provisions for the alternative analytical test methods, ASTM D 1319, which measures aromatics in RFG and CG, and ASTM D 4815, which measures oxygenate content in RFG and CG. These alternative test methods will be continued to be allowed to be used until the Agency promulgates a performance-based test method approach for qualifying alternative analytical test methods.

**Timetable:**

Action	Date	FR Cite
Direct Final Action—	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AM42

**3143. PROTECTION OF STRATOSPHERIC OZONE: IMPORT PETITIONING REQUIREMENTS FOR HALON-1301 AIRCRAFT FIRE EXTINGUISHING VESSELS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rule will provide an exemption under the import petitioning requirements for used ozone-depleting substances. The petitioning requirements outline the information that importers must submit to the Administrator at least forty working days before a shipment is to leave the foreign port of export. This rule will reduce the administrative burden of anyone petitioning to import aircraft fire extinguishing spherical pressure vessels containing halon-1301 ("halon bottles") for hydrostatic testing in the United States. The rule would require importers to adhere to all import petitioning requirements but would require one petition to be submitted annually for all shipments rather than submission of a petition for each individual shipment forty working days prior to export. Halon bottles are individual bottles containing halon-1301 that are connected to a larger fire suppression system within an aircraft. The halon bottles are brought into the United States for hydrostatic testing in which the halon is removed, the bottles are tested to ensure durability and effectiveness, and the same amount or more of halon is replaced back in the bottles and exported once again. The halon bottles must be routinely tested under Federal Aviation Administration and United States Department of Transportation regulations. The exemption to minimize the import petitioning requirements is being initiated because the bottles are not being imported for the eventual use or resale of the halon contained in the bottles and because hydrostatic testing of the bottles is required under FAA and DOT regulations.

**Timetable:**

Action	Date	FR Cite
Direct Final Action—	11/00/05	

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4900;**Agency Contact:** Hodayah Finman, Environmental Protection Agency, Air and Radiation, 6205 J, Washington, DC 20460

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**RIN:** 2060-AM46**3144. PROTECTION OF STRATOSPHERIC OZONE: EXTENSION OF THE LABORATORY AND ANALYTICAL USE EXEMPTION FOR ESSENTIAL CLASS I OZONE DEPLETING SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	05/13/05	70 FR 25726
NPRM Comment	07/12/05	
Period End-		
Final Action-	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4894;**Agency Contact:** Scott Monroe, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AM56**3145. NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR)****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51, app S**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action-	11/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No.

3259.2; Split from RIN 2060-AE11. See also SAN 4390

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**RIN:** 2060-AM59**3146. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS COATING MANUFACTURING; AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401**CFR Citation:** 40 CFR 63 (Revision)**Legal Deadline:** None

**Abstract:** The final rule was published on December 11, 2003. These minor amendments clarify the requirements for process vessels and include several technical corrections.

**Timetable:**

Action	Date	FR Cite
NPRM-	05/13/05	70 FR 25684
Direct Final Action-	05/13/05	70 FR 25676
Withdrawal Notice-	07/06/05	70 FR 38780
Final Action-	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4890;**Agency Contact:** Randy McDonald, Environmental Protection Agency, Air and Radiation, C504-04, Research Triangle Park, NC 27711

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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### 3147. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS; AMENDMENTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Clean Air Act sec 112  
**CFR Citation:** 40 CFR 63  
**Legal Deadline:** None

**Abstract:** This amendment will make technical corrections, clarify intent, and propose changes to the testing requirements for risk assessments. Changes to the testing requirements would reduce costs of testing and address hard-to-test process units.

#### Timetable:

Action	Date	FR Cite
NPRM-	07/29/05	70 FR 43826
NPRM Comment Period End-	09/12/05	
Final Action-	09/00/06	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4911;

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RIN: 2060-AM78

### 3148. NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR STATIONARY COMBUSTION TURBINES

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** CAA 111  
**CFR Citation:** 40 CFR 60

**Legal Deadline:** NPRM, Judicial,  
 February 9, 2005, Must propose  
 revision to NSPS.

Final, Judicial, February 9, 2006, Must  
 promulgate final rule.

**Abstract:** Stationary combustion  
 turbines emit varying amount of air  
 pollutants. These emissions have effects  
 on both human health and the  
 environment. New source performance  
 standards set the minimum level of  
 control for criteria pollutants  
 (maximum emission rate) for new  
 emission sources. These standards help  
 to assure that new sources of pollution  
 do not release excessive amounts of  
 pollution to the atmosphere. This  
 action is necessary since the Clean Air  
 Act requires these standards to be  
 reviewed periodically. The  
 Environmental Protection Agency  
 intends to review and, if appropriate,  
 revise the new source performance  
 standards for combustion turbines. New  
 combustion turbines will be affected by  
 this action. This action will ensure that  
 the standards properly account for  
 presently economically available  
 pollution prevention and pollution  
 control technologies.

#### Timetable:

Action	Date	FR Cite
NPRM-	02/18/05	70 FR 8314
Final Action-	03/00/06	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4912;

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RIN: 2060-AM79

### 3149. NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ELECTRIC UTILITY STEAM GENERATING UNITS AND INDUSTRIAL AND COMMERCIAL BOILERS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** CAA 111  
**CFR Citation:** 40 CFR 60

**Legal Deadline:** NPRM, Judicial,  
 February 9, 2005, Under consent with  
 Sierra Club and Our Children's Earth  
 Foundation must propose amendments  
 to the NSPS standards.  
 Final, Judicial, February 9, 2006, Under  
 consent with Sierra Club and Our  
 Children's Earth Foundation must  
 promulgate amendments to the NSPS  
 standards.

**Abstract:** Electric utility steam  
 generating units and industrial and  
 commercial boilers emit varying  
 amount of air pollutants. These  
 emissions have effects on both human  
 health and the environment. New  
 source performance standards set the  
 minimum level of control for criteria  
 pollutants (maximum emission rate) for  
 new emission sources. These standards  
 help to assure that new sources of  
 pollution do not release excessive  
 amounts of pollution to the  
 atmosphere. This action is necessary  
 since the Clean Air Act requires these  
 standards to be reviewed periodically.  
 The Environmental Protection Agency  
 intends to amend the new source  
 performance standards for electric  
 utility steam generating units and  
 industrial and commercial boilers. New  
 utility steam generating units (40 CFR  
 part 60, subpart Da) and industrial and  
 commercial boilers (40 CFR part 60,  
 subparts Db and Dc) will be affected  
 by this action. This action will ensure  
 that the standards properly account for  
 presently economically available  
 pollution prevention and pollution  
 control technologies.

#### Timetable:

Action	Date	FR Cite
NPRM-	02/28/05	70 FR 9706
Final Action-	03/00/06	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4913,  
 EDocket No. OAR-2005-0031;

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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 RIN: 2060-AM80

### 3150. STANDARDS OF PERFORMANCE FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Clean Air Act sec 111  
**CFR Citation:** Not Yet Determined  
**Legal Deadline:** NPRM, Judicial, June 29, 2005, court ordered deadline. Final, Judicial, June 29, 2006, court ordered deadline.

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

#### Timetable:

Action	Date	FR Cite
NPRM-	07/11/05	70 FR 39870
NPRM Comment Period End-	09/09/05	
Final Action-	07/00/06	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** SAN No. 4914;

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 RIN: 2060-AM82

### 3151. REGULATION OF FUELS AND FUEL ADDITIVES: REFINER AND IMPORTER QUALITY ASSURANCE REQUIREMENTS FOR DOWNSTREAM OXYGENATE BLENDING

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7545(c) and (k)

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
Direct Final Action-	11/00/05	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4930;

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 RIN: 2060-AM88

### 3152. PART 63 GENERAL PROVISIONS—RESPONSE TO PETITION TO RECONSIDER

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This notice will propose a response to the Natural Resource Defense Council's petition to reconsider certain aspects of the May 30, 2003 amendments to the part 63 General Provisions. The primary issue is public access to startup, shutdown, and malfunction plans. At this point it is not known if there will be any regulatory revisions.

#### Timetable:

Action	Date	FR Cite
NPRM-	07/29/05	70 FR 43992
NPRM Comment Period End-	09/12/05	
Final Action-	07/00/06	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4934;

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RIN: 2060-AM89

### 3153. NESHAP FOR REFRACTORY PRODUCTS MANUFACTURING—AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 91-190, sec 203

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The national emission standards for hazardous air pollutants (NESHAP) for new and existing refractory products manufacturing facilities, were promulgated on April 16, 2003, under section 112(d) of the Clean Air Act (CAA). These amendments clarify the testing and monitoring requirements of the NESHAP, bring the NESHAP into consistency with recent changes to the General Provisions to part 63, and make certain technical corrections to the rule.

## EPA—Clean Air Act (CAA)

## Final Rule Stage

We view the revisions as noncontroversial and anticipate no significant adverse comments.

**Timetable:**

Action	Date	FR Cite
Direct Final Action—	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4937;

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**RIN:** 2060-AM90

**3154. NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING; RECONSIDERATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** On May 16, 2003, national emission standards for hazardous air pollutants (NESHAP) for new and existing sources at brick and structural clay products (BSCP) manufacturing facilities were promulgated (the final rule). Subsequently, the Administrator received a petition for reconsideration of the final rule. The petition was granted with respect to one issue arising from the final rule. The reconsideration issue involves the petitioner's claim that the MACT floors (and MACT standards based on the floors) at promulgation were set using a different control technology than the control technologies upon which the proposed standards were based and that EPA did not provide adequate opportunity for public comment on the revised MACT floors. Because the proposed MACT floors and standards were changed in response to comments received on the proposed rule, reconsideration provides an opportunity for public comment on the

floors and standards reflected in the final rule.

**Timetable:**

Action	Date	FR Cite
Notice of Reconsideration—	04/22/05	70 FR 21094
Final Action—	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4325.1; Split from RIN 2060-AJ91.

**Sectors Affected:** 327121 Brick and Structural Clay Tile Manufacturing; 327123 Other Structural Clay Product Manufacturing

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**RIN:** 2060-AM94

**3155. INCLUSION OF DELAWARE AND NEW JERSEY IN THE CLEAN AIR INTERSTATE RULE**

**Regulatory Plan:** This entry is Seq. No. 119 in part II of this issue of the Federal Register.

**RIN:** 2060-AM95

**3156. NESHAP: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS; RECONSIDERATION NOTICE**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** On September 13, 2004, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial, and institutional boilers and process heaters. The final rule (subpart DDDDD)

contains health-based compliance alternatives based on authority under sections 112(d)(4) of the Clean Air Act (CAA). The methodology and criteria for affected sources to use in demonstrating that they are eligible for the compliance alternatives were promulgated in Appendix A to subpart DDDDD. Affected sources demonstrating that they are eligible for the health-based compliance alternatives are not required to demonstrate compliance with the hydrogen chloride (HCl) emission limit and/or may demonstrate compliance with the total selected metals (TSM) emission limit based on the sum of emissions for seven metals by excluding manganese emissions. Following promulgation of the final rule, the Natural Resources Defense Council (NRDC) and Environmental Integrity Project (EIP) filed a petition for reconsideration. The petition requested reconsideration of seven aspects of the final rule. With the exception of the petitioners' issue with adoption of numerous "no control" standards in subpart DDDDD, all of the petitioners' issues relate to the health-based compliance alternatives in the final rule. The petitioners stated that reconsideration of the issues is appropriate because the issues could not have been practicably raised during the public comment period. The petition for reconsideration also requested a stay of the effectiveness of the health-based compliance alternatives. In response to granting the petition, we are requesting comment on the approach used to demonstrate eligibility for the health-based compliance alternatives, as outlined in Appendix A of the final rule, and on an issue related to the inclusion of manganese in the health-based compliance alternative provisions. We are not requesting comments on any other provisions of the final rule. The petitioners also requested that we stay the effectiveness of the health-based compliance provisions of the final rule, pending reconsideration of those provisions. We are not granting that request.

**Timetable:**

Action	Date	FR Cite
Reconsideration Notice—	06/27/05	70 FR 36907
Final Action—	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

## EPA—Clean Air Act (CAA)

Final Rule Stage

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State, Local

**Additional Information:** SAN No. 3837.1; Split from RIN 2060-AG69

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**RIN:** 2060-AM97

**3157. REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUNDS—REMOVAL OF VOC EXEMPTIONS FOR CALIFORNIA'S AEROSOL COATINGS REACTIVITY-BASED REGULATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 110

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** This action would revise EPA's definition of VOCs so that compounds which were previously identified as negligibly reactive and exempt from EPA's regulatory definitions of VOCs will count towards a product's reactivity-based VOC limit for the purpose of California's aerosol coating regulation.

**Timetable:**

Action	Date	FR Cite
NPRM-	01/07/05	70 FR 1640
Final Action-	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4943, EDocket No. OAR-2003-0200;

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**RIN:** 2060-AM98

**3158. RULE ON SECTION 126 PETITION FROM NC TO REDUCE INTERSTATE TRANSPORT OF FINE PM AND O3; FIPS TO REDUCE INTERSTATE TRANSPORT OF FINE PM & O3; REVISIONS TO CAIR RULE; REVISIONS TO ACID RAIN PROGRAM**

**Regulatory Plan:** This entry is Seq. No. 120 in part II of this issue of the Federal Register.

**RIN:** 2060-AM99

**3159. PM 2.5 AND PM 10 HOT-SPOT ANALYSES IN TRANSPORTATION CONFORMITY RULE AMENDMENTS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51 and 93

**Legal Deadline:** None

**Abstract:** This action would promulgate a supplemental NPRM that was proposed under the SAN number 4811, which is an amendment to the existing transportation conformity rule. The transportation conformity rule ensures that transportation planning is consistent with a state's plans for achieving the air quality standards. The SAN 4811 amendments to the existing transportation conformity rule are necessary as a result of the new 8-hour ozone and PM2.5 air quality standards. The main issues that will be addressed in these amendments are the regional emissions tests that apply before new SIPs are submitted and which particulate matter provisions of the rule apply to PM2.5. The current action, SAN 4811.1, will promulgate the aforementioned SAN 4811 supplemental NPRM.

**Timetable:**

Action	Date	FR Cite
Supplemental NPRM-	12/13/04	69 FR 72140
Final Action-	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 4811.1; Split from RIN 2060-AL73. 2060-AI56 was merged into this action May 2004

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**RIN:** 2060-AN02

**3160. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS; LIST OF HAZARDOUS AIR POLLUTANTS, LESSER QUANTITY DESIGNATIONS, SOURCE CATEGORY LIST; RECONSIDERATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This notice for reconsideration re-opens the comment period for the risk provisions and start-up, shutdown, and malfunction provisions. The notice is in response to a petition for reconsideration EPA received from NRDC and EIP. The notice references relevant portions of the final rule and preamble. The notice was published on 07/29/2005.

**Timetable:**

Action	Date	FR Cite
Reconsideration Notice-	07/29/05	70 FR 44012
Final Action-	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4911.1; Split from RIN 2060-AM78.

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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 RIN: 2060-AN05

### 3161. SMALL MUNICIPAL WASTE COMBUSTOR NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES AMENDMENTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** CAA sec 111 and 129  
**CFR Citation:** 40 CFR 60 subparts AAAA and BBBB, 40 CFR 62 s  
**Legal Deadline:** None

**Abstract:** This rule would amend the final (Dec. 2000) small municipal waste combustors (MWC) new source performance standards (NSPS), emission guidelines (EG), and Federal 111(d) plan. The small MWC rule regulates owners and operators of small MWC, which are MWC units with capacities between 35 tons per day (tpd) and 250 tpd. The amendments will not change the response (the types of emission controls that will be used) of the facilities to the rule, but will provide clarification and correction. Specifically, the amendments will include: (1) Fixing typographical errors created by the Office of the Federal Register; (2) approval of State operator training programs for MWC operators in the State of Minnesota (this was previously done for MWC operators in the States of Maryland and Connecticut); (3) addressing carbon monoxide (CO) emission limits during MWC malfunctions (this same provision was already added to large MWC standards in a previous rulemaking); (4) revising a CO limit for one type of MWC and a NOx limit for another type of MWC; and (5) removing one voluntary consensus standard, ASTM D-6522, which is not an appropriate test method for this industry. These changes need to be made to address compliance issues for this rule prior to the December 6, 2005, compliance date.

#### Timetable:

Action	Date	FR Cite
Direct Final Action-	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 4970;

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 RIN: 2060-AN17

### 3162. • REGIONAL HAZE REGULATIONS; REVISIONS TO PROVISIONS GOVERNING ALTERNATIVE TO SOURCE-SPECIFIC BEST AVAILABLE RETROFIT TECHNOLOGY (BART) DETERMINATIONS

**Regulatory Plan:** This entry is Seq. No. 121 in part II of this issue of the **Federal Register**.  
 RIN: 2060-AN22

### 3163. • IMPLEMENTATION RULE FOR 8-HOUR OZONE NAAQS - PHASE 2

**Regulatory Plan:** This entry is Seq. No. 122 in part II of this issue of the **Federal Register**.  
 RIN: 2060-AN23

### 3164. • COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS NSPS AND EG: DEFINITIONS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** CAA sec 111 and 129  
**CFR Citation:** 40 CFR 60 2060-AF-91  
**Legal Deadline:** Other, Judicial, September 14, 2005, Oral commitment to litigants to take final action on definitional issue.

**Abstract:** In response to the petition for reconsideration related to the definitions of "solid waste" and "commercial and industrial solid waste" in the promulgated NSPS and EG for commercial and industrial solid waste incineration (CISWI) units, EPA published a notice soliciting comments on the definitions on February 17, 2004 (69 FR 7390). This action will present our decisions with regard to these

definitions and the related definition of "commercial and industrial solid waste incineration unit." These final definitions will be effective following a future action that will revise the CISWI NSPS and EG in response to the voluntary remand of the rules that was granted by the United States Court of Appeals for the District of Columbia Circuit on September 6, 2001. This action is consistent with earlier agency actions on the related source category of Industrial Boilers and Process Heaters. This action will provide definitions that will be used, at the completion of a future action, to regulate owners and operators of CISWI Units. The rules will limit emissions of the following pollutants: particulate matter, sulfur dioxide, nitrogen oxides, carbon monoxide, lead, mercury, cadmium, hydrogen chloride, and dioxin. The rules also will include requirements for siting of new sources, operator training, monitoring, and emissions testing.

#### Timetable:

Action	Date	FR Cite
Final Action-	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4994;

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 RIN: 2060-AN31

### 3165. • REVISIONS TO MOTOR VEHICLE DIESEL FUEL SULFUR TRANSITION PROVISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7545(c) and 7545(i)

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

## EPA—Clean Air Act (CAA)

Final Rule Stage

**Abstract:** The highway diesel fuel sulfur rule, issued in 2001, becomes effective in June of 2006. The fuel industry has raised concerns that the required nationwide transition from higher sulfur to ultra-low sulfur diesel (ULSD) fuel may require a limited amount of additional time. This action will provide 45 additional days for the transition to be completed while ensuring that ULSD will be available exclusively when new diesel engines are introduced.

**Timetable:**

Action	Date	FR Cite
Direct Final Action—	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5001;

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**RIN:** 2060-AN41

**3166. • PROTECTION OF STRATOSPHERIC OZONE: AMENDING REQUIREMENTS TO IMPORT USED OZONE-DEPLETING SUBSTANCES FOR DESTRUCTION IN THE U.S.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7671

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 5017;

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**RIN:** 2060-AN48

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

Long-Term Actions

**3167. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 49 CFR 123

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	09/08/99	64 FR 48725
Notice—	01/26/00	65 FR 4244
Reproposal—	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4315; Formerly listed as RIN 2060-AI79

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**RIN:** 2009-AA00

**3168. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; FOUR CORNERS POWER PLANT**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1740

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Reproposal—	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 3569; NPRM-  
<http://www.epa.gov/fedrgstr/EPA-;AIR/1999/September/Day-08/a23277.htm>; Formerly listed as RIN 2060-AF42

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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**RIN:** 2009-AA01

### 3169. NESHAP: OFF-SITE WASTE AND RECOVERY OPERATIONS RESIDUAL RISK STANDARD

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, July 1, 2004.

**Abstract:** EPA developed technology-based emissions standards (“MACT” standards) for this source category under section 112(d) of the Clean Air Act, codified in 40 CFR part 63, subpart DD. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks after compliance with subpart DD, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM—	04/00/07	
Final Action—	To Be Determined	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4695;

**Sectors Affected:** 56221 Waste Treatment and Disposal

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**RIN:** 2060-AK68

### 3170. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7); AVAILABILITY OF INFORMATION TO THE PUBLIC; TECHNICAL AMENDMENT

**Priority:** Info./Admin./Other

**Legal Authority:** CAA 112(r)

**CFR Citation:** 40 CFR 68.210

**Legal Deadline:** None

**Abstract:** Section 112(r)(7) of the Clean Air Act (CAA) and its implementing regulations at 40 CFR Part 68 require certain stationary sources to report an Off-site Consequence Analysis (OCA), including a worst-case release scenario, in a Risk Management Plan (RMP) that is to be made available to the public. In response to concerns that posting OCA information on the Internet might increase the risk of terrorist and other criminal activities, on August 5, 1999 the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRRRA) was enacted. The Act requires the President to promulgate regulations governing the distribution of the OCA sections of RMPs that, in the opinion of the President, would minimize the likelihood of accidental releases and the risk of terrorist and other criminal activities associated with posting this information. The President delegated his rulemaking authority to the Attorney General and the Administrator of EPA, who jointly promulgated the required regulations at 40 CFR Part 1400. The part 1400 regulations restrict the public's access to the OCA sections of RMPs in certain ways. As currently drafted, however, section 68.210(a) of part 68 states that RMPs are available to the public under CAA section 114, which makes information collected under the CAA, including RMPs in their entirety, available to the public, except for confidential business information. EPA is therefore revising 40 CFR Section 68.210(a) to reflect the August 2000 rulemaking. The revision will state that OCA data is made available to the public under the provisions of 40 CFR part 1400. This revision is not meant to regulate any new entities.

**Timetable:**

Action	Date	FR Cite
Final Action—	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4607;

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**RIN:** 2050-AE95

### 3171. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(3); REVISIONS TO THE LIST OF SUBSTANCES

**Priority:** Other Significant

**Legal Authority:** CAA 112(r)

**CFR Citation:** 40 CFR 68.130

**Legal Deadline:** None

**Abstract:** The list of substances subject to the Chemical Accident Prevention requirements at 40 CFR part 68 was promulgated on January 31, 1994. The Clean Air Act states that the list may be revised from time to time by EPA's own motion or by petition and shall be reviewed at least every 5 years. Since the January 1994 final list rule, EPA has modified the listing for hydrochloric acid; deleted a category of explosive chemicals; exempted flammable substances in gasoline used as fuel and in naturally occurring hydrocarbon mixtures prior to initial processing; and excluded flammable substances used as a fuel or held for sale as a fuel at a retail facility. In fulfillment of the statute's five-year review requirement, EPA has conducted a thorough review of the list. Based on that review, EPA is proposing additions, deletions and modifications to the list of substances. Deletions are based on EPA's review of the chemical toxicity, physical property, production/use quantity and accident history of currently listed substances and new information or erroneous data that impacts the basis of the chemical's listing. Other toxic and flammable chemicals are proposed to be added

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because they meet the criteria for listing a toxic or flammable substance. In addition, EPA proposes to revise the reporting threshold and toxic endpoints of several toxic substances based on updated toxicity information. Facilities (such as chemical manufacturers, processors, and users), with more than the threshold quantity of a listed substance in a process, are required to develop a Risk Management Program and submit a Risk Management Plan to EPA. The proposed changes to the list will ensure that facilities are properly managing risks of the most acutely toxic and flammable chemicals that could have an adverse impact on the facility and surrounding community in event of an accidental release.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4619;

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2050-AE96

**3172. REVIEW NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7409

**CFR Citation:** 40 CFR 50

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

**Abstract:** Review of the national ambient air quality standards (NAAQS) for carbon monoxide (CO) every 5 years

is mandated by the Clean Air Act. This review assesses the available scientific data about the health and environmental effects of CO and translates the science into terms that can be used in making recommendations about whether or how the standards should be changed. The last review of the CO NAAQS was completed in 1994 with a final decision that revisions were not appropriate at that time.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4266;

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**RIN:** 2060-AI43

**3173. NAAQS: SULFUR DIOXIDE (RESPONSE TO REMAND)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7409 "CAA 109"

**CFR Citation:** 40 CFR 50.4; 40 CFR 50.5

**Legal Deadline:** None

**Abstract:** On November 15, 1994, the Environmental Protection Agency (EPA) proposed not to revise the existing 24-hour and annual primary standards. The EPA sought public comment on the need to adopt additional regulatory measures to address the health risk to asthmatic individuals posed by short-term peak sulfur dioxide exposure. On March 7, 1995, EPA proposed implementation strategies for reducing short-term high concentrations of sulfur

dioxide emissions in the ambient air. On May 22, 1996, EPA published its final decision not to revise the primary sulfur dioxide NAAQS. The notice stated that EPA would shortly propose a new implementation strategy to assist States in addressing short-term peaks of sulfur dioxide. The new implementation strategy - the Intervention Level Program - was proposed on January 2, 1997. In July 1996, the American Lung Association and the Environmental Defense Fund petitioned the U.S. Court of Appeals for the D.C. Circuit for a judicial review of EPA's decision not to establish a new 5-minute NAAQS. On January 30, 1998, the court found that EPA did not adequately explain its decision and remanded the case so EPA could explain its rationale more fully. EPA published a schedule for responding to the remand in the May 5, 1998 Federal Register. Since that notice, EPA has continued to work on the proposed response to the remand by reviewing additional SO<sub>2</sub> air quality information. EPA published an informational notice in the Federal Register on January 9, 2001 (66 R 1665). EPA conducted monitoring to evaluate sources of SO<sub>2</sub> peaks and is currently analyzing these data. The results of this project will inform the response to the remand.

**Timetable:**

Action	Date	FR Cite
NPRM NAAQS Review—	11/15/94	59 FR 58958
NPRM NAAQS implementation—	03/07/95	60 FR 12492
Final NAAQS Review—	05/22/96	61 FR 25566
NPRM rev. NAAQS impl—	01/02/97	62 FR 210
Notice resp to remand—	05/05/98	63 FR 24782
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 1002;

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## Long-Term Actions

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**RIN:** 2060-AA61

### 3174. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS—AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM-	11/25/96	61 FR 59849
Direct Final-pet jud rev-	03/09/99	64 FR 11536
NPRM-pet jud rev-	03/09/99	64 FR 11555
Direct Final-comp ext-	05/07/99	64 FR 24511

Action	Date	FR Cite
Direct Final-pet rec equip leaks-	06/08/99	64 FR 30406
NPRM 2-	06/08/99	64 FR 30453
NPRM 3-	06/08/99	64 FR 30456
Direct Final-stay notice-	06/30/99	64 FR 35023
NPRM-stay notice-	06/30/99	64 FR 35107
Direct Final00-	08/29/00	65 FR 52319
NPRM00-	08/29/00	65 FR 52392
Direct Final 4-	10/26/00	65 FR 64161
Final Action01-	02/23/01	66 FR 11233
Direct Final Comp.-NPRM	02/26/01	66 FR 11543
Compliance01-	02/26/01	66 FR 1550
Final 1-	07/16/01	66 FR 36924
Final 2-	08/06/01	66 FR 40903
NPRM-	10/00/07	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3939;

**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing

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**RIN:** 2060-AH47

### 3175. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7670-7479 "CAA 160-169"

**CFR Citation:** 40 CFR 51.166; 40 CFR 52.21

**Legal Deadline:** None

**Abstract:** Under the Clean Air Act's prevention of significant deterioration (PSD) program, a State or tribe may redesignate their lands as class I areas to provide enhanced protection for their air quality resources. This rule

will clarify the PSD permit review procedures for new and modified major stationary sources near these non-Federal class I areas. EPA seeks to develop clarifying PSD permit application procedures that are effective, efficient, and equitable.

**Timetable:**

Action	Date	FR Cite
ANPRM-	05/16/97	62 FR 27158
NPRM-	To Be Determined	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Tribal

**Additional Information:** SAN No. 3919;

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**RIN:** 2060-AH01

### 3176. NESHAP: AEROSPACE MANUFACTURING AND REWORK FACILITIES RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, September 30, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart GG. The current action, required by section 112(f) of the CAA, is to assess residual risks from the same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4653;

**Sectors Affected:** 33641 Aerospace Product and Parts Manufacturing

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## Long-Term Actions

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**RIN:** 2060-AK08

### 3177. NESHAP: GROUP II POLYMERS AND RESINS—RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, March  
8, 2003.

**Abstract:** EPA developed technology-  
based standards for this source category  
under section 112(d) of the CAA. This  
source category covers certain chemical  
process units used to manufacture  
products. The current action, required  
by section 112(f) of the CAA, is to  
assess residual risks from this same  
source category, and develop additional  
emission standards, as necessary, to  
provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM-	12/00/08	

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4657;

**Sectors Affected:** 325211 Plastics  
Material and Resin Manufacturing

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**RIN:** 2060-AK13

### 3178. NESHAP: NATIONAL EMISSION STANDARDS FOR MARINE TANK VESSEL LOADING OPERATIONS— RESIDUAL RISK STANDARD

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory,  
September 19, 2003, Final Action.

**Abstract:** EPA developed technology-  
based standards for this source category  
under section 112(d) of the CAA,  
codified in 40 CFR part 63, subpart Y.  
This source category covers tanks or  
ships that contain gasoline, crude oil,  
or HAPs in bulk. The current action,  
required by section 112(f) of the CAA,  
is to assess residual risks from this  
same source category, and develop  
additional emission standards, as  
necessary, to provide an ample margin  
of safety.

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4661;

**Sectors Affected:** 483 Water  
Transportation

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**RIN:** 2060-AK17

### 3179. NESHAP: SECONDARY LEAD SMELTING RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, June  
23, 2003.

**Abstract:** National emission standards  
for hazardous air pollutants (NESHAP)  
for secondary lead smelting were  
promulgated on June 23, 1995 under  
Clean Air Act Section 112(d). The  
standards establish emission limitations  
and work practice standards for all new  
and existing secondary lead smelters  
that produce refined lead from lead  
scrap, mainly lead acid batteries. Clean  
Air Act Section 112(f) requires us to  
assess within 8 years of promulgation  
of a NESHAP the remaining risk to the  
public and to develop additional more  
stringent standards if such standards  
are needed to protect the public health  
with an ample margin of safety. This  
action is to examine the remaining risk  
from secondary lead smelters and to  
develop new risk based standards, if  
warranted.

**Timetable:**

Action	Date	FR Cite
NPRM-	01/00/08	
Final Action-	To Be Determined	

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4665;

**Sectors Affected:** 331492 Secondary  
Smelting, Refining, and Alloying of  
Nonferrous Metal (except Copper and  
Aluminum)

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**RIN:** 2060-AK19

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**3180. NESHAP: SHIPBUILDING AND SHIP REPAIR SURFACE COATING—RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 31, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart II. This source category covers air-toxic emissions from the painting (and associated cleaning), welding, and sandblasting of ships under construction or repair at major sources. Shipbuilding and ship repair operations means any building, repair, repainting, converting, or alteration of ships. A “ship” any marine or freshwater vessel used for military or commercial operations, including self-propelled vessels, and navigational aids (buoys). The term shipyard applies to any facility that performs construction or repair of ships, or self identifies its SIC Codes as 3731 (and National Security SIC Code), with no regard to physical location or type of operation. A 1987 study showed that 14 out of 590 establishments (2.4 percent) accounted for about 66 percent of the industry value shipments. We estimate that there are 52 potential major source facilities today. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety. We completed a preliminary assessment “Residual Risk (RR) Test” using readily available information from 10 representative, high emitting, facilities in December 2002. A relatively simple health protective analysis was performed to assess the emission’s potential to produce chronic cancer and non-cancer risks and acute non-cancer risks to humans via the inhalation pathway. The results of the RR test showed that we “do not” have sufficient data to remove the shipbuilding source category from consideration for a residual risk rule. Seven out of the 10 modeled shipyards either had cancer risk > 1.00 E-6 or chronic hazard index (HI) = 0.2. The results were presented to the Work Group, EPA management, and the appropriate stakeholders.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4666;**Sectors Affected:** 336611 Ship Building and Repairing**Agency Contact:** Mohamed Serageldin, Environmental Protection Agency, Air and Radiation, C539-03, Research Triangle Park, NC 27711

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**RIN:** 2060-AK20**3181. NESHAP: WOOD FURNITURE MANUFACTURING OPERATIONS—RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 7, 2003.

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

**Timetable:**

Action	Date	FR Cite
NPRM—	05/00/07	
Final Action—	To Be Determined	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4664;**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4667;**Sectors Affected:** 337 Furniture and Related Product Manufacturing; 337211 Wood Office Furniture Manufacturing**Agency Contact:** Lynn Dail, Environmental Protection Agency, Air and Radiation, C-539-03, Research Triangle Park, NC 27711

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**RIN:** 2060-AK21**3182. NESHAP: PRINTING AND PUBLISHING INDUSTRY—RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, May 30, 2004.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart KK. This source category covers air-toxic emissions from many activities located at printing and publishing facilities—primarily the printing process itself, plus affiliated equipment such as cleaning, ink and solvent mixing, chemical storage, and solvent recovery. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4664;**Additional Information:** SAN No. 4664;

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**Sectors Affected:** 322221 Coated and Laminated Packaging Paper and Plastics Film Manufacturing; 322222 Coated and Laminated Paper Manufacturing; 323112 Commercial Flexographic Printing; 323111 Commercial Gravure Printing; 322212 Folding Paperboard Box Manufacturing; 322225 Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses; 323119 Other Commercial Printing; 322223 Plastics, Foil, and Coated Paper Bag Manufacturing

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**RIN:** 2060-AK24

**3183. NESHAP: PETROLEUM REFINERIES—RESIDUAL RISK STANDARDS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, August 31, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart CC. This source category covers air-toxic emissions from equipment at petroleum refineries, such as process vents, storage vessels, and valve leaks. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4663;

**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2060-AK25

**3184. NATIONAL EMISSION STANDARDS FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS—RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, January 25, 2003.

**Abstract:** A national emission standard for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks was previously promulgated under Section 112(d) of the Clean Air Act. That standard set emission limits for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks. The Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from hard and decorative chromium electroplating and chromium anodizing tanks and, if warranted, to develop new risk based standards.

**Timetable:**

Action	Date	FR Cite
NPRM-	03/00/07	
Final Action-	05/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4750;

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**RIN:** 2060-AK72

**3185. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY COMBUSTION TURBINES—PETITION TO DELIST**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The Agency has received a petition to remove the Gas Turbines source category from the list of hazardous air pollutant sources under Section 112(c) of the Clean Air Act. The Agency must review the petition and either grant or deny the petition within 12 months of the date the complete petition is received. If the Agency grants the petition, a notice of proposed rulemaking will be published in the FR, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the FR providing an explanation of the denial.

**Timetable:**

Action	Date	FR Cite
NPRM — Delisting—	04/07/04	69 FR 18327
NPRM—STAY—	04/07/04	69 FR 18338
Final Action — STAY—	08/18/04	69 FR 51184
Final Action — Delisting—	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4751;

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

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**RIN:** 2060-AK73

**3186. PETITION TO DELIST HAZARDOUS AIR POLLUTANT : 4,4'-METHYLENE DIPHENYL DIISOCYANATE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. The Agency received a petition to remove 4,4'-Methylene Diphenyl Diisocyanate (MDI) from the American Chemistry Council on December 26, 2002. Once EPA receives a petition, it conducts two reviews: a completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition. The EPA also requests and considers information from the public. After a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the

requirements of the CAA, the review team is required to make a recommendation to the Administrator on whether to grant the petition. If the Administrator decides to grant a petition, a proposed rule is published in the Federal Register which proposes a modification of the HAP list and presents the reasoning for doing so. The proposed rule is open to public comment and public hearing and all additional substantive information received during the public's involvement is evaluated prior to the decision on the issuance of a final rule. However, if the Administrator decides to deny a petition, a notice setting forth an explanation of the reasons for denial is published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability, and is subject to judicial review as provided in the CAA.

**Timetable:**

Action	Date	FR Cite
Notice of Complete Petition-	05/26/05	70 FR 30407
NPRM-	11/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4782;

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**RIN:** 2060-AK84

**3187. NESHAP: GROUP I POLYMERS AND RESINS—RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, September 6, 2004.

**Abstract:** EPA developed technology-based standards for this source category

under section 112(d) of the CAA, codified in 40 CFR part 63, subpart U. This source category covers process units used to manufacture elastomer products from raw materials. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4656;

**Sectors Affected:** 325212 Synthetic Rubber Manufacturing

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**RIN:** 2060-AK12

**3188. NESHAP: GROUP IV POLYMERS AND RESINS—RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, September 12, 2004.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart JJJ. This source category covers chemical process units used to manufacture thermoplastic products from raw materials. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional

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emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4658;

**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing

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**RIN:** 2060-AK15

### 3189. INTERSTATE OZONE TRANSPORT: RULEMAKING ON SECTION 126 PETITIONS FROM THE DISTRICT OF COLUMBIA, DELAWARE, MARYLAND, AND NEW JERSEY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7426

**CFR Citation:** 40 CFR 52; 40 CFR 97

**Legal Deadline:** Final, Statutory, December 14, 1999, The rulemaking includes action on four separate petitions. See Additional Information.

**Abstract:** In April through July 1999, three Northeastern States (New Jersey, Maryland, and Delaware) and the District of Columbia submitted individual petitions to EPA in accordance with section 126 of the Clean Air Act (CAA). Each petition specifically requests that EPA make a finding that nitrogen oxides (NOx) emissions from certain stationary sources in other States significantly contribute to ozone nonattainment and maintenance problems with respect to the 1-hour and 8-hour ozone standards in the petitioning State. If EPA makes

such a finding of significant contribution, EPA is authorized to establish Federal emissions limits for the sources. The petitions rely on the analyses from EPA's NOx SIP call. The sources targeted by the petitions are large electricity generating units and large non-electricity generating units, as defined in EPA's NOx SIP call. The EPA took rulemaking action on similar petitions from eight other Northeastern States that were submitted in 1997.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN 4383.

There is a different statutory deadline associated with each petition based on the date of receipt by EPA: New Jersey - 12/14/99, Maryland - 01/01/00, Delaware - 02/10/00, District of Columbia - 03/07/00

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**RIN:** 2060-AI99

### 3190. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7522 "CAA 203"; 42 USC 7525 "CAA 206"; 42 USC 7541 "CAA 207"; 42 USC 7542 "CAA 208"; 42 USC 7601 "CAA 301"; 42 USC 7522 "CAA 203"; 42 USC 7550 "CAA 216"; 42 USC 7601 "CAA 301"

**CFR Citation:** 40 CFR 85

**Legal Deadline:** None

**Abstract:** This action will amend the regulations in 40 CFR part 85, subpart

P to allow entry into the United States of vehicles which are originally sold in Canada and which are identical to their U.S. counterparts, without obtaining a certificate of conformity from EPA. This action is in response to a petition for review of import rules. The final rule also will address certain other issues in part 85, subpart P and subpart R, including: (1) Formalizing a long-standing EPA policy regarding the importation of owned vehicles that are proven to be identical to a vehicle certified for sale in the United States (2) establishing new emission standards applicable to imported nonconforming vehicles; (3) clarifying the regulatory language that concerns exclusions and exemptions from meeting Federal emission requirements; and (4) providing several minor clarifications to the existing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM—	03/24/94	59 FR 13912
Final Action—	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 2665;

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**RIN:** 2060-AI03

### 3191. SELECTION OF SEQUENCE OF MANDATORY SANCTIONS TO BE APPLIED PURSUANT TO SECTION 502 OF THE CLEAN AIR ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7661a(d); 42 USC 7661a(g); 42 USC 7661a(i)

**CFR Citation:** 40 CFR 70

**Legal Deadline:** None

**Abstract:** This rule would establish the order of sanctions for operating permits program deficiencies under the mandatory sanctions provisions of title V of the Clean Air Act. This rule would stipulate that an emission offset sanction applies first and a highway funding sanction six months later. Sanction application under section 502 of the Clean Air Act is automatic under the timeframes prescribed once EPA

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selects the sanction order; EPA's only discretion concerns the ordering of sanctions as discussed above. Thus, the only relevant potential impact is the effect of applying, as a general matter, the emission offset sanction six months before the highway sanction. The EPA does not believe this will have a significant impact given the short period of time the offset sanction will apply before the highway sanction would apply when States fail to correct title V deficiencies. Moreover, EPA also believes that, in the event applying the highway sanction is not necessary six months following the offset sanction, because the State has corrected the deficiency prompting the finding, applying the offset sanction first eliminates the need for EPA and other agencies to bear the greater administrative and implementation burden of having to effectuate the highway sanction.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4700;

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**RIN:** 2060-AK46**3192. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7541; 42 USC 7601**CFR Citation:** 40 CFR 51; 40 CFR 85**Legal Deadline:** None

**Abstract:** This action establishes a new short test procedure for use in I/M programs required by the Clean Air Act

Amendments of 1990. Vehicles that are tested and failed using this procedure and that meet eligibility requirements established by the act would be eligible for free warranty repair from the manufacturers.

**Timetable:**

Action	Date	FR Cite
NPRM—	12/00/06	
Final Action—	01/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 3263;

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**RIN:** 2060-AE20**3193. INSPECTION/MAINTENANCE RECALL REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7511(a)(2)(b); 42 USC 7511(a)(2)(b)(2)**CFR Citation:** 40 CFR 51**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/06	
Final Action—	05/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3262;

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**RIN:** 2060-AE22**3194. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7671 "CAA 176(c)"**CFR Citation:** 40 CFR 51; 40 CFR 93**Legal Deadline:** None

**Abstract:** The transportation conformity rule, promulgated in November 1993, ensures that transportation and air quality planning are consistent with Clean Air Act air quality standards. The Open Market Trading Guidance provides guidance to states for establishing a method to quantify emissions reductions (called discrete emissions reductions or DERs) that can be traded among parties and how such trading should occur. This action will amend the transportation conformity rule to clarify how emissions trading could be reconciled in the conformity process.

**Timetable:**

Action	Date	FR Cite
NPRM—	11/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 3917;

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**RIN:** 2060-AH31**3195. 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:** The Environmental Protection Agency (EPA) has had oversight and policy development authority for Inspection and Maintenance (I/M) programs since the

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passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments set forth standards for implementation of I/M programs. EPA used the statutory requirements of the Act, including I/M requirements for Federal facilities, to promulgate regulations which States would use in the development of their I/M State Implementation Plans (SIPs). Those rule requirements effectively gave States certain authorities over the Federal government. The Department of Justice has now ruled that Federal sovereign immunity was not fully waived under the CAA for those requirements and EPA should amend its rule to remove the requirement that States include those elements in their SIPs. EPA is proposing to: (1) Amend the Federal facilities I/M requirements by removing that section; (2) correct existing I/M SIP approval actions which include these elements; (3) establish new Federal facilities I/M program requirements which Federal facilities in I/M program areas must meet in order to comply with the Act; and (4) designate for each State which section of the Act Federal agencies must comply with based on how that State promulgated its I/M regulations. These changes will have minimal to no impact on the States as no new requirements are being created. The States are under no obligation, legal or otherwise, to modify existing SIPs meeting the previously applicable requirements as a result of this action, nor will emissions reduction credit be affected. However, the changes will clarify for affected Federal facilities what they must do to meet the CAA requirements by establishing new regulations per those requirements.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4348;

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**RIN:** 2060-AI97**3196. 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 Action—	10/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4722;

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**RIN:** 2060-AK56**3197. VOLUNTARY SUPERIOR MONITORING****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 40 CFR 60 to 61; 40 CFR 63; 40 CFR 70; 40 CFR 71**Legal Deadline:** None

**Abstract:** The Voluntary Superior Monitoring (VSM) project has been

revised from a regulatory to non-regulatory effort. Initially, the VSM project was designed to provide incentives to industry to induce them to conduct better or “superior” emissions monitoring than what is required through regulation and permitting. We had planned to revise the parts 60, 61, and 63 general provisions to allow sources an option to install and operate better emissions monitoring (than what is regulatorily required) in return for incentives. This approach was deemed unworkable; therefore we revised the goals of the VSM project to aim for identifying opportunities for better or superior monitoring in new rulemakings. Thus, the focus of VSM now is to work with EPA regulation writers to find rules that would benefit from voluntary upgrades of emissions monitoring. For example, we have inserted language in an upcoming rule that allows states to receive SIP credits for requiring sources to install better emissions monitors. This is a “win-win” situation. Sources install the superior monitors, find problems sooner, correct them quicker, and emit less pollutants. This measure can save sources money in maintenance of control devices while emitting less pollutants. Additionally, this measure is much less expensive, but just as effective, than other control measures.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4783;

**Sectors Affected:** 325 Chemical Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 323 Printing and Related Support Activities; 336 Transportation Equipment Manufacturing; 221 Utilities; 321 Wood Product Manufacturing

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**RIN:** 2060-AK85

**3198. LIFTING THE STAY OF THE EIGHT-HOUR PORTION OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT (“NOX SIP CALL”)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 51.121

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 4797;

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**RIN:** 2060-AL84

**3199. DEFERRAL OF EFFECTIVE DATE OF NONATTAINMENT DESIGNATIONS FOR 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR EARLY ACTION COMPACT AREAS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7407; 42 USC 7601

**CFR Citation:** 40 CFR 81

**Legal Deadline:** None

**Abstract:** EPA is proposing to defer the effective date of nonattainment air quality designations for “Early Action Compact Areas” that are violating the 8-hour ozone national ambient air quality standard, but have agreed to reduce ground-level ozone pollution earlier than the Clean Air Act requires. This proposal establishes the first of three dates by which EPA would defer the effective date of nonattainment designations for any of these areas that continues to meet all compact milestones. In a separate action, EPA will designate these areas “nonattainment” by April 15, 2004; however, as long as Early Action Compact areas meet agreed-upon milestones, the impact of nonattainment designation for the 8-hour ozone standard will be deferred until September 30, 2005.

**Timetable:**

Action	Date	FR Cite
NPRM	12/16/03	68 FR 70108
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Additional Information:** SAN 4798. This action has been merged with SAN 4839. All further action will be under SAN 4839. SAN 4798 is hereby withdrawn.

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**RIN:** 2060-AL85

**3200. CONSIDERATION OF INDUSTRY PETITION TO REMOVE THE TWO-PIECE CAN SUBCATEGORY FROM THE CLEAN AIR ACT HAZARDOUS AIR POLLUTANT SOURCE CATEGORY LIST**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 CFR 63

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The Agency has received a petition to remove the 2-piece Can subcategory from the Metal Can Surface Coating source category, which is on the list of hazardous air pollutant source categories under Section 112(c) of the Clean Air Act. The Agency must review the petition and either grant or deny the petition within 12 months of the date the complete petition is received. If the Agency grants the petition, a notice of proposed rulemaking will be published in the FR, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the FR providing an

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explanation of the denial. The Can Manufacturers Association submitted the petition on November 4, 1996, and provided additional materials through April 4, 1999. At that time we determined the petition was complete. A final decision on the merits of the petition has been delayed due to outstanding toxicological issues regarding 2 pollutants (formaldehyde and ethylene glycol monobutyl ether (EGBE)), and due to a technically weak ecological assessment prepared by the petitioner. Issues with formaldehyde and EGBE should be resolved soon and we are still awaiting an updated ecological assessment from the petitioner.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4799;

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**RIN:** 2060-AL86**3201. NESHAP: FERROALLOYS PRODUCTION: FERROMANGANESE AND SILICOMANGANESE RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, May 20, 2007.

**Abstract:** EPA previously promulgated technology-based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks remaining after the 112(d) standards take effect, and develop

additional emission standard, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4810;

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**RIN:** 2060-AL93**3202. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING EMERGENCY USES OF METHYL BROMIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-277, sec 764**CFR Citation:** 40 CFR 82**Legal Deadline:** None

**Abstract:** Under the Clean Air Act and the Montreal Protocol on substances that deplete the ozone layer, this rule will seek to create an exemption for emergency uses of methyl bromide, an ozone depleting substance, after the phase-out date of 2005. This exemption will be limited to no more than 20 metric tons per emergency event. This is a deregulatory action that will decrease burden on producers, importers, distributors and applicators of methyl bromide as well as end-users of methyl bromide who are growers and owners of stored food products while still achieving the environmental objectives of the program.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/06	
Final Action—	01/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4819;

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**RIN:** 2060-AL94**3203. MINERAL WOOL PRODUCTION RESIDUAL RISK STANDARD****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 91-190, sec 203; 42 USC 7401**CFR Citation:** 40 CFR 63.1175 to 63.1199**Legal Deadline:** None

**Abstract:** Section 112(f)(2) of the Clean Air Act (CAA) directs us to assess the risk remaining (residual risk) after the application of control technology standards under section 112(d) (MACT). The EPA is to promulgate more stringent standards for a category or subcategory of sources subject to MACT standards under section 112(d) if promulgation of such standards is necessary to protect public health with an ample margin of safety or to prevent (taking into consideration various factors) adverse environmental effects. In particular, the CAA specifies the cancer risk of concern for setting more stringent standards. The CAA states that if the MACT standards do not reduce lifetime excess cancer risk to the individual most exposed to emissions... to less than one in one million, the Administrator shall promulgate standards under this subsection for such source categories. The standards to be promulgated under this subsection must provide an ample margin of safety to protect public health in accordance with this section

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(as in effect before the date of enactment of the Clean Air Act Amendments of 1990), unless the Administrator determines that a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental impact. Section 112(f)(2)(B) expressly preserves EPA's interpretation of an ample margin of safety developed in the 1989 benzene NESHAP final rule. EPA will review the mineral wool production MACT standard and conduct analyses to determine whether the residual risk warrants further regulation. The CAA requires that the residual risk rules be promulgated (if necessary) within eight years [nine for the two-year bin standards] after the promulgation of the associated MACT standard. The MACT rule for the mineral wool production source category was promulgated on June 1, 1999. Therefore, the statutory deadline for promulgating a residual risk rule (if necessary) for this source category is June 1, 2007.

**Timetable:**

Action	Date	FR Cite
NPRM—	06/00/07	

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

**Additional Information:** SAN No. 4825; Legal: Legislative deadline for the residual risk rule is 8 years after promulgation of that source category's MACT rule.

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**RIN:** 2060-AL96**3204. NESHAP FOR FLEXIBLE POLYURETHANE FOAM PRODUCTION: RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** EPA promulgated technology-based emission standards for this source category in 1998 under section 112(d) of the Clean Air Act. These standards are codified at 40 CFR Part 63, Subpart III. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks that remain once that standard becomes effective, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM—	08/00/07	
Final Action—	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4831;

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**RIN:** 2060-AL99**3205. NESHAP: PHARMACEUTICALS PRODUCTION: RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, October 21, 2010, Residual risk standards if necessary, otherwise, finding of no residual risk.

**Abstract:** EPA promulgated technology-based emission standards for this source category in 1998 under Section 112(d) of the Clean Air Act. These standards are codified at 40 CFR Part 63, Subpart FFF. The current action, required by Section 112(f) of the Clean Air Act, is to assess residual risk that remains once that rule becomes effective, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM—	02/00/08	
Final Action—	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4832;

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**RIN:** 2060-AM00

**3206. NESHAP: AREA SOURCE STANDARDS—PAINT STRIPPING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, December 15, 2005.  
Final, Statutory, December 15, 2006.

**Abstract:** This regulation is being pursued under the Clean Air Act, Section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from "area" sources, which are sources consisting of several smaller pollution sources grouped within urban areas. As part of that strategy, several area-source categories were listed for possible regulation. Paint stripping area sources was listed as one of those categories,

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and this rulemaking will address measures to control pollution from the paint-stripping category.

**Timetable:**

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

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

**Additional Information:** SAN No. 4861;

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**RIN:** 2060-AM07

**3207. NESHAP: AREA SOURCE STANDARDS—GLASS MANUFACTURING INDUSTRY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** The Clean Air Act (42 USC 7401 to 7626)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. This component includes the development of maximum achievable control technology (MACT) standards and generally available control technology (GACT) standards under section 112(d), the area source program developed under section 112(k), residual risk standards under 112(f), and other standards to regulate emissions of air toxics from specific sources. The section 112(k) area source strategy addresses area source contributions of air toxic substances. With the finalization of the Integrated Urban Air Toxics Strategy in July of 1999, the EPA introduced and outlined its "risk based" air toxics program, which

includes both regulatory and non-regulatory programs and actions. Section 112(k) requires the development of standards for area sources which account for 90% of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists the goals of the EPA's air toxics program, which are as follows: (1) Reduce the incidence of cancer attributable to exposure to hazardous air pollutants by 75% nationally; (2) reduce national non-cancer risks substantially; and (3) address risks which are disproportionately posed on specific sub-populations and geographic areas. In order to accomplish these goals, the EPA has integrated its air toxics program into four components. The first component is source specific regulatory programs. These area source standards can require control levels which are equivalent to either MACT or GACT, as defined in section 112. The processes involved in glass manufacturing include raw material storage, handling and mixing, high temperature (usually furnace) melting, forming, coating, and other processes specific to particular products. The hazardous air pollutants (HAP) emitted from glass manufacturing includes lead, arsenic, mercury, cobalt, nickel, chromium, hydrogen fluoride, hydrochloric acid, glycol ethers, methyl ethyl ketone, xylene, 1,2,4-trimethyl benzene, n-butyl alcohol, toluene, methyl isobutyl ketone, m-xylene, 1,1-dichloro-1-fluoroethane, methanol, selenium, styrene, sec-butyl alcohol, manganese, antimony, barium, chlorine, phenol and formaldehyde. In 1986, EPA promulgated the NESHAP for Inorganic Arsenic Emissions From Glass Manufacturing Plants. Since that time, EPA has re-evaluated both the carcinogenicity assessment (4/10/1998) and the oral RfD assessment (02/01/1993) for arsenic. In reference to the regulations addressing area sources, section 112(c)(3) states, "such regulations shall be promulgated not later than 10 years after such date of enactment" (CAA). Approximately 150 facilities currently operate in the US producing containers, flat glass, industrial glass fiber and specialty glass. The specialty glass subcategory includes lighting, lead crystal, art glass, ophthalmic lenses, tableware, optical glass fiber, and technical glass

components and products. Two small businesses exist in the source category, both of which manufacture containers. It is unknown at this time whether these facilities will be affected by the rule (i.e., whether they use toxic raw materials in the furnace or coatings processes). Glass manufacturers use toxic raw materials in the furnace or in coating operations to impart specific properties to the final product. About 1500 tons per year of HAP are released into the ambient air by glass manufacturing plants. Toxic emission sources include raw material storage, furnace and melting operations and coating processes. Air pollution control devices are generally available for toxic emission points within the glass manufacturing industry. It is anticipated at this time that glass manufacturers not using toxics would not be subject to the rule.

**Timetable:**

Action	Date	FR Cite
NPRM—	12/00/08	

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

**Additional Information:** SAN No. 4873;

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**RIN:** 2060-AM12

**3208. NESHAP: AREA SOURCE STANDARDS—ACRYLIC/ MODACRYLIC FIBER (AMF) PRODUCTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC. 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, September 15, 2005.

Final, Statutory, September 15, 2006.

**Abstract:** This regulation is being pursued under the Clean Air Act, Section 112(k). Under section 112(k),

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EPA developed a national strategy to address air-toxic pollution from “area” sources, which are sources consisting of several small pollution sources grouped within one site. As part of that strategy, several area-source categories were listed for possible regulation. Acrylic/Modacrylic fiber production sources was listed as one of those categories, and this rulemaking will address measures to control pollution from AMF facilities. One facility has been identified.

**Timetable:**

Action	Date	FR Cite
NPRM—	01/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4860; There is only one existing facility in the USA that will be subject to this rule. The facility is currently meeting the standards for major sources under 40 CFR 63 subpart YY.

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**RIN:** 2060–AM13

### 3209. PROTECTION OF STRATOSPHERIC OZONE: RESTRICTION ON THE SALES OF PRE-CHARGED SPLIT SYSTEMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** On January 27, 1995, the Environmental Protection Agency (EPA) temporarily stayed the sales and distribution restriction for class I and class II ozone-depleting substances (ODSs) used as refrigerants, as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits (i.e., split system air

conditioners). On May 9, 1995, EPA extended the stay on the sales and distribution prohibition for class I and class II ODSs used as refrigerants, only as it applies to split systems consisting of parts that are pre-charged with a class I or class II ODS. Today’s action proposes to rescind the partial stay, and proposes to restrict the sale of split systems consisting of parts that are pre-charged with a class I or class II ODS, to section 608 technicians certified in accordance with the applicable refrigerant regulations.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4851;

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**RIN:** 2060–AM15

### 3210. NESHAP: OIL AND NATURAL GAS PRODUCTION FACILITIES—AREA SOURCE RULE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63.760 to 779

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

NPRM, Judicial, June 30, 2005.

Final, Judicial, December 21, 2006.

**Abstract:** This regulation is being pursued under the Clean Air Act, Section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from “area” sources, which are sources that emit hazardous air pollutants (HAP) below the major source level of 10 tons/year of a single HAP and 25 tons/year of all HAP. As part of that strategy, several area-source categories were listed for regulation. Oil and Natural Gas (ONG) production sources was listed as one of those categories, and this rulemaking will address measures to control pollution from ONG facilities. Oil and natural gas

production processes are known to emit benzene, toluene, ethyl-benzene and xylene. In 1999, EPA promulgated the NESHAP for Oil and Natural Gas Production. A supplemental proposal was published in the FR on July 8, 2005. We are now proposing two options - that the control requirements apply in all locations or to just facilities in Urban 1 and Urban 2 counties. The control requirements only apply to triethylene glycol dehydration units.

**Timetable:**

Action	Date	FR Cite
NPRM—	07/08/05	70 FR 39441
NPRM Comment	09/06/05	
Period End—		
Final Action—	01/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4875;

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**RIN:** 2060–AM16

### 3211. NESHAP: OIL AND NATURAL GAS PRODUCTION RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63.760 to 63.779

**Legal Deadline:** Final, Statutory, June 17, 2007.

**Abstract:** EPA promulgated technology-based emission standards for this source category in 1999 under section 112(d) of the Clean Air Act. These standards are codified at 40 CFR part 63, subpart HH. The current action, required by section 112(f) and d(6) of the Clean Air Act, is to assess residual risk that remains once that rule becomes effective, and develop additional emission standards, as necessary, to provide an ample margin

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of safety; and to review the MACT standards promulgated in 1999 for developments in practices, processes and control technologies and revise, as necessary, existing standards.

**Timetable:**

Action	Date	FR Cite
NPRM—	07/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4847;

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**RIN:** 2060-AM18

**3212. NESHA: AREA SOURCE STANDARDS—INDUSTRIAL INORGANIC CHEMICALS MANUFACTURING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from the industrial inorganic chemicals manufacturing industry. This source category was listed for regulation under the Urban Air Toxic Strategy to address HAP emissions from area sources.

**Timetable:**

Action	Date	FR Cite
NPRM—	01/00/09	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4874;

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**RIN:** 2060-AM19

**3213. STRATEGY FOR ADDRESSING AIR EMISSIONS FROM ANIMAL FEEDING OPERATIONS**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1701 et seq

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM—	05/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4865;

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**RIN:** 2060-AM26

**3214. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHA) FOR IRON AND STEEL FOUNDRIES**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90% of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4879;

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**RIN:** 2060-AM36

### 3215. NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90% of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112. The Integrated Urban Air Toxics Strategy lists plating and polishing as an area source category.

#### Timetable:

Action	Date	FR Cite
NPRM-	10/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4886;

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**RIN:** 2060-AM37

### 3216. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112(k) requires development of standards for area sources which account for 90% of the emissions in urban areas of the 33 urban hazardous pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT). The Integrated Air Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories.

#### Timetable:

Action	Date	FR Cite
NPRM-	01/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4884;

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**RIN:** 2060-AM44

### 3217. NESHAP: AREA SOURCE STANDARDS—CLAY CERAMICS INDUSTRY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area source categories which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4906;

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**RIN:** 2060-AM53

### 3218. REQUEST FOR COMMENTS ON POTENTIALLY INADEQUATE MONITORING IN CLEAN AIR APPLICABLE REQUIREMENTS AND ON METHODS TO IMPROVE SUCH MONITORING

**Priority:** Other Significant

**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 60; 40 CFR 61

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Legal Deadline:** None

**Abstract:** We continue to review and organize comments. Once completed, we will determine what, if any, additional action may be required, as well as the method for providing that action (policy vs. rule). The target date for a proposal, if needed, has been shifted to March 2006.

**Timetable:**

Action	Date	FR Cite
ANPRM—	02/16/05	70 FR 7905
60 day extension to public comment period 1—	04/15/05	70 FR 19914
NPRM—	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4699.1; Split from RIN 2060-AK29

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**RIN:** 2060-AM63

**3219. AREA SOURCE NESHAP FOR PRIMARY NONFERROUS METALS—ZN, CD, BE**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90% of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the

Integrated Urban Air Toxics Strategy. These are source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112. There are 2 primary zinc smelters in the U.S. which process zinc sulfide ore concentrates to produce metallic zinc or zinc oxide. Currently, only one company produces primary cadmium as a by-product of smelting and refining zinc metal from sulfide ore. There are currently no producers of primary beryllium in the U.S. Pollutants of interest for the Primary Nonferrous Metals -Zn, Cd, Be Area Source NESHAP are cadmium, lead, and nickel.

**Timetable:**

Action	Date	FR Cite
NPRM—	04/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4887;

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**RIN:** 2060-AM69

**3220. AREA SOURCE NESHAP FOR SECONDARY NONFERROUS METALS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

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

**Abstract:** Section 112 of the Clean Air Act (CAA) requires the development of standards for area sources which account for 90 percent of the emissions

in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The secondary nonferrous metals source category includes establishments primarily engaged in recovering nonferrous metals and alloys from new and used scrap and dross or in producing alloys from purchased refined metals. This industry includes establishments engaged in both the recovery and alloying of precious metals. Plants engaged in the recovery of tin through secondary smelting and refining, as well as by chemical processes, are included in this industry. Secondary refining and smelting produces metals from scrap and process waste. Scrap is bits and pieces of metal parts, bars, turnings, sheets, and wire that are off-specification or worn-out but are capable of being recycled. Two metal recovery technologies are generally used to produce refined metals. Pyrometallurgical technologies are processes that use heat to separate desired metals from other less or undesirable materials, while hydrometallurgical technologies the desired metals are separated from undesirables using techniques that capitalize on differences between constituent solubilities and/or electrochemical properties while in aqueous solutions. The secondary nonferrous metals source category is listed to address some of the urban metal HAP's like lead and chromium compounds in addition to arsenic.

**Timetable:**

Action	Date	FR Cite
NPRM—	12/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4888;

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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RIN: 2060-AM70

**3221. NESHAP FOR STAINLESS AND NONSTAINLESS STEEL ELECTRIC ARC FURNACE (EAF) MANUFACTURING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act Section 112

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

Action	Date	FR Cite
NPRM-	11/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4889, EDocket No. OAR-2004-0083;

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RIN: 2060-AM71

**3222. NESHAP: GASOLINE DISTRIBUTION STAGE I—AREA SOURCE STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4907;

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RIN: 2060-AM74

**3223. NESHAP: TACONITE IRON ORE PROCESSING; AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**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). EPA was subsequently petitioned by National Wildlife Federation (NWF) concerning several technical issues, including the alleged failure for EPA to establish emission standards for mercury and asbestos. EPA has decided to voluntarily remand both the mercury and asbestos sections of the rule. The motions for both remands were granted by the United States Court of Appeals.

**Timetable:**

Action	Date	FR Cite
NPRM-	03/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** State

**Additional Information:** SAN No. 4929;

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RIN: 2060-AM87

**3224. • NESHAP: SITE REMEDIATION AMENDMENTS—RESPONSE TO LITIGATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63 subpart GGGG

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM-	12/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4866.1, EDocket No. OAR-2002-0021; Split from RIN 2060-AM30.

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**RIN:** 2060-AN36

**3225. • NESHAP: AREA SOURCE STANDARDS—LEAD ACID BATTERY MANUFACTURING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must

subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999 and listed Lead Acid Battery Manufacturing as one of the area source categories emitting at least one of the urban HAPs. As such, EPA is required to subject the Lead Acid Battery Manufacturing source category to regulations issued under Section 112(d). This rulemaking will satisfy this mandate.

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/08	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 5012;

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**RIN:** 2060-AN44

**3226. • NESHAP: AREA SOURCE STANDARDS—PRIMARY AND SECONDARY COPPER**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs

are subjected to standards. The strategy was published on July 19, 1999, and listed Primary and Secondary Copper Smelters as area source categories emitting at least one of the urban HAPs. As such, EPA is required to subject Primary and Secondary Copper Smelters to regulations issued under Section 112(d). This rulemaking will satisfy this mandate.

**Timetable:**

Action	Date	FR Cite
NPRM-	10/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 5013;

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**RIN:** 2060-AN45

**3227. • NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the chemical preparations industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

**Timetable:**

Action	Date	FR Cite
NPRM-	01/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 5015;

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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**RIN:** 2060–AN46

### 3228. • NESHP: AREA SOURCE STANDARDS—PAINT AND ALLIED PRODUCTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This rule will regulate  
hazardous air pollutant (HAP)  
emissions from area sources in the  
Paint and Allied Products industry.  
This source category was listed for  
regulation under EPA's Urban Air  
Toxic Strategy to address HAP  
emissions from area sources.

#### Timetable:

Action	Date	FR Cite
NPRM–	01/00/08	

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** SAN No. 5016;

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**RIN:** 2060–AN47

## Environmental Protection Agency (EPA)

## Completed Actions

## Clean Air Act (CAA)

### 3229. IMPLEMENTATION RULE FOR 8–HOUR OZONE NAAQS – PHASE 1

**Priority:** Other Significant. Major under  
5 USC 801.

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

#### Completed:

Reason	Date	FR Cite
Final Action – Phase 1–	04/30/04	69 FR 23951
Final Rule – Notice of Reconsideration; Section 185 fees and Timing for Determining Applicable Requi	05/26/05	70 FR 30592

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local,  
State, Tribal

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**RIN:** 2060–AJ99

### 3230. CLEAN AIR MERCURY RULE— ELECTRIC UTILITY STEAM GENERATING UNIT MACT

**Priority:** Economically Significant.  
Major under 5 USC 801.

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

#### Completed:

Reason	Date	FR Cite
NPRM–	01/30/04	69 FR 4754
Supplemental NPRM–	03/16/04	69 FR 12298
Notice, Reopen Comment Period–	05/05/04	69 FR 25052
NODA–	12/01/04	69 FR 69864
Final Action–	05/18/05	70 FR 28606
Notice –	08/30/05	70 FR 51266

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Governmental  
Jurisdictions

**Government Levels Affected:** Federal,  
Local, State, Tribal

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

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**RIN:** 2060–AJ65

### 3231. NESHP: ETHYLENE PROCESSES; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63 subparts XX  
and YY

#### Completed:

Reason	Date	FR Cite
Direct Final Rule–	04/13/05	70 FR 19266

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060–AK80

### 3232. RESCINDING FINDING THAT PREEXISTING PM10 STANDARDS ARE NO LONGER APPLICABLE IN NORTHERN ADA COUNTY/BOISE, IDAHO

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 50.6(d); 40 CFR  
52.676; 40 CFR 81.313

## EPA—Clean Air Act (CAA)

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Rule	12/22/00	65 FR 80776
NPRM	07/30/03	68 FR 44715
Final Action	10/27/03	68 FR 61106

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State**Agency Contact:** Gary Blais

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**RIN:** 2060-AJ05**3233. CLEAN AIR VISIBILITY RULE****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 51.308(e)(1); 40 CFR 51 app Y (New)**Completed:**

Reason	Date	FR Cite
NPRM-	07/20/01	66 FR 38108
Supplemental NPRM-	05/05/04	69 FR 25184
Final Action-	07/06/05	70 FR 39104

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Kathy Kaufman

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**RIN:** 2060-AJ31**3234. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES: DEFAULT BASELINE REVISION****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 80**Completed:**

Reason	Date	FR Cite
Final Action	10/06/05	70 FR 58330

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Christine Brunner

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**RIN:** 2060-AJ97**3235. CLEAN AIR INTERSTATE RULE (FORMERLY TITLED: INTERSTATE AIR QUALITY RULE)****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 51; 40 CFR 72; 40 CFR 73; 40 CFR 74; 40 CFR 77; 40 CFR 78; 40 CFR 96**Completed:**

Reason	Date	FR Cite
NPRM-	06/10/04	69 FR 32684
Notice-	08/06/04	69 FR 47828
Final Action-	05/12/05	70 FR 25162

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.**Agency Contact:** Carla Oldham

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**RIN:** 2060-AL76**3236. AMENDMENTS TO THE NESHAP FOR CELLULOSE PRODUCTS MANUFACTURING****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63 (Revision)**Completed:**

Reason	Date	FR Cite
Notice-	06/24/05	70 FR 36523

Reason	Date	FR Cite
NPRM-	08/10/05	70 FR 46701
Direct Final Rule-	08/10/05	70 FR 46683

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bill Schrock

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**RIN:** 2060-AL91**3237. CLEAN AIR FINE PARTICLE DESIGNATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 81**Completed:**

Reason	Date	FR Cite
Final Action-	01/05/05	70 FR 944
Final Correction-	04/14/05	70 FR 19844

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Larry Wallace

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**RIN:** 2060-AM04**3238. NESHAP: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING—AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63 (revision)**Completed:**

Reason	Date	FR Cite
NPRM-	05/17/05	70 FR 28366
Direct Final Rule-	05/17/05	70 FR 28360

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No

## EPA—Clean Air Act (CAA)

## Completed Actions

**Government Levels Affected:** None

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**RIN:** 2060-AM10

**3239. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: IN-USE, NOT-TO-EXCEED EMISSION STANDARD TESTING FOR HEAVY-DUTY DIESEL ENGINES AND VEHICLES**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 86; 40 CFR 1065

**Completed:**

Reason	Date	FR Cite
NPRM-	06/10/04	69 FR 32804
Final Action-	06/14/05	70 FR 34594

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AM17

**3240. NESHAP: REINFORCED PLASTIC COMPOSITES—AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63.5780 to 63.5935 (revisions)

**Completed:**

Reason	Date	FR Cite
NPRM-	08/25/05	70 FR 50114
Direct Final Rule-	08/25/05	70 FR 50118

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2060-AM23

**3241. TEST PROCEDURES FOR TESTING HIGHWAY AND NONROAD ENGINES AND OMNIBUS TECHNICAL AMENDMENTS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 1065

**Completed:**

Reason	Date	FR Cite
NPRM-	09/10/04	69 FR 54846
Final Action-	07/13/05	70 FR 40420

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AM35

**3242. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2005**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 82.4(n)

**Completed:**

Reason	Date	FR Cite
NPRM-	12/22/04	69 FR 76655
Supplemental NPRM-	02/23/05	70 FR 8753
Final Action-	08/24/05	70 FR 49836

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AM50

**3243. NATIONAL EMISSION STANDARDS FOR PHARMACEUTICALS PRODUCTION; AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
NPRM-	05/13/05	70 FR 25671
Direct Final Rule-	05/13/05	70 FR 25666

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AM52

**3244. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT (RMRR) EQUIPMENT REPLACEMENT PROVISION (ERP); RECONSIDERATION**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
NPRM-	07/01/04	69 FR 40278
Final Action-	06/10/05	70 FR 33838

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local, Tribal

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**RIN:** 2060-AM58

## EPA—Clean Air Act (CAA)

## Completed Actions

**3245. NESHAP: COKE OVENS: PUSHING, QUENCHING, AND BATTERY STACKS; AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
NPRM—	10/13/04	69 FR 60837
Direct Final Rule—	10/13/04	69 FR 60813
Direct Final Rule Partial Withdrawal—	01/10/05	70 FR 1670
Final Action—	08/02/05	70 FR 44285

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bob Schell

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**RIN:** 2060-AM83**3246. FEDERAL IMPLEMENTATION PLANS TO REDUCE INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER AND OZONE****Priority:** Economically Significant.  
Major under 5 USC 801.**CFR Citation:** 40 CFR 52**Completed:**

Reason	Date	FR Cite
Withdrawn—	09/12/05	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Carla Oldham

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**RIN:** 2060-AM93**3247. TRANSPORTATION CONFORMITY AMENDMENTS FOR THE NEW PM 2.5 NAAQS STANDARDS AND PM 2.5 PRECURSORS****Priority:** Other Significant**CFR Citation:** 40 CFR 51 and 93**Completed:**

Reason	Date	FR Cite
Direct Final Rule—	05/06/05	70 FR 24280
Notice—	06/01/05	70 FR 31354

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State**Agency Contact:** Rudolph Kapichak

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**RIN:** 2060-AN03**3248. EXTENSION OF THE DEFERRED EFFECTIVE DATE OF NONATTAINMENT DESIGNATIONS FOR 8-HOUR OZONE NAAQS FOR EARLY ACTION COMPACT AREAS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 81**Completed:**

Reason	Date	FR Cite
NPRM—	06/08/05	70 FR 33409
Final Action—	08/29/05	70 FR 50988

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Agency Contact:** Barbara Driscoll

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**RIN:** 2060-AN04**3249. STAY OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR GEORGIA FOR PURPOSES OF REDUCING OZONE INTERSTATE TRANSPORT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 51; 40 CFR 78; 40 CFR 97**Completed:**

Reason	Date	FR Cite
Final Action (stay)—	08/31/05	70 FR 51591

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Jan King

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**RIN:** 2060-AN06**3250. FINDING OF FAILURE TO SUBMIT SECTION 110(A) SIP REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 52**Completed:**

Reason	Date	FR Cite
Direct Final Rule—	04/25/05	70 FR 21147

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Larry Wallace

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**RIN:** 2060-AN07**3251. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING—AMENDMENTS****Priority:** Other Significant**CFR Citation:** 40 CFR 63

## EPA—Clean Air Act (CAA)

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Direct Final Rule	07/01/05	70 FR 38554
Direct Final Rule Partial Withdrawal	08/30/05	70 FR 51269

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Randy McDonald

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**RIN:** 2060-AN09**3252. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL USES OF METHYL BROMIDE FOR THE 2005 SUPPLEMENTAL REQUEST****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 82**Completed:**

Reason	Date	FR Cite
NPRM-	08/30/05	70 FR 51317
Direct Final Rule-	08/30/05	70 FR 51270

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marta Montoro

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**RIN:** 2060-AN13**3253. CONTROL OF EMISSIONS OF AIR POLLUTION FROM DIESEL ENGINES AND FUELS; AMENDMENTS TO THE NONROAD AND HIGHWAY DIESEL FUEL REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 80 (Revision)**Completed:**

Reason	Date	FR Cite
NPRM-	07/15/05	70 FR 40949
Direct Final Rule-	07/15/05	70 FR 40889

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tia Sutton

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**RIN:** 2060-AN19**3254. • IMPLEMENTATION RULE FOR 8-HOUR OZONE NAAQS: RECONSIDERATION OF NSR ANTI-BACKSLIDING PROVISIONS****Priority:** Other Significant**Legal Authority:** 42 USC 7408; 42 USC 7410; 42 USC 7501 to 7511f; 42 USC 7601(a)(1)**CFR Citation:** 40 CFR 51; 40 CFR 50; 40 CFR 81**Legal Deadline:** None

**Abstract:** This rule was issued as a result of EPA's Reconsideration of the Phase 1 Rule to Implement the 8-Hour Ozone NAAQS as requested by EarthJustice. Specifically, this rule addressed the NSR anti-backsliding requirements from the Phase 1 Rule. The Phase 1 Rule provided specific requirements for State and local air pollution control agencies and Tribes to prepare State implementation plans (SIPs) and Tribal Implementation Plans (TIPs) under the 8-hour national ambient air quality standard (NAAQS) for ozone, published by EPA on July 18, 1997. The Clean Air Act (CAA) requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards. The 1997 standards were challenged in court, but in February 2001, the Supreme Court determined that EPA has authority to implement a revised ozone standard, but ruled that EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard. The Supreme Court identified conflicts between different parts of the CAA

related to implementation of a revised NAAQS, provided some direction to EPA for resolving the conflicts, and left it to EPA to develop a reasonable approach for implementation. Thus, the Phase 1 Rule addressed the requirements of the CAA and the Supreme Court's ruling.

**Timetable:**

Action	Date	FR Cite
NPRM - Notice of Reconsideration of NSR Anti-Backsliding Provisions-	04/04/05	70 FR 17018
NPRM Comment Period End	05/04/05	
Final Action-	07/08/05	70 FR 39413

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal**Additional Information:** SAN No. 4625.3; Split from RIN 2060-AJ99.**Agency Contact:** John Silvasi, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711

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**RIN:** 2060-AN25**3255. • IMPLEMENTATION RULE FOR 8-HOUR OZONE NAAQS; FINAL IDENTIFICATION OF OZONE AREAS FOR WHICH THE 1-HOUR STANDARD HAS BEEN REVOKED AND TECHNICAL CORRECTIONS TO PHASE 1 RULE****Priority:** Other Significant**Legal Authority:** 42 USC 7401, et seq; 23 USC 101**CFR Citation:** 40 CFR 51; 40 CFR 81**Legal Deadline:** None

**Abstract:** This rule codifies the revocation of the 1-hour standard for those areas with effective 8-hour ozone designations (1-hour ozone NAAQS was revoked on June 15, 2005 for all areas of the country except for 14 Early

## EPA—Clean Air Act (CAA)

## Completed Actions

Action Compact Areas). It identifies in 40 CFR part 81, subpart C the boundaries of 1-hour ozone areas and their designations and classifications that were in place as of the effective date of designation of the area for the 8-hour ozone NAAQS (effective date of 8-hour designations and classifications was June 15, 2004 for most areas of the country). Technical correction to Phase 1 rule: It eliminates subpart E of part 81 reserved in the Phase 1 rule for identification of the above 1-hour areas, since such are readily identified in this rule in subpart C.

**Timetable:**

Action	Date	FR Cite
Final Action—	08/03/05	70 FR 44470

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal**Additional Information:** SAN No. 4625.5; Split from RIN 2060-AJ99.**Agency Contact:** Annie Nikbakhti, Environmental Protection Agency, Air

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**RIN:** 2060–AN27Environmental Protection Agency (EPA)  
Atomic Energy Act (AEA)

## Proposed Rule Stage

**3256. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW-ACTIVITY MIXED RADIOACTIVE WASTE****Priority:** Other Significant**Legal Authority:** 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No. 3 of 1970; Nuclear Waste Policy Act of 1982**CFR Citation:** 40 CFR 193**Legal Deadline:** None

**Abstract:** This rulemaking would address the problem of disposal of low-activity mixed radioactive wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rulemaking is intended to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule would not mandate a disposal method, but rather would permit an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of this rule. An Advanced Notice of Proposed Rulemaking was issued to solicit early public input on this issue.

**Timetable:**

Action	Date	FR Cite
ANPRM—	11/18/03	68 FR 65120
NPRM—	07/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4054;**Agency Contact:** Daniel Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060–AH63**3257. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR PART 190, SUBPART B, AND 40 CFR 191, SUBPART A****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No. 3 of 1970; Nuclear Waste Policy Act of 1982**CFR Citation:** 40 CFR 190(B); 40 CFR 191(A)**Legal Deadline:** None

**Abstract:** The purpose of this action is to make a technical change to the dose methodology used in subpart A of 40 CFR 191, entitled Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level Waste and Transuranic Waste. The current methodology is outdated. The dose methodology used in the rule published on September 19, 1985, was based on the target organ approach recommended by the International

Commission on Radiological Protection (ICRP) in Report 12. Since that time science has progressed and a new methodology based on an effective dose equivalent approach is currently being recommended by the ICRP in Report 126. This action would update the 40 CFR 191, subpart A dose limits published in 1985 from the target organ to the state-of-the-art effective dose equivalent system. There would be no change in the level of protection, just the scientific methodology for determining compliance with the levels of protection established in 1985.

**Timetable:**

Action	Date	FR Cite
NPRM—	08/00/06	

**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

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**RIN:** 2060–AH90**3258. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136 to 136y**CFR Citation:** 40 CFR 158**Legal Deadline:** None



## EPA—Atomic Energy Act (AEA)

## Proposed Rule Stage

**Abstract:** EPA will update the data requirements necessary to register a biochemical or microbial pesticide product. The revisions will codify data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for biochemical and microbial pesticides, including product chemistry and residue chemistry, toxicology and environmental fate and effects. The revision will not include plant incorporated protectants.

**Timetable:**

Action	Date	FR Cite
NPRM—	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4596;

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

**URL For More Information:**

<http://www.epa.gov/pesticides/regulating/data.htm>

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**RIN:** 2070-AD51

**3259. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEIN GENES**

**Priority:** Other Significant

**Legal Authority:** 21 USC 346(a) et seq; 7 USC 136 et seq

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants based on viral coat proteins to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or mitigate any pest”. These substances are also “pesticide chemical residues” under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants based on viral coat proteins from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Other/Supplemental NPRM 1	07/22/96	61 FR 37891
Other/Supplemental NPRM 2	05/16/97	62 FR 27132
Other/Supplemental NPRM 3	04/23/99	64 FR 19958

Action	Date	FR Cite
Other/Supplemental NPRM 4	07/19/01	66 FR 37855
Reproposal	09/00/06	
Final Action	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4602; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

**Sectors Affected:** 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

**URL For More Information:**

<http://www.epa.gov/pesticides/biopesticides/pips/index.htm>

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**RIN:** 2070-AD49

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

**3260. PESTICIDE TOLERANCE REASSESSMENT PROGRAM**

**Priority:** Routine and Frequent

**Legal Authority:** 21 USC 346(a) to (q)

**CFR Citation:** 40 CFR 180

**Legal Deadline:** Other, Statutory, August 3, 2006, See additional information.

**Abstract:** EPA will reassess pesticide tolerances and exemptions for raw and processed foods established prior to August 3, 1996, to determine whether they meet the reasonable certainty of no harm standard of the Federal Food, Drug and Cosmetic Act (FFDCA). FFDCA sec. 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996, requires that EPA conduct this

reassessment on a phased 10-year schedule. Based on its reassessment, EPA will take the appropriate regulatory action(s) to modify or revoke tolerances. Since such actions are issued on a chemical-by-chemical basis and are exempt from inclusion in the Regulatory Agenda, this Regulatory Agenda entry does not list the individual actions that are likely to

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

occur under this program. Instead, this entry is intended to note the statutory mandate for completing the reassessment by August 2006. For status information about the individual chemicals, go to <http://www.epa.gov/pesticides>.

**Timetable:**

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

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

**Additional Information:** SAN No. 4175; LEGAL DEADLINE CONT: EPA is required to complete reassessments on a phased schedule of: 33% by August 3; 1999; 66% by August 3; 2002; and 100% by August 3; 2006. The Agency will continue to assess pesticide tolerances throughout each year.

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

**URL For More Information:**

<http://www.epa.gov/pesticides/regulating/tolerances.htm>

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**RIN:** 2070–AD24**3261. PROTECTIONS FOR TEST SUBJECTS IN HUMAN RESEARCH**

**Regulatory Plan:** This entry is Seq. No. 126 in part II of this issue of the **Federal Register**.

**RIN:** 2070–AD57**3262. PESTICIDE MANAGEMENT AND DISPOSAL; STANDARDS FOR PESTICIDE CONTAINERS AND CONTAINMENT****Priority:** Other Significant

**Legal Authority:** 7 USC 136(q) “FIFRA sec 19”; 7 USC 136(a) “FIFRA sec 3”; 7 USC 136(w) “FIFRA sec 25”

**CFR Citation:** 40 CFR 156; 40 CFR 165

**Legal Deadline:** Final, Statutory, December 24, 1991.

**Abstract:** FIFRA sec. 19 gives EPA authority to regulate the management of pesticides and their containers, including storage, transportation and disposal. As proposed, this rule would establish standards for removal of pesticides from containers and for rinsing containers; facilitate the safe use, refill, reuse, and disposal of pesticide containers by establishing standards for container design, labeling and refilling; and establish requirements for containment of stationary bulk containers and for containment of pesticide dispensing areas.

**Timetable:**

Action	Date	FR Cite
NPRM original—	02/11/94	59 FR 6712
Supplemental NPRM 1—	10/21/99	64 FR 56918
Supplemental NPRM 2—	12/21/99	64 FR 71368
Notice: Partial Reopening of Comment Period—	06/30/04	69 FR 39392
Notice: Extension of Comment Period—	08/13/04	69 FR 50114
Final Action—	05/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2659, EDocket No. OPP-2004-0049;

**Sectors Affected:** 42291 Farm Supplies Wholesalers; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 11511 Support Activities for Crop Production

**URL For More Information:**

[www.epa.gov/pesticides/regulating/containers.htm](http://www.epa.gov/pesticides/regulating/containers.htm)

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**RIN:** 2070–AB95**3263. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE****Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 7 USC 136(a) “FIFRA sec 3”; 7 USC 136(w)

**CFR Citation:** 40 CFR 152.170**Legal Deadline:** None

**Abstract:** This regulation as proposed would establish Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority had an EPA-approved Plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule were reconsidered to determine whether the program could address water quality issues rather than groundwater 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 will withdraw the proposed Pesticide Management Plan rule in the near future.

**Timetable:**

Action	Date	FR Cite
NPRM—	06/26/96	61 FR 33259
Notice—	02/23/00	65 FR 8925
Supplemental NPRM—	03/24/00	65 FR 15885
Notice: Withdrawal—	10/00/05	

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 3222;**Sectors Affected:** 9241 Administration of Environmental Quality Programs**Agency Contact:** Arty Williams, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460

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**RIN:** 2070-AC46**3264. PESTICIDES; PROCEDURES FOR THE REGISTRATION REVIEW PROGRAM****Regulatory Plan:** This entry is Seq. No. 124 in part II of this issue of the **Federal Register**.**RIN:** 2070-AD29**3265. PESTICIDES; EMERGENCY EXEMPTION PROCESS REVISIONS****Regulatory Plan:** This entry is Seq. No. 125 in part II of this issue of the **Federal Register**.**RIN:** 2070-AD36

## Environmental Protection Agency (EPA)

Long-Term Actions

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

**3266. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS****Priority:** Other Significant**Legal Authority:** 7 USC 136 to 136y**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA is revising its data requirements for the registration of conventional pesticide products. In this action, the Agency is revising data requirements that pertain to product chemistry, toxicology, residue chemistry, applicator exposure, post-application exposure, nontarget terrestrial and aquatic organisms, nontarget plant protection, and environmental fate. When promulgated, the data requirements will reflect current scientific knowledge and understanding. These revisions will improve the Agency's ability to make regulatory decisions about the human health and environmental effects of pesticide products to better protect wildlife, the environment, and people, including sensitive subpopulations. Coupled with revision of data requirements, EPA is reformatting the requirements and revising its general procedures and policies associated with data submission. By codifying existing data requirements which are currently applied on a case-by-case basis, the pesticide industry, along with other partners in the regulated community, would attain a better understanding and could better prepare for the pesticide registration process.

**Timetable:**

Action	Date	FR Cite
NPRM-	03/11/05	70 FR 12277
Notice of Public Meeting-	04/01/05	70 FR 16785
NPRM: Extension of comment period-	06/08/05	70 FR 33414
Final Action-	03/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2687, EDocket No. OPP-2004-0387;**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing**URL For More Information:** <http://www.epa.gov/pesticides/regulating/data.htm>

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**RIN:** 2070-AC12**3267. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136 to 136(y)**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update and revise its pesticide data requirements for antimicrobial products. The data requirements specify the data that are required for EPA to evaluate the registrability of a pesticide product. The revisions will also clarify the data requirements for all antimicrobials to reflect current practice.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4173;

**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

**URL For More Information:** <http://www.epa.gov/pesticides/regulating/data.htm>

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## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Long-Term Actions

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**RIN:** 2070-AD30

### 3268. ENDOCRINE DISRUPTER SCREENING PROGRAM (EDSP); IMPLEMENTING THE SCREENING AND TESTING PHASE

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

**Legal Authority:** 15 USC 2603 “TSCA”; 21 USC 346(a) “FFDCA”; 42 USC 300(a)(17) “SDWA”; 7 USC 136 “FIFRA”

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The screening and testing phase of the Endocrine Disruptor Screening Program (EDSP) potentially will encompass a broad range of types of chemicals, including pesticide chemicals, TSCA chemicals, chemicals that may be found in sources of drinking water, chemicals that may have an effect that is cumulative to the effect of a pesticide chemical, chemicals that are both pesticide chemicals and TSCA chemicals, and other chemicals that are combinations of these types of chemicals. EPA is developing the procedures and processes that the Agency will use when implementing the screening and testing phase of the EDSP. Specifically, depending on decisions that the Agency makes regarding implementation of the testing phase of the EDSP, the action will describe the authorities that EPA may invoke to require testing by the chemical manufacturers and pesticide registrants and, if necessary, establish the process that the Agency will use to require the testing.

**Timetable:**

Action	Date	FR Cite
Policy/NPRM-	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4728; Split from RIN 2070-AD26. In August 2000, the Agency submitted the required Status Report to Congress. In March 2002, the Agency submitted the requested status report to Congress on the Endocrine Disruptor Methods Validation subcommittee under the National Advisory Council on Environmental Policy and Technology.

**URL For More Information:**

<http://www.epa.gov/scipoly/oscpendo/index.htm>

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**RIN:** 2070-AD61

### 3269. PESTICIDES; TOLERANCE PROCESSING FEES

**Priority:** Other Significant

**Legal Authority:** 21 USC 346(a)

**CFR Citation:** 40 CFR 180

**Legal Deadline:** None

**Abstract:** Section 408(m) of the Federal Food, Drug, and Cosmetic Act requires EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. EPA developed a final rule that would have adjusted the fee structure and fee amounts for tolerance actions. A final rule completed OMB review on December 31, 2003, but has not been issued because the Consolidated Appropriations Act of 2004, signed on January 23, 2004, prohibits EPA from collecting any tolerances fees until September 30, 2008. This prohibition was expanded in 2005 to include a prohibition on using Federal funding to perform any work on a final tolerance fee rulemaking. As such, no rulemaking activities are currently planned.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/99	64 FR 31039
Supplemental NPRM	07/24/00	65 FR 45569
Supplemental NPRM	08/31/00	65 FR 52979
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4027;

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

**URL For More Information:**

[www.epa.gov/pesticides/regulating/fees/index.htm](http://www.epa.gov/pesticides/regulating/fees/index.htm)

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**RIN:** 2070-AJ23

### 3270. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS

**Priority:** Other Significant

**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants derived through genetic engineering from sexually compatible plants to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or mitigate any pest”. These substances are also “pesticide chemical residues” under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants derived through genetic

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Long-Term Actions

engineering from sexually compatible plants from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

**Timetable:**

Action	Date	FR Cite
NPRM—	11/23/94	59 FR 60496
Supplemental NPRM 1—	07/22/96	61 FR 37891
Supplemental NPRM 2—	05/16/97	62 FR 27132
Supplemental NPRM 3—	04/23/99	64 FR 19958
Supplemental NPRM 4—	07/19/01	66 FR 37855
Supplemental NPRM 5—	08/20/01	66 FR 43552
Final Action—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4611; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

**Sectors Affected:** 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

**URL For More Information:**

<http://www.epa.gov/pesticides/biopesticides/pips/index.htm>

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**RIN:** 2070-AD55

**3271. PLANT INCORPORATED PROTECTANTS (PIPs); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT**

**Priority:** Other Significant

**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants (PIPs) that act by primarily affecting the plant to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or mitigate any pest”. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

**Timetable:**

Action	Date	FR Cite
NPRM Original—	11/23/94	59 FR 60496
Supplemental NPRM—	07/22/96	61 FR 37891
Supplemental NPRM 2—	05/16/97	62 FR 27132
Supplemental NPRM 3—	04/23/99	64 FR 19958
Supplemental NPRM 4—	07/19/01	66 FR 37855
Final Action (FFDCA)—	To Be	Determined
Final Action (FIFRA)—	To Be	Determined
NPRM (FFDCA)—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4612; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked.

**Sectors Affected:** 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the

Physical Sciences and Engineering Sciences

**URL For More Information:**

<http://www.epa.gov/pesticides/biopesticides/pips/index.htm>

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**RIN:** 2070-AD56

**3272. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136a(c) to 136a(d); 7 USC 136b(d) to 136b(f); 7 USC 136d(b) to 7 USC 136d(e); 7 USC 136w(a)

**CFR Citation:** 40 CFR 164 (Revision)

**Legal Deadline:** None

**Abstract:** EPA is preparing a comprehensive revision of the Rules of Practice governing the conduct of licensing adjudications under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The existing Rules of Practice were originally promulgated by EPA in 1973. In the subsequent 30 years, Congress has substantially amended FIFRA, creating a number of additional types of licensing adjudications which are not expressly provided for in the existing Rules of Practice. In order to include provisions tailored to these new types of proceedings, and to incorporate the standard practices which have evolved and the precedents which have been established since these rules were first promulgated, EPA intends to comprehensively revise the FIFRA Rules of Practice.

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM—	12/00/06	
Final Action—	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4618;

Sectors Affected: 112 Animal Production; 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing

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RIN: 2020-AA44

**3273. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS**

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136(a)(h); 7 USC 136(w)

CFR Citation: 40 CFR 152

Legal Deadline: Final, Statutory, September 15, 2000, The Final Rule is due 240 days after close of comment period.

**Abstract:** This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. In addition, the regulation will also include labeling standards for public health antimicrobial products.

**Timetable:**

Action	Date	FR Cite
NPRM—	09/17/99	64 FR 50671
Notice—	11/16/99	64 FR 62145
Final Action 1—	12/14/01	66 FR 64759
Final Action 2—	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3892;

Sectors Affected: 32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

**URL For More Information:**<http://www.epa.gov/oppad001/regpolicy.htm>

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RIN: 2070-AD14

**3274. • PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS**

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136i; 7 USC 136w

CFR Citation: 40 CFR 171; 40 CFR 156; 40 CFR 152

Legal Deadline: None

**Abstract:** The EPA is proposing change to Federal regulations guiding the certified pesticide applicator program (40 CFR 171). Change is sought to strengthen the regulations so that they may better protect pesticide applicators and the public from harm due to pesticide exposure. Changes would include having occupational users of pesticides demonstrate competency by

meeting minimum competency requirements; ensuring that those who train on pesticide safety are competent; and requiring additional competency determinations of those who use the most toxic pesticides in a manner that could result in significant exposure to the public. The need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the need for changes to the regulation.

**Timetable:**

Action	Date	FR Cite
NPRM—	02/00/07	

**Regulatory Flexibility Analysis**

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5007;

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RIN: 2070-AJ20

**3275. • PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS**

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

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 136; 7 USC 136w

**EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)****Long-Term Actions****CFR Citation:** 40 CFR 156; 40 CFR 170**Legal Deadline:** None

**Abstract:** The EPA is developing a proposal to revise the Federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are expected to help agricultural workers protect themselves from potential hazards resulting from their potential exposure to pesticides and pesticide residues. EPA is proposing to make minor adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to establish a right-to-know Hazard Communication program and make improvements to pesticide safety training. The need for change arose

from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

**Timetable:**

Action	Date	FR Cite
NPRM—	02/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 5006;

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**RIN:** 2070-AJ22**Environmental Protection Agency (EPA)****Completed Actions****Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

**3276. ENDOCRINE DISRUPTOR SCREENING PROGRAM (EDSP); CHEMICAL SELECTION APPROACH FOR INITIAL ROUND OF SCREENING**

**Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Notice: Final Approach—	09/27/05	70 FR 56449

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2070-AD59**Environmental Protection Agency (EPA)****Prerule Stage****Toxic Substances Control Act (TSCA)**

**3277. FUTURE TESTING FOR EXISTING CHEMICALS (OVERVIEW ENTRY)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 "TSCA 4"; 15 USC 2611 "TSCA 12"**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced and enters the environment in substantial quantities or there is or maybe significant or substantial human exposure to the chemical, (2) the

available data to evaluate the chemical are inadequate, and (3) testing is needed to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) or recommended for testing consideration

(for which the 12-month statutory requirement does not apply), the Agency will consider whether to require testing of the chemical through rulemaking, ECA or VTA, or will publish a notice which provides the reasons for not doing so in the case of a particular chemical. The Agency may also consider test rules, ECAs or VTAs for chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes. This regulatory agenda entry is considered a "generic entry" because it is intended to alert the public that within the next 6 months the Agency may consider other chemicals for test rules, ECAs or VTAs that are not yet identified. A separate activity specific entry will be included in the regulatory agenda once the

## EPA—Toxic Substances Control Act (TSCA)

Prerule Stage

Agency decides to develop a test rule, ECA or VTA.

**Timetable:**

Action	Date	FR Cite
Notice/ANPRM—	03/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493;

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

**URL For More Information:**

www.epa.gov/oppt/chemtest

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**RIN:** 2070–AB94

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**

Proposed Rule Stage

**3278. LEAD-BASED PAINT ACTIVITIES; AMENDMENTS FOR RENOVATION, REPAIR AND PAINTING**

**Regulatory Plan:** This entry is Seq. No. 112 in part II of this issue of the Federal Register.

**RIN:** 2070–AC83

**3279. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTIONS FROM THE PROHIBITIONS AGAINST MANUFACTURING, PROCESSING, AND DISTRIBUTION IN COMMERCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2605 “TSCA 6(e)(3)(B)”

**CFR Citation:** 40 CFR 761

**Legal Deadline:** None

**Abstract:** Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions against manufacturing, processing and distribution in commerce of PCBs upon finding that 1) No unreasonable risk to health or the environment will occur, and 2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment.

**Timetable:**

Action	Date	FR Cite
NPRM: New DOD Petition—	12/00/05	
Final Action: DOD Petition—	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal  
**Additional Information:** SAN No. 2150;

**Sectors Affected:** 2211 Electric Power Generation, Transmission and Distribution; 31-33 Manufacturing; 5133 Telecommunications

**URL For More Information:**

www.epa.gov/pcb

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**RIN:** 2070–AB20

**3280. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR POLYMERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 723

**Legal Deadline:** None

**Abstract:** In September 2005, EPA proposed an amendment to the Polymer Exemption Rule, which provides an exemption from the premanufacture notification (PMN) requirements of the Toxic Substances Control Act (TSCA). The proposed amendment would exclude from eligibility polymers

containing as an integral part of their composition, except as impurities, certain perfluoroalkyl moieties consisting of a CF<sub>3</sub>- 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—	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4635;

**Sectors Affected:** 325 Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 326 Plastics and Rubber Products Manufacturing



## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

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**RIN:** 2070-AD58

### 3281. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 “TSCA 4”

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of eight chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR’s research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action

would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 USC 7412(f) and sections 112(d) and (e). Data from this action would also be used to support implementation of several provisions of section 112 of the CAA including, determining risks remaining after the application of technology based standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed (delisted) from section (b)(1) of the CAA list of HAPS.

#### Timetable:

Action	Date	FR Cite
NPRM-	05/00/06	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2563;

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

**URL For More Information:**  
[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AB79

### 3282. • SIGNIFICANT NEW USE RULE (SNUR); MERCURY SWITCHES IN MOTOR VEHICLES

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for mercury used in convenience light switches, anti-lock braking system (ABS) sensors, and active ride control sensors in motor vehicles. This action would require persons who intend to manufacture, import, or process mercury for these uses, including when mercury is imported or processed as part of an article, to notify EPA at least 90 days before commencing such activity. The required notice would provide EPA with the opportunity to evaluate the use of mercury in these switches, and, if necessary, to prohibit or limit such activity before it occurs to prevent unreasonable risk of injury to human health or the environment.

#### Timetable:

Action	Date	FR Cite
NPRM-	12/00/05	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4983;

**Sectors Affected:** 335931 Current-Carrying Wiring Device Manufacturing; 3363 Motor Vehicle Parts Manufacturing

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**RIN:** 2070-AJ19

### 3283. SIGNIFICANT NEW USE RULE (SNUR); SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604 TSCA

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

**CFR Citation:** 40 CFR 704; 40 CFR 721; 40 CFR 707; 40 CFR 710

**Legal Deadline:** None

**Abstract:** Upon completion of the residential upholstered furniture (RUF) flammability standards under consideration by the Consumer Product Safety Commission (CPSC), EPA would propose a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals for use in RUF. The SNUR would require companies wanting to import or manufacture these chemicals for use as a flame retardant in RUF to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The required notice will provide EPA with the opportunity to evaluate their use as flame retardant chemicals in RUF, and if necessary to prohibit or limit such activity before it occurs to prevent any unreasonable risk of injury to human health or the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 4512;

**Sectors Affected:** 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing

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**RIN:** 2070-AD48

### 3284. NOTIFICATION OF CHEMICAL EXPORTS UNDER TSCA SECTION 12(B)

**Regulatory Plan:** This entry is Seq. No. 113 in part II of this issue of the Federal Register.

**RIN:** 2070-AJ01

### 3285. TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720.45

**Legal Deadline:** None

**Abstract:** In an Advance Notice of Proposed Rulemaking (ANPRM) issued in November 2004, EPA announced and sought comment on whether it should establish new procedures and regulations for naming enzymes and proteins when listing such substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory (TSCA Inventory). The ANPRM outlined four identification elements that EPA currently believes are appropriate for use in developing unique TSCA Inventory nomenclature for proteinaceous enzymes. The Agency also solicited public comment on several specific questions relating to this topic. EPA is currently evaluating the comments received and is developing a proposed rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM-	11/15/04	69 FR 65565
NPRM-	06/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4878, EDocket No. OPPT-2003-0058;

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**RIN:** 2070-AJ04

### 3286. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTION REQUEST FROM U.S. MARITIME ADMINISTRATION (MARAD)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2605 "TSCA 6(e)(3)(B)"

**CFR Citation:** 40 CFR 761

**Legal Deadline:** None

**Abstract:** The U.S. Maritime Administration (MARAD) is responsible for disposing of surplus Navy non-combatant ships; many of these ships contain polychlorinated biphenyls (PCBs) in electrical equipment, and are contaminated with > 50 ppm PCBs in paint, gaskets and cable that cannot be easily removed. In 2003, MARAD exported 4 surplus ships to a shipyard in the United Kingdom, Able UK, for scrapping; however, the planned export of an additional 9 ships had been prevented by a temporary restraining order issued by the U.S. District Court for D.C.. Although EPA issued a letter of enforcement discretion in May 2003, on July 29, 2004, MARAD submitted a partial petition for an export ban exemption under TSCA 6(e)(3) (B). Upon receipt of a completed petition, the Agency will conclude its review. EPA can grant these petitions through notice-and-comment rulemaking for a period of up to one year, provided it can make a finding of no unreasonable risk and good faith efforts to find substitutes.

**Timetable:**

Action	Date	FR Cite
NPRM-	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2150.1, EDocket No. OPPT-2004-0107; Split from RIN 2070-AB20.

**URL For More Information:**

www.epa.gov/pcb/

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## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

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**RIN:** 2070-AJ05

### 3287. LEAD-BASED PAINT; PRE-RENOVATION LEAD EDUCATION RULE

**Priority:** Info./Admin./Other

**Legal Authority:** 15 USC 2686(b)

**CFR Citation:** 40 CFR 745.83 (Revision); 40 CFR 745.8

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) is proposing to revise its regulations implementing section 406(b) of the Toxic Substances Control Act (TSCA) to require the use of a new lead hazard information pamphlet, "Protect Your Family From Lead During Renovation & Remodeling" (R&R Pamphlet). In housing containing lead-based paint, there is an increased risk of lead poisoning during renovation activities, particularly to children under six years of age. To better inform families about the risk and to encourage greater public health and safety during renovation activities, EPA has developed a renovation-specific information pamphlet for families. This new pamphlet gives information on lead-based paint hazards in a home, lead testing, how to select a contractor, what precautions to take during the renovation, and proper cleanup activities.

**Timetable:**

Action	Date	FR Cite
NPRM-	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4953;

**URL For More Information:**

<http://www.epa.gov/oppt/lead/>

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**RIN:** 2070-AJ14

### 3288. EFFECTS OF TRANSFERS OF OWNERSHIP ON OBLIGATIONS UNDER SECTION 5 OF TSCA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720

**Legal Deadline:** None

**Abstract:** Companies frequently transfer ownership or other rights with respect to a chemical substance to a different company or person. These transfers may have regulatory implications because of the transferor's earlier submittal under the Toxic Substances Control Act (the Act) of a premanufacture notice, a significant new use notice or an exemption notice to EPA for the chemical substance. Either prior to or after commencing the manufacture of the chemical substance, the company may want to transfer the right to manufacture the chemical substance to a new company as part of a merger, corporate reorganization or other business transaction. The Act can be interpreted as requiring the transferee of a right to manufacture to submit a new premanufacture notice to the Agency, because the transferee is a new person. However, the Agency has not always required the transferee to submit a new notice and has allowed the transferee to manufacture the chemical substance under the original company's authorization. Because there are no rules or formal guidance concerning the procedure for transferring rights to manufacture, this issue has not been addressed in a clear and consistent manner. Furthermore, it is not clear if a transferee of a right to manufacture is liable under the Act to the same extent as the transferor. Therefore, to clarify these issues, EPA proposes to adopt a rule to accomplish several purposes: (1) To provide a clear procedural mechanism to facilitate the transfer of rights to manufacture to new

persons; (2) to require the transferee to specifically assume all of the legal obligations associated with the transferred right to manufacture; and (3) to provide notice to the Agency of a proposed transfer of a right to manufacture, thereby allowing the Agency to engage in more meaningful compliance monitoring.

**Timetable:**

Action	Date	FR Cite
NPRM-	06/00/06	

### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4975;

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**RIN:** 2070-AJ15

### 3289. SIGNIFICANT NEW USE RULE, PERFLUOROALKYL SULFONATES (PFAS)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604; 15 USC 2607; 15 USC 2625

**CFR Citation:** 40 CFR 721.9582 (Amended)

**Legal Deadline:** None

**Abstract:** EPA is proposing to amend a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for certain perfluoroalkyl sulfonates (PFAS) substances which were not addressed by the previous PFAS SNURs (67 FR 11008, March 11, 2002; 67 FR 72854, December 9, 2002), codified at 40 CFR 721.9582. EPA is proposing to amend the PFAS SNUR at 40 CFR 721.9582 by adding a new Table 3 containing all PFAS chemicals currently on the TSCA Inventory but not already subject to the PFAS SNUR. This proposed rule would require manufacturers, including importers, to notify EPA at least 90 days before commencing the manufacture or import of these chemical substances for the significant new uses described in this document after January 1, 2007. EPA believes that this action is necessary because the PFAS component of these chemical

**EPA—Toxic Substances Control Act (TSCA)**

**Proposed Rule Stage**

substances may be hazardous to human health and the environment. The required notice will provide EPA the opportunity to evaluate intended significant new uses and associated activities before they occur and, if necessary, to prohibit or limit those activities.

**Timetable:**

Action	Date	FR Cite
NPRM-	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4974;

**URL For More Information:**

<http://www.epa.gov/opptintr/newchems/cnosnurs.htm>

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**RIN:** 2070-AJ18

**3290. • CLARIFICATION ON GUIDANCE FOR ACTIVATED PHOSPHORS**

**Priority:** Info./Admin./Other  
**Legal Authority:** 15 USC 2604  
**CFR Citation:** 40 CFR 720  
**Legal Deadline:** None

**Abstract:** EPA is developing guidance to clarify the chemical identification of activated phosphors for purposes of the Toxic Substances Control Act (TSCA) Chemical Substance Inventory (TSCA Inventory). Specifically, the Agency is developing guidance to clarify that an activated 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 sec. 5 requires a company to submit a premanufacture notice (PMN) to EPA. Apparently this has not been clear and several firms have initiated the manufacture of activated phosphor materials that are not listed on the TSCA Inventory

without having submitted the required PMN. EPA intends to seek public comment on draft guidance in this area to ensure that the necessary clarity is provided.

**Timetable:**

Action	Date	FR Cite
Notice-	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4984;

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**RIN:** 2070-AJ21

**Environmental Protection Agency (EPA) Toxic Substances Control Act (TSCA)**

**Final Rule Stage**

**3291. LEAD FISHING SINKERS; RESPONSE TO CITIZENS PETITION AND PROPOSED BAN**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2605 "TSCA 6"

**CFR Citation:** 40 CFR 745

**Legal Deadline:** None

**Abstract:** On October 20, 1992, the Environmental Defense Fund (EDF), Federation of Fly Fishers, Trumpeter Swan Society, and North American Loon Fund petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA), and the Administrative Procedure Act (APA), to initiate rulemaking proceedings under section 6 of TSCA to require that the sale of lead fishing sinkers be accompanied by an appropriate label or notice warning that such products are toxic to wildlife. EPA granted the

petition, however, the Agency believes that a labeling provision would not adequately address the risk of injury to waterfowl and other birds (waterbirds), from ingestion of lead fishing sinkers. In addition, EPA also believes that zinc fishing sinkers adversely affect waterbirds, and can cause mortality. Therefore, EPA has proposed a rule under section 6(a) of TSCA to prohibit the manufacturing, processing, and distribution in commerce in the United States, of certain smaller size fishing sinkers containing lead and zinc, and mixed with other substances, including those made of brass. EPA intends to publish a notice withdrawing the proposal.

**Timetable:**

Action	Date	FR Cite
ANPRM-	05/13/91	56 FR 22096
NPRM-	03/09/94	59 FR 11122

Action	Date	FR Cite
Notice: Withdrawal of NPRM-	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3252;

**URL For More Information:** <http://www.epa.gov/oppt/lead/>

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## EPA—Toxic Substances Control Act (TSCA)

## Final Rule Stage

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RIN: 2070-AC21

### 3292. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS

**Regulatory Plan:** This entry is Seq. No. 123 in part II of this issue of the Federal Register.

RIN: 2070-AD16

### 3293. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2607(a) "TSCA 8(a)"

**CFR Citation:** 40 CFR 712

**Legal Deadline:** None

**Abstract:** These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances.

**Timetable:**

Action	Date	FR Cite
Final 51st ITC List-	06/11/03	68 FR 34832
Final 53rd ITC List-	12/07/04	69 FR 70552
Final 55th ITC List-	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 2178;

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

**URL For More Information:**

www.epa.gov/oppt/chemtest

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RIN: 2070-AB08

### 3294. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2607(d) "TSCA 8(d)"

**CFR Citation:** 40 CFR 716

**Legal Deadline:** None

**Abstract:** These rules require chemical manufacturers, importers and processors to submit unpublished health and safety data on chemicals added to the Toxic Substances Control Act (TSCA) section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee (ITC). The Regulatory Agenda identifies the most recent rules and any anticipated rules.

**Timetable:**

Action	Date	FR Cite
Final: 51st ITC List (has actions from lists 43, 47, and 50)-	05/04/04	69 FR 24517
Final: 55th and 56th ITC Lists-	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 1139;

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

**URL For More Information:**

www.epa.gov/oppt/chemtest

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RIN: 2070-AB11

### 3295. TSCA INVENTORY UPDATE RULE REVISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2607(a) "TSCA 8(a)"

**CFR Citation:** 40 CFR 710

**Legal Deadline:** None

**Abstract:** In this follow-on action to the Inventory Update Rule Amendments (IURA) (RIN 2070-AC61) that was finalized in January 2003, EPA is making additional changes to the IUR to adjust the submission period and the reporting frequency, clarify requirements for the "low current interest" partial exemption petitions, add chemicals to the petroleum process streams partial exemption, amend the list of commercial and consumer product use categories, separate reporting of manufacture and import production volume, restrict reporting of processing and use information to domestic activities only, adjust the definition for polymer, remove the requirement to determine confidentiality of production volume in ranges. These changes clarify the rule and reduce the burden associated with reporting. In addition, the Agency will amend the IUR to allow electronic submissions through EPA's Central Data Exchange (CDX) system.

**Timetable:**

Action	Date	FR Cite
NPRM-	01/26/05	70 FR 3658

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Action	Date	FR Cite
Direct Final Action; Using CDX—	11/00/05	
Final Rule—	11/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3301.1, EDocket No. OPPT-2004-0106;**Sectors Affected:** 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing**URL For More Information:** [www.epa.gov/oppt/iur](http://www.epa.gov/oppt/iur)**Agency Contact:** Susan Sharkey, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7406M, Washington, DC 20460

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Email: [lee.robert@epamail.epa.gov](mailto:lee.robert@epamail.epa.gov)**RIN:** 2070-AD63**3296. VOLUNTARY HIGH PRODUCTION VOLUME (HPV) CHEMICAL CHALLENGE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2601 et seq (TSCA)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** One of the key components of the Chemical Right-to-Know (ChemRTK) Initiative is the HPV Challenge Program. The goal of this program is to ensure that a baseline set of health and environmental effects data on approximately 2,800 high production volume (HPV) chemicals is made available to EPA and the public. U.S. HPV chemicals are industrial chemicals that are manufactured or imported into the United States in volumes of 1 million pounds or more per year. U.S. Manufacturers and importers of HPV chemicals were invited to voluntarily sponsor chemicals in the HPV Challenge Program. Sponsorship entails the

identification and initial assessment of the adequacy of existing information, the conduct of new testing only if adequate information does not exist, and making the new and existing test results available to the public. Any needed testing on the HPV chemicals in the HPV Challenge Program should be completed by 2004 with all data available to the public by 2005. The Agency intends to consider specific chemicals which are not voluntarily sponsored in the HPV Challenge Program as candidates for test rules under Section 4 of the Toxic Substances Control Act (TSCA). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public.

**Timetable:**

Action	Date	FR Cite
Notice—	12/26/00	65 FR 81686
Notice: Initiative Complete—	07/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal**Additional Information:** SAN No. 4176; See also items identified under the following RINs 2070-AD09; 2070-AD38; RIN 2070-AD16; RIN 2070-AC27.**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**[www.epa.gov/chemrtk/volchall.htm](http://www.epa.gov/chemrtk/volchall.htm)**Agency Contact:** Diane Sheridan, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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Email: [alwood.jim@epamail.epa.gov](mailto:alwood.jim@epamail.epa.gov)**RIN:** 2070-AD25**3297. SIGNIFICANT NEW USE RULE (SNUR); CERTAIN POLYBROMINATED DIPHENYL ETHERS (PBDES)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2604 "TSCA sec 5"**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721**Legal Deadline:** None

**Abstract:** EPA proposed a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain polybrominated diphenylethers (PBDEs). The SNUR would require companies wanting to import or manufacture these chemicals for the significant new uses described in the SNUR to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The SNUN provides EPA the opportunity to evaluate the intended use, and, if necessary, prohibit or limit that use before it occurs. Great Lakes Chemical Corporation, the only United States manufacturer of pentaBDE and octaBDE, is voluntarily phasing out of these commercial products by the end of 2004. The chemical substances subject to this proposed rule are these commercial products, and other PBDE congeners that comprise these products. This proposed rule would require manufacturers and importers to notify EPA at least 90 days before commencing the manufacture or import of any one or more of these chemicals on or after January 1, 2005, for any use. Environmental monitoring programs detected several PBDEs in human breast milk, fish, aquatic birds, and elsewhere in the environment. The exact mechanisms or pathways by which these PBDEs end up in the environment and humans is not known, but would include releases from manufacturing or processing of the chemicals into products like plastics or textiles, aging and wear of the end consumer products, and direct exposure during use (e.g., from furniture). The limited data that is currently available indicate the potential for adverse effects to humans and environmental organisms, but existing hazard and exposure information is incomplete. These factors, taken together, raise concerns for long term potential adverse effects in people and wildlife over time if these chemicals should continue to be

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produced, released, and built up in the environment.

**Timetable:**

Action	Date	FR Cite
NPRM—	12/06/04	69 FR 70404
Final Action—	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4870, EDocket No. OPPT-2004-0085;

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**RIN:** 2070-AJ02

**3298. TESTING AGREEMENT FOR PERFLUOROCTANOIC ACID (PFOA)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 “TSCA 4”

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** PFOA is a synthetic (man-made) chemical that does not occur naturally in the environment. EPA identified data gaps regarding the sources and exposure pathways of PFOA and is seeking additional data concerning the potential relationship between fluoropolymer and fluorotelomer based polymer chemicals and PFOA. EPA has invited interested parties to monitor or participate in negotiations for developing several industry sponsored testing programs concerning fluoropolymers and fluorotelomer based polymers which may metabolize or degrade to PFOA. These testing programs would be set in place preferably as publicly negotiated enforceable consent agreements (ECAs) under section 4 of the Toxic Substances Control Act (TSCA) among EPA,

industry, and interested parties under section 4 of TSCA, but may also be established as negotiated memoranda of understanding (MOUs) where circumstances preclude moving forward under ECAs. The goal of the PFOA ECA process is to better understand the sources and exposure pathways leading to the presence of PFOA in humans and the environment.

**Timetable:**

Action	Date	FR Cite
Final: ECA and CO for Fluoropolymer Chemicals Incineration—	07/08/05	70 FR 39630
Final: ECA and CO for Fluorotelomer-based Polymer Chemicals Incineration—	07/08/05	70 FR 39624
Notice: Measurement of PFOA Generated from Thermal Degradation of Fluoropolymer Chemicals—	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493.1, EDocket No. OPPT-2003-0012;

**URL For More Information:**

<http://www.epa.gov/oppt/pfoa/index.htm>

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**RIN:** 2070-AJ06

**3299. TESTING AGREEMENT FOR DIETHANOLAMINE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 “TSCA 4”

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA’s Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (“HAPs”), including diethanolamine (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA’s request for proposals for ECAs, the Alkanolamines Panel submitted a proposal on November 25, 1996 for alternative testing involving PK studies. ORD/NCEA performed a technical analysis of the proposal in November of 1997. A public meeting was held on February 24, 1998. The Alkanolamines Panel of ACC has submitted three update letters, one in April 1999, one in May of 2003 and one in January of 2005. Under this action, EPA will continue negotiations to develop an ECA that will provide health effects testing sufficient to meet the data needs

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specified in the proposed HAPs Section 4 test rule, as amended.

**Timetable:**

Action	Date	FR Cite
Final: ECA and Consent Order—	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493.4;

**URL For More Information:**

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**RIN:** 2070-AJ09

**3300. TESTING AGREEMENT FOR HYDROGEN FLUORIDE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 “TSCA 4”

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA’s Office of Pollution

Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (“HAPs”), including hydrogen fluoride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA’s request for proposals for ECAs, the Hydrogen Fluoride (HF) Panel submitted a proposal for alternative testing involving PK studies for HF on November 27, 1996. EPA responded to this proposal by letter on June 26, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs Section 4 test rule, as amended.

**Timetable:**

Action	Date	FR Cite
Final: ECA and Consent Order—	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493.5;

**URL For More Information:**

www.epa.gov/oppt/chemtest

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**RIN:** 2070-AJ10

**3301. TESTING AGREEMENT FOR PHTHALIC ANHYDRIDE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA’s Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (“HAPs”), including phthalic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via



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ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Phthalic Anhydride (PA) Panel submitted a proposal for alternative testing involving PK studies for PA on November 22, 1996. EPA responded to this proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs Section 4 test rule, as amended.

**Timetable:**

Action	Date	FR Cite
Final Action—ECA—	09/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.7;**URL For More Information:**

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**RIN:** 2070-AJ11**3302. SIGNIFICANT NEW USE RULE FOR GLYCOL ETHERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2604; 15 USC 2607; 15 USC 2625**CFR Citation:** 40 CFR 721 (amended)**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) which would require persons to notify EPA at least 90 days before commencing the manufacture, import or processing of 2-ethoxyethanol (2-EE) (CAS No. 110-80-5), 2-ethoxyethanol acetate (2-EEA) (CAS No. 111-15-9), 2-methoxyethanol (2-ME) (CAS No.109-86-4), or 2-methoxyethanol acetate (2-MEA) (CAS No.110-49-6) for use in a consumer product. EPA believes that this action is necessary because 2-EE, 2-EEA, 2-ME, and 2-MEA may be hazardous to human health and their use in a consumer product may result in significant human exposure. The required notice would provide EPA with the opportunity to evaluate the intended uses and associated activities, and if necessary, prohibit or limit those uses and activities before they occur. There are no anticipated impacts on small business.

**Timetable:**

Action	Date	FR Cite
NPRM—	03/01/05	70 FR 9902
Final Action—	11/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4942, EDocket No. OPPT-2004-0111;**URL For More Information:**

http://www.epa.gov/opptintr/newchems/cnosnurs.htm

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**RIN:** 2070-AJ12**3303. TESTING AGREEMENT FOR MALEIC ANHYDRIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 "TSCA 4"**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (HAPs), including maleic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Maleic Anhydride (MA) Panel submitted a proposal for alternative testing involving PK studies for MA on November 8, 1996. EPA responded to the Panel's proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs Section 4 test rule, as amended.

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**Timetable:**

Action	Date	FR Cite
Final: ECA and Consent Order—	09/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.6;**URL For More Information:** www.epa.gov/oppt/chemtest

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**RIN:** 2070–AJ13

**Environmental Protection Agency (EPA) Toxic Substances Control Act (TSCA)**

Long-Term Actions

**3304. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2646 “TSCA 206”**CFR Citation:** 40 CFR 763**Legal Deadline:** Final, Statutory, November 28, 1992.

**Abstract:** The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend training and accreditation requirements to include persons performing certain asbestos-related work in public or commercial buildings, to increase the minimum number of training hours required for accreditation purposes and to effect other changes necessary to implement the amendments. On February 3, 1994, EPA issued an interim final rule to revise the asbestos MAP to clarify the types of persons who must be accredited to work with asbestos in schools and public or commercial buildings; to increase the minimum number of hours of training for asbestos abatement workers and contractor/supervisors, including additional hours of hands-on health and safety training; and to effect a variety of other necessary changes as mandated by section 15(a)(3) of the ASHARA. This interim final rule satisfied the statutory deadline. EPA will continue to consider finalizing the MAP rule and/ or promulgating regulatory revisions to sunset current EPA MAP accreditations granted to training providers.

**Timetable:**

Action	Date	FR Cite
Model Plan—	05/13/92	57 FR 20438

Action	Date	FR Cite
Interim Final Action—	02/03/94	59 FR 5236
Final Action—	05/00/09	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 3148;**Sectors Affected:** 611519 Other Technical and Trade Schools**URL For More Information:** http://www.epa.gov/asbestos/

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**RIN:** 2070–AC51**3305. LEAD–BASED PAINT ACTIVITIES; BRIDGES AND STRUCTURES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** This action may affect State, local or tribal governments and the private sector.**Legal Authority:** 15 USC 2682, 2684; PL 102–550 sec 402; PL 102–550 sec 404**CFR Citation:** 40 CFR 745**Legal Deadline:** Final, Statutory, April 28, 1994.

**Abstract:** The Residential Lead-Based Paint Hazard Reduction Act of 1992 mandates EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations for training and certification of training programs for LBP activities and child occupied facilities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

**Timetable:**

Action	Date	FR Cite
NPRM—	07/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

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**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, State, Local, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4376;

**Sectors Affected:** 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools

**URL For More Information:**

<http://www.epa.gov/oppt/lead/>

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**RIN:** 2070-AC64

### 3306. POLYCHLORINATED BIPHENYLS (PCBS); DISPOSAL OF PCBS; IMPLEMENTATION ISSUES

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

**Legal Authority:** 15 USC 2607 "TSCA 6"

**CFR Citation:** 40 CFR 761 (Revision)

**Legal Deadline:** None

**Abstract:** This proposed regulation will clarify and expand on implementation issues that have arisen as a result of the publication of the 1998 PCB Disposal Amendments (63 FR 35384). Topics will include but not be limited to, Use Authorizations, Public Participation Process, Appeals Process, Natural Gas Pipelines, Testing and Analysis, Manifesting of PCB Waste, Publication Process for Validated Alternate Decontamination Solvents and PCB Analytical Methods and Storage of Dedicated PCB Equipment. The action to authorize certain non-liquid PCB applications is also included in this action.

#### Timetable:

Action	Date	FR Cite
NPRM-	10/00/08	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, State, Local, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4597;

**Sectors Affected:** 31-33 Manufacturing; 81 Other Services (except Public Administration); 54 Professional, Scientific and Technical Services; 92 Public Administration; 53 Real Estate and Rental and Leasing; 48-49 Transportation; 22 Utilities; 562 Waste Management and Remediation Services

**URL For More Information:**

[www.epa.gov/pcb](http://www.epa.gov/pcb)

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**RIN:** 2070-AD52

### 3307. SIGNIFICANT NEW USE RULES (SNURS); FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 "TSCA 5"

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk.

EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

#### Timetable:

Action	Date	FR Cite
NPRM: 84-1056-	06/11/86	51 FR 21199
NPRM: 86-566-	12/08/87	52 FR 46496
NPRM: Aluminum Cross-linked Sodium Carboxymethyl cellulose-	06/11/93	58 FR 32628
Final: 84-1056-	12/00/07	
Final: 86-566-	12/00/07	
Final: Aluminum Cross-linked Sodium Carboxymethyl cellulose-	12/00/07	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 1976;

**Sectors Affected:** 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

**URL For More Information:**

<http://www.epa.gov/opptintr/newchems/cnosnurs.htm>

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**RIN:** 2070-AA59

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**3308. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL-SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604**CFR Citation:** 40 CFR 721**Legal Deadline:** None

**Abstract:** When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications, withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to notice and comment rulemaking and are listed below.

**Timetable:**

Action	Date	FR Cite
NPRM: Aromatic Amino Ether (P90-1840)–	06/06/94	59 FR 29255
NPRM: Alkenyl Ether of Alkanetriol Polymer (93-458)–	12/19/94	59 FR 65289
NPRM: Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297)–	06/26/97	62 FR 34421
Final: Alkenyl Ether of Alkanetriol Polymer (93-458)–	12/00/06	
Final: Aromatic Amino Ether (P90-1840)–	12/00/06	
Final: Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297)–	12/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3495;**Sectors Affected:** 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing**URL For More Information:**<http://www.epa.gov/opptintr/newchems/cnosnurs.htm>**Agency Contact:** Jim Alwood, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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Email: [cool.rebecca@epa.gov](mailto:cool.rebecca@epa.gov)**RIN:** 2070-AB27**3309. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2601 et seq (TSCA)**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This is a voluntary program to evaluate commercial chemicals to which children may have a high likelihood of exposure. Designed with extensive stakeholder participation, the purpose of this voluntary program is to obtain toxicity and exposure data needed to assess the risk of childhood exposure to commercial chemicals. EPA launched a pilot of this program on December 26, 2000. Manufacturers of 20 of the 23 pilot chemicals have volunteered to sponsor their chemicals in tier 1 in the pilot. A workshop was held in December 2001 to provide sponsors with additional guidance on the scope and content of the exposure assessments they will prepare. A peer consultation process is being used to evaluate the scientific merits of the hazard, exposure, and risk assessments

submitted by sponsors. Assessments for eight chemicals have been evaluated in the peer consultation process. Information on VCCEP and the chemical assessments submitted to date are available to the public at [www.epa.gov/chemrtk/vccep1](http://www.epa.gov/chemrtk/vccep1). Although not currently involving a rulemaking, EPA has included this pilot program in the Regulatory Agenda to inform the public about activities like this related to its chemical testing program.

**Timetable:**

Action	Date	FR Cite
Notice: Initiation of Stakeholder Process & Public Meeting–	08/26/99	64 FR 46673
Notice: Stakeholder Involvement Process & Public Meeting–	03/29/00	65 FR 16590
Notice Announcing VCCEP & Pilot–	12/26/00	65 FR 81700
Notice: Status of Pilot–	12/00/06	
Peer Consultation Process–	To Be Determined	
Pilot Program Activites–	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4876;**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**[www.epa.gov/chemrtk/vccep](http://www.epa.gov/chemrtk/vccep)**Agency Contact:** Linda Gerber, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**3310. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 “TSCA 4”**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environment effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

**Timetable:**

Action	Date	FR Cite
NPRM—	06/26/96	61 FR 33178
Supplemental NPRM—	12/24/97	62 FR 67466
Supplemental NPRM	04/21/98	63 FR 19694
2—		
NPRM—Reproposal—	10/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3487;**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Rich Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070–AC76**3311. TEST RULE; CERTAIN METALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 “TSCA 4”; 15 USC 2625 “TSCA 26”**CFR Citation:** 40 CFR 790–799**Legal Deadline:** None

**Abstract:** EPA is coordinating an evaluation of the data needs for assessing potential adverse effects that exposures to metals pose for health and the environment with the Agency’s efforts to develop a framework for assessing potential risks from exposures to metals. This activity is intended to lead to EPA proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(I) and the Clean Air Act (CAA) section 112. Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR’s research program. Data from this action would provide specific information about the substances for the public and scientific communities. Data from this action would also be used to

implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section (b)(1) list of HAPs (delisting).

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3882;**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Robert Jones, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070–AD10**3312. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 “TSCA 4”; 15 USC 2625 “TSCA 26”**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** EPA’s Office of Air and Radiation (OAR), in the administration of section 211 of the Clean Air Act (CAA), has requested that OPPT use its TSCA section 4 testing authority to obtain health effects data on a number of Oxygenated Fuel Additives (OFAs). These data are needed by EPA and

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

others to increase understanding of the toxicity of these substances individually and in comparison to each other as well as to other OFAs such as methyl t-butyl ether (MTBE). EPA will be soliciting interested parties to work on an Enforceable Consent Agreement (ECA) under TSCA section 4, through which responsible parties can agree to provide data to EPA. Although not currently a rulemaking, EPA is including this in the Regulatory Agenda to inform the public of this activity which will have a regulatory impact once an ECA or other testing action is proposed.

**Timetable:**

Action	Date	FR Cite
Final: ECA and Consent Order—	To Be	Determined
Notice Soliciting Participation—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4174;

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

**URL For More Information:**

[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AD28

**3313. 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 botained 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—	12/00/07	

**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](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AD44

**3314. FOLLOW-UP RULES ON EXISTING CHEMICALS**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 "TSCA 5"; 15 USC 2607 "TSCA 8"

**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA monitors the commercial development of existing chemicals of concern and/or gathers information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

**Timetable:**

Action	Date	FR Cite
NPRM: 2,4-Pentanedione—	09/27/89	54 FR 39548
NPRM: Chloranil—	05/12/93	58 FR 27980
NPRM: Heavy Metals—	01/15/02	67 FR 1937
Final: Chloranil—	12/00/06	
NPRM: Benzidine Congener Dyes—	12/00/06	
Supp. NPRM: Benzidine Congener Dyes—	12/00/06	
Final: Heavy Metals—	06/00/07	
Supp. NPRM: 2,4-Pentanedione—	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 1923;

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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**RIN:** 2070-AA58

### 3315. SIGNIFICANT NEW USE RULE (SNUR); REFRACTORY CERAMIC FIBERS (RCFS)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604 "TSCA 5"; 15 USC 2605 "TSCA 6"

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 6 to require reporting by the manufacturers, importers and/or processors of these chemicals.

**Timetable:**

Action	Date	FR Cite
NPRM—	03/21/94	59 FR 13294
Final Action—	09/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3528;

**Sectors Affected:** 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

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**RIN:** 2070-AC37

### 3316. TSCA POLICY STATEMENT ON OVERSIGHT OF TRANSGENIC ORGANISMS (INCLUDING PLANTS)

**Priority:** Other Significant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720

**Legal Deadline:** None

**Abstract:** As a follow-up to the final Biotechnology Rule under the Toxic Substances Control Act (TSCA) EPA intends to address TSCA oversight of transgenic plants and other organisms. Recent information indicates that transgenic plants and other organisms are being developed for uses which appear to be subject to TSCA jurisdiction. For example, plants are being genetically modified to produce industrial grade, rather than food grade, oils. Many of these plants are subject to oversight by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture while being tested in the environment. Following APHIS approval of a petition for non-regulated status filed pursuant to APHIS' regulations implementing the Federal Plant Pest Act at 7 CFR Part 340, however, these plants cease to be subject to regulation by USDA. Additionally, transgenic animals that are not under the jurisdiction of FDA appear to be subject to TSCA. Such animals may be genetically improved livestock for commercial purposes. The policy statement would address whether EPA should exercise jurisdiction under TSCA over such transgenic organisms prior to their commercial use.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4598;

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**RIN:** 2070-AD53

### 3317. LEAD-BASED PAINT; AMENDMENTS TO REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD-BASED PAINT OR LEAD-BASED PAINT HAZARDS IN TARGET HOUSING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4852d

**CFR Citation:** 40 CFR 745.100; 40 CFR 745.101; 40 CFR 745.102; 40 CFR 745.103; 40 CFR 745.107; 40 CFR 745.110; 40 CFR 745.113; 40 CFR 745.115; 40 CFR 745.118; 40 CFR 745.119

**Legal Deadline:** None

**Abstract:** Amendments will clarify to which target housing transactions the rule applies; add or clarify definitions of important terms; clarify the disclosure responsibilities of agents; clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and will amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. Small businesses and state/local/tribal governments that sell or lease target housing will be affected in that they will need to become familiar with new/revised requirements that apply to these transactions. Overall burden is not expected to increase significantly.

**Timetable:**

Action	Date	FR Cite
NPRM—	02/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal, 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

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**URL For More Information:**

<http://www.epa.gov/oppt/lead/>

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**RIN:** 2070-AD64

**3318. TESTING AGREEMENT FOR ARYL PHOSPHATES (ITC LIST 2)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** On January, 17, 1972 (57 FR 2138), EPA published a proposed TSCA Section 4 test rule covering a number of aryl phosphate base stocks. On March 30, 1993, EPA announced initiation of negotiations with the Aryl Phosphates Panel of the Chemical Manufacturers Association (now the American Chemistry Council or ACC) to develop a TSCA Section 4 Enforceable Consent Agreement (ECA) for aryl phosphate base stocks as an alternative approach to testing under the proposed rule (58 FR 16669). On October 9, 1998, EPA sent letters to the Chief Executive Officers of companies, including those who were participating in the development of this ECA, to announce EPA's High Production Volume (HPV) Chemical Challenge Program. Consistent with the international OECD Screening Information Data Set (SIDS) Program, EPA's HPV Challenge Program encourages US chemical producers and importers to voluntarily provide existing screening level data, or, if none exist, to develop such data on US HPV chemicals. Because some overlap of

testing requirements in the HPV Challenge and this ECA initiative were identified, the industry committed to develop the screening level data for the HPV Challenge Program before continuing with further development of the ECA. In this way, results from the HPV Challenge program would feed back into consideration of needs for the ECA testing and, where possible, could avert some or all of the overlap testing requirements. After completion of the industry's commitments under the HPV Challenge Program, EPA will evaluate the need for any additional testing of the subject AP base stocks under an ECA.

**Timetable:**

Action	Date	FR Cite
ANPRM-	12/29/83	48 FR 57452
NPRM-	01/17/92	57 FR 2138
Final: ECA and Consent Order-	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493.2;

**URL For More Information:**

[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AJ07

**3319. TEST RULE; BROMINATED FLAME RETARDANTS (BFRS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 "TSCA 4"

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** On June 25, 1991 (56 FR 29140), EPA issued a proposed TSCA Section 4 Test Rule for health and environmental effects and chemical fate testing of 5 brominated flame retardants. Since issuing that proposed rule, all of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary US HPV Chemical Challenge Program, and/or EPA's Voluntary Children's Chemical Evaluation Program (VCCEP). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA Section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

**Timetable:**

Action	Date	FR Cite
NPRM-	06/25/91	56 FR 29140
Final Action-	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493.3;

**URL For More Information:**

[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AJ08



**Environmental Protection Agency (EPA)  
Emergency Planning and Community Right-to-Know Act (EPCRA)**

Proposed Rule Stage

**3320. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: MODIFICATION TO THE THRESHOLD PLANNING QUANTITY METHODOLOGY FOR THE EXTREMELY HAZARDOUS SUBSTANCES THAT ARE SOLIDS IN SOLUTION**
**Priority:** Other Significant**Legal Authority:** 42 USC 11001**CFR Citation:** 40 CFR 355**Legal Deadline:** None

**Abstract:** EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on the assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule that would revise the TPQ for solids in solution and seek comment on an alternative approach. EPA is pursuing this proposal in part based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). If the TPQ for solids in solution is raised, it would result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under Section 302-304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA intends to evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

**Timetable:**

Action	Date	FR Cite
NPRM-	05/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4753;

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**RIN:** 2050-AF08
**3321. TOXICS RELEASE INVENTORY REPORTING BURDEN REDUCTION RULE**
**Regulatory Plan:** This entry is Seq. No. 118 in part II of this issue of the **Federal Register**.
**RIN:** 2025-AA14
**3322. 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 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-	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2425.4; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

**URL For More Information:**

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**RIN:** 2025-AA16
**3323. TRI; RESPONSE TO PETITION TO DELETE ACETONITRILE FROM THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS**
**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 11013 "EPCRA 313"
**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** This action will respond to a petition received by EPA to delete acetonitrile from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Proposed Rule Stage

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—	02/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2425.3; Split from RIN 2025-AA00.

Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

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**RIN:** 2025-AA19

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Emergency Planning and Community Right-to-Know Act (EPCRA)

### 3324. RULEMAKING TO CHANGE TOXIC RELEASE INVENTORY (TRI) REPORTING REQUIREMENTS FROM STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES TO NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) CODES

**Priority:** Info./Admin./Other

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The Office of Management and Budget (OMB) published a Federal Register Notice of final decision (62 FR 68) to adopt the North American Industry Classification System (NAICS) for the United States. This rulemaking initiates the conversion from TRI Reporting using Standard Industrial Classification (SIC) codes to TRI Reporting using NAICS codes. The TRI Program will convert to NAICS without producing any changes in the facilities that are now subject to TRI reporting. Therefore, there should be no increased burden resulting from this action.

**Timetable:**

Action	Date	FR Cite
NPRM—	03/21/03	68 FR 13872
Final Action—	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4595;

**Sectors Affected:** 212 Mining (except Oil and Gas); 221 Utilities; 562 Waste Management and Remediation Services; 422 Wholesale Trade, Nondurable Goods

**URL For More Information:**

www.epa.gov/tri

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**RIN:** 2025-AA10

### 3325. ADDITION OF TOXICITY EQUIVALENCY (TEQ) REPORTING AND QUANTITY DATA FOR INDIVIDUAL MEMBERS OF THE DIOXIN AND DIOXIN-LIKE COMPOUNDS CATEGORY UNDER EPCRA, SECTION 313

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** Under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (i.e., the Toxics Release Inventory (TRI)), dioxin and dioxin-like compounds are reported in units of grams for the category. This project will add toxic equivalency (TEQ) reporting for the category and quantity data for individual members of the category to the grams only reporting currently required for the category under EPCRA section 313. TEQs are a weighted quantity measure based on the toxicity of each dioxin congener relative to the most toxic dioxin congeners, 2,3,7,8-tetrachlorodibenzo-p-dioxin and 1,2,3,7,8-pentachlorodibenzo-p-dioxin. The addition of TEQ reporting will allow better understanding of the releases and waste management quantities currently reported to the TRI for dioxin and dioxin-like compounds. TEQ reporting will also make it easier to compare TRI data on dioxin and dioxin-like compounds with other EPA activities which present data on dioxin and dioxin-like compounds in terms of TEQs. Several industry groups have written OMB supporting the addition of TEQ reporting to TRI.

**Timetable:**

Action	Date	FR Cite
NPRM—	03/07/05	70 FR 10919
Final Action—	01/00/06	

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

Final Rule Stage

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

**Additional Information:** SAN No. 4692; TRI has not converted to NAICS so the Standard Industrial Classification (SIC) Codes are listed: SIC Code 10 Metal Mining (except SIC codes 1011, 1081, and 1094), SIC Code 12 Coal Mining (except SIC code 1241), SIC Code 20-39 Manufacturing, SIC Codes 4911, 4931, and 4939 Electric Utilities (limited to facilities that combust coal and/or oil for the purpose of generating

power for distribution in commerce), SIC Code 4953 Commercial Hazardous Waste Treatment (limited to facilities regulated under the RCRA, subtitle C, 42 U.S.C. section 6921 et seq.), SIC Code 5169 Chemicals and Allied Products-Wholesale, SIC Code 5171 Petroleum Bulk Terminals and Plants, SIC Code 7389 Solvent Recovery Services (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis).

**URL For More Information:**

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**RIN:** 2025-AA12**Environmental Protection Agency (EPA)****Long-Term Actions****Emergency Planning and Community Right-to-Know Act (EPCRA)****3326. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS AND STREAMLINING RULE****Priority:** Other Significant**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022**CFR Citation:** 40 CFR 355; 40 CFR 370**Legal Deadline:** None

**Abstract:** This rule will address the remaining issues from the proposed rule of June 8, 1998. (Reporting thresholds for gasoline and diesel fuel at retail gas stations were included in a separate final rule; 64 FR 7031, February 11, 1999.) This supplemental proposal will address reporting thresholds for chemicals that pose minimal risk. The final rule to the June 8, 1998 proposal and this supplemental proposal will address: Reporting thresholds for rock salt, sand, gravel and other chemicals that pose minimal risk; plain language rewrite; and may consider reporting thresholds for facilities with some similarities to gas stations (motor pools, marinas, etc.) and guidance on approaches to State flexibility. This supplemental rule, when finalized, will minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act. This rule, when finalized, may also reduce the number of facilities subject to these reporting requirements. The reporting requirements under sections 311 and

312 are intended to enhance communities' and emergency response officials' awareness of chemical hazards; to facilitate the development of State and local emergency response plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, state and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

**Timetable:**

Action	Date	FR Cite
NPRM-	06/08/98	63 FR 31268
Supplemental NPRM-	To Be Determined	
Final-	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** SAN No. 3215;

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**RIN:** 2050-AE17**3327. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION**

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

**Legal Authority:** 42 USC 11001 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores can not be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

## EPA—Emergency Planning and Community Right—to—Know Act (EPCRA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM—	02/00/07	
Final Action—	04/00/08	

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

Undetermined

**Federalism:** Undetermined**Additional Information:** SAN No. 4616;**URL For More Information:**

www.epa.gov/tri

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**RIN:** 2025-AA11**3328. 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—	09/05/00	65 FR 53681
Notice of Data Availability—	06/14/05	70 FR 34437
Final Action—	12/00/06	

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

**Additional Information:** SAN No. 2425.1; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

**URL For More Information:**

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**RIN:** 2025-AA17

## Environmental Protection Agency (EPA)

## Emergency Planning and Community Right—to—Know Act (EPCRA)

## Completed Actions

**3329. TRI REPORTING FORMS MODIFICATION RULE****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 372**Completed:**

Reason	Date	FR Cite
Final Action	07/12/05	70 FR 39931

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Shelley Fudge

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**RIN:** 2025-AA15

**Environmental Protection Agency (EPA)**  
**Resource Conservation and Recovery Act (RCRA)**

Prerule Stage

**3330. LAND DISPOSAL RESTRICTIONS: DETERMINATION OF EQUIVALENT TREATMENT FOR MACROENCAPSULATION OF RADIOACTIVE LEAD SOLIDS; DEFINITION OF MACROENCAPSULATION**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924**CFR Citation:** 40 CFR 268.42**Legal Deadline:** None

**Abstract:** EPA anticipates taking action to grant a national determination of equivalent treatment petition at the request of the Department of Energy. Currently the use of containers is prohibited for the disposal of radioactive lead solids. This necessitates the segregation and separation of radioactive lead solids from other debris. Containers of high density polyethylene (HDPE) can be constructed that provide a resistant

barrier to degradation by the wastes and materials into which it may come into contact after disposal. We believe these changes in disposal practices will promote more efficient cleanup of contaminated sites by removing a regulatory distinction between radioactive lead solids and other forms of hazardous debris, reduce worker exposures, and promote further advancement in new technologies for disposal. The use of containers are expected to be less costly than extrusion coatings and, therefore, this action would be cost neutral to cost beneficial to the Department of Energy and other generators of radioactive lead solids.

**Timetable:**

Action	Date	FR Cite
Notice of Data Availability-	03/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4743; Action is of equivalent regulatory stringency. States and Tribes will not be required to adopt.

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**RIN:** 2050-AF12
**Environmental Protection Agency (EPA)**  
**Resource Conservation and Recovery Act (RCRA)**

Proposed Rule Stage

**3331. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS**
**Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944(a)**CFR Citation:** 40 CFR 257**Legal Deadline:** None

**Abstract:** This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), which concluded that waste management regulations under RCRA are appropriate for certain coal combustion wastes. The utility industry has made significant improvement in its waste management

practices over recent years, and most State regulatory programs are similarly improving. However, public comment and other analyses have convinced the Agency that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. There is sufficient evidence that adequate controls may not be in place. For example, 62 percent of existing utility impoundments do not have groundwater monitoring; thus, their impact on ground and surface waters cannot be evaluated in light of numerous damage cases identified by the Agency that involve management of these wastes. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency is currently analyzing the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulation. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR

32214, May 22, 2000). EPA has also considered issuing guidance instead of regulations to industry and State and local governments to focus on these remaining waste management issues but concluded that there will probably continue to be some gaps in practices and controls and is concerned at the possibility that these will go undressed. The Agency also believes the timeframe for improvement of current practices is likely to be longer in the absence of Federal regulation.

**Timetable:**

Action	Date	FR Cite
NPRM-	08/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined

**Additional Information:** SAN No. 4470; This rule may also impact Federal, State, local or tribal governments that own coal-burning commercial electric power generating facilities.

**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation

## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

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**RIN:** 2050-AE81

### 3332. INCREASE METALS RECLAMATION FROM F006 WASTE STREAMS

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** Many metal finishers and other industrial sectors generate an electroplating sludge as part of their production process that is amenable to recycling; i.e., the sludge contains economically recoverable amounts of metals such as copper, nickel, zinc, etc. These sludges (F006) are listed hazardous wastes subject to RCRA regulations. Many generators continue to send these sludges for treatment and disposal when they could be recycled. Similarly, generators currently sending their sludges for recycling receive no economic benefit for this practice. Since the mid-1990's, EPA has been working with industry and the States to create incentives for safe recycling and has promulgated rules to foster this practice. EPA is currently evaluating several options that would provide regulatory relief to generators and handlers of F006. All options would reduce regulatory costs to generators and handlers relative to the current RCRA Subtitle C regulatory program.

**Timetable:**

Action	Date	FR Cite
NPRM-	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**  
Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4651;

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**RIN:** 2050-AE97

### 3333. REVISIONS FOR TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

**Priority:** Other Significant

**Legal Authority:** 42 USC 6901 et seq

**CFR Citation:** 40 CFR 262 subpart H  
(Revision); 40 CFR 262.58; 40 CFR  
264.12(a)(2); 40 CFR 265.12(a)(2)

**Legal Deadline:** None

**Abstract:** The Agency is considering changing the existing regulation 40 CFR 262 subpart H, which regulates transboundary movement of hazardous waste within all countries that are members of the Organization for Economic Cooperation and Development (OECD). This is in response to the fact that there is now approximately \$30-40 billion in annual trade among developed countries in waste recyclables, with the United States having a positive trade balance. Because each of the developed countries (the OECD countries) had a different system for controlling the exports and imports of waste, including recyclables, the international recycling market was not as efficient as it could be. A more streamlined, uniform system for exports and imports will also increase recycling and lessen disposal. The United States was actively involved in the negotiation of a legally-binding OECD multilateral agreement to create a more streamlined system. OECD Member countries are then obligated to transfer the terms of

the multilateral agreement to their domestic regulations in order for the multilateral agreement to have legal authority. This regulation would be amended to comply with changes passed by the OECD Council. Existing waste lists may be restructured to comply with the new OECD waste lists. As such, previously existing waste lists may be renamed according to adopted OECD terminology. Shipments of small waste amounts destined for laboratory analysis may be exempted from filing certain paperwork requirements that are otherwise required. A certificate of recovery may be required upon final recovery of wastes and timeframes for recovery operations may be changed to reflect the decisions made by the OECD Council. This needs to have a Federal solution because international exports and imports are overseen at the Federal level due to the foreign powers authority clause. Many alternatives were considered by government and industry during the intensive negotiations on the legally binding multilateral agreement, with the United States having a great deal of influence over which alternatives were in the final agreement. The Agency plans to codify the streamlining provisions of the OECD multilateral agreement, regulating exporters and importers of waste recyclables. Exporters and importers of waste recyclables will need to implement the international uniform procedures of the OECD multilateral agreement, however these costs will be less than would be needed to deal with different national export and import systems. In addition, some common existing export and import procedures were streamlined so that the new procedures are even more efficient than was common in the past. The benefits are greater administrative efficiency for United States exporters and importers in the international recycling market, and a lower level of waste disposal in the United States since there is more efficient access to other recycling markets.

**Timetable:**

Action	Date	FR Cite
NPRM-	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4606;

## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

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**RIN:** 2050-AE93

**3334. HAZARDOUS WASTE MANAGEMENT SYSTEM: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE (F019 LISTING AMENDMENT IN WASTEWATER TREATMENT SLUDGES FROM ZINC PHOSPHATING PROCESSES IN AUTOMOTIVE ASSEMBLY PLANTS)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 3001

**CFR Citation:** 40 CFR 261.31; 40 CFR 302.4

**Legal Deadline:** None

**Abstract:** Automobile manufacturers are adding aluminum or aluminized components to automobiles to reduce the weight of vehicles to increase fuel economy. When aluminum components are added to the automobile assembly process, the current Federal regulations require that the wastewater treatment sludges generated from this conversion coating process be managed as a hazardous waste under the Resource Conservation and Recovery Act. EPA intends to reduce burden on the regulated community by revising the current RCRA regulations that apply to the wastewater treatment sludges from the chemical conversion coating (zinc phosphating) of aluminum.

**Timetable:**

Action	Date	FR Cite
NPRM-	07/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4834;

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**RIN:** 2050-AG15

**3335. RULEMAKING TO STREAMLINE LABORATORY WASTE MANAGEMENT IN ACADEMIC AND RESEARCH LABORATORIES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6922

**CFR Citation:** 40 CFR 262

**Legal Deadline:** None

**Abstract:** The College and University Laboratory rulemaking is focusing on the ways to make the Resource Conservation and Recovery Act a better fit for the laboratory setting and to improve reuse, recycling, and the overall management of chemicals in the laboratory settings. EPA recognizes the unique aspects of academic laboratories compared with large manufacturing processes. For example, academic laboratories generate small amounts of many different wastes while large manufacturing processes tend to generate large amounts of a few wastes. Our goal is to improve the program to better protect human health and the environment, through standards that are harmonious with the way academic laboratories operate. Our aim is to improve compliance, not by relaxing the standards, but by improving the fit through regulatory changes to 40 CFR 262.34.

**Timetable:**

Action	Date	FR Cite
NPRM-	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4920; No legal deadline.

**Sectors Affected:** 6112 Junior Colleges; 6113 Colleges, Universities and Professional Schools

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**RIN:** 2050-AG18

**3336. EXPANDING THE COMPARABLE FUELS EXCLUSION UNDER RCRA**

**Regulatory Plan:** This entry is Seq. No. 117 in part II of this issue of the Federal Register.

**RIN:** 2050-AG24

**3337. • CRITERIA FOR SAFE AND ENVIRONMENTALLY PROTECTIVE USE OF GRANULAR MINE TAILINGS**

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

**Legal Authority:** Public Law 109-59

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, February 6, 2006, The 2005 Transportation Equity Act requires the Agency to establish criteria within 180 days of enactment.

**Abstract:** The 2005 Transportation Equity Act requires EPA to establish criteria for the safe and environmentally protective use of granular mine tailings (chat) from the Tar Creek, Oklahoma Mining District in cement and concrete products and in transportation construction projects.

**Timetable:**

Action	Date	FR Cite
NPRM-	11/00/05	
Final Action-	02/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal, Local, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 5019;

## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

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**RIN:** 2050-AG27

### 3338. RCRA INCENTIVES FOR PERFORMANCE TRACK MEMBERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 279

**Legal Deadline:** None

**Abstract:** The Performance Track program provides recognition and incentives for facilities that demonstrate to the Agency that they are top environmental performers. Performance Track is a voluntary, facility-based program that reviews applicants twice a year for conformance to four core criteria. These criteria are: a commitment to continuous

improvement, a well-functioning Environmental Management system in place for at least one year, a solid record of compliance, and a commitment to community outreach and annual public reporting. Currently there are about 300 members in Performance Track. In this action, EPA plans to propose a streamlined process for permit modifications, performance based standards for tanks, new capabilities for standardized permits, and reduced duplication between RCRA and CAA standards. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. Performance Track facilities commit to environmental improvements that reach beyond regulatory compliance, and as such benefits are quantifiable via each member facilities' annual report, and in aggregate through EPA's progress reports on the program. In EPA's first Performance Track progress report, member facilities collectively reduced: Energy use by 3.1 million MMBTUs; water use by 775 million gallons; hazardous materials use by 17,996 tons; solid waste by 176,126 tons; hazardous waste by 6,558 tons; emissions of greenhouse gases by 40,193 tons; emissions of nitrogen oxides (NOx) by 2,152 tons; emissions of sulfur dioxide

(SO<sub>2</sub>) by 13,621 tons; and toxic discharges to water by 6,834 tons. Members also increased their use of reused and recycled materials by 13,760 tons and preserved or restored 4,485 acres of habitat.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4828;

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**RIN:** 2090-AA34

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Resource Conservation and Recovery Act (RCRA)

### 3339. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6912(a)

**CFR Citation:** 40 CFR 247

**Legal Deadline:** None

**Abstract:** RCRA section 6002 and E.O. 13101 require EPA to prepare guidelines in the Federal Register which designate items that are or can be made with recovered materials and to issue recommendations for Government procurement of these items. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable.

Government procurement of EPA-designated items containing recovered materials fosters markets for recovered materials, and thereby closes the recycling loop. To date, EPA has designated 61 items under four Comprehensive Procurement Guidelines (CPG1, CPG2, CPG3, and CPG4). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG which provides recommendations on buying the designated items. The E.O. requires EPA to update the CPG every two years. EPA has proposed one new and one revised item designation in CPG5.

#### Timetable:

Action	Date	FR Cite
NPRM-CPG1-	04/20/94	59 FR 18892
Final CPG1-	05/01/95	60 FR 21370

Action	Date	FR Cite
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
NPRM-CPG5-	12/10/03	68 FR 68813
Final-CPG4- RMAN4-	04/30/04	69 FR 24028
Final CPG 5-	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 3545, www.epa.gov/edocket;



## EPA—Resource Conservation and Recovery Act (RCRA)

## Final Rule Stage

**Sectors Affected:** 92119 All Other General Government; 92111 Executive Offices

**URL For More Information:**  
www.epa.gov/cpg

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**RIN:** 2050-AE23

### 3340. RCRA BURDEN REDUCTION INITIATIVE

**Regulatory Plan:** This entry is Seq. No. 127 in part II of this issue of the Federal Register.

**RIN:** 2050-AE50

### 3341. REGULATION OF HAZARDOUS OIL-BEARING SECONDARY MATERIALS FROM PETROLEUM REFINING INDUSTRY AND OTHER HAZARDOUS SECONDARY MATERIALS PROCESSED IN A GASIFICATION SYSTEM TO PRODUCE SYNTHESIS GAS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937; 42 USC 6938; 42 USC 6939; 42 USC 6974

**CFR Citation:** 40 CFR 260; 40 CFR 261

**Legal Deadline:** None

**Abstract:** The U.S. Environmental Protection Agency (EPA) is considering finalizing revisions to the RCRA hazardous regulations to exclude oil-bearing secondary materials, generated by the petroleum refining industry and others, from the definition of solid waste if the materials are destined to be processed in a gasification device manufacturing synthesis gas fuel. We are considering this exclusion in order to clarify and simplify RCRA jurisdiction, and to be consistent with other comparable existing exclusions.

**Timetable:**

Action	Date	FR Cite
NPRM—	03/25/02	67 FR 13684
Final Action—	08/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4411; This is an extension of a previous notice that contained the following RIN 2050-AD88.

**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2050-AE78

### 3342. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT-CONTAMINATED INDUSTRIAL WIPES

**Priority:** Other Significant

**Legal Authority:** 42 USC 6921

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** EPA proposed to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. Industrial wipes are used with solvents across industry in various ways; EPA estimates that there are approximately 471,000 users of industrial wipes in 13 economic sub-sectors, but many users use small numbers of wipes with small amounts of solvents on them. If finalized, this regulation would provide regulatory relief for two types of solvent-contaminated industrial wipes: (1) Disposable wipes, which are disposed of in a landfill or by combustion after use, and (2) reusable wipes, which are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposable industrial wipes from the definition of

hazardous waste and to conditionally exclude reusable industrial wipes from the definition of solid waste. The regulation, if finalized, is estimated to result in \$34 million of savings throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

**Timetable:**

Action	Date	FR Cite
NPRM—	11/20/03	68 FR 65586
Notice of Data Availability—	08/00/06	
Final Action—	08/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4091, EDocket No. 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

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**RIN:** 2050-AE51

### 3343. RECYCLING OF CATHODE RAY TUBES (CRTS): CHANGES TO HAZARDOUS WASTE REGULATIONS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** This action will ultimately revise the existing Federal hazardous waste regulations to encourage recycling and better management of Cathode Ray Tubes (CRTs) by providing

## EPA—Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

a conditional exclusion from the definition of solid waste for CRTs being recycled. A CRT is the display component of a television or computer monitor. A CRT is made largely of specialized glasses, some of which contain lead to protect the user from X-rays inside the CRT. Due to the lead, when they are disposed of or reclaimed, some CRTs are hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations.

**Timetable:**

Action	Date	FR Cite
NPRM—	06/12/02	67 FR 40508
Final Action—	12/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

**Additional Information:** SAN No. 4092, EDocket No. RCRA-2004-0010 (CRTs) RCRA-2004-0012 (Mercury devices);

**Sectors Affected:** 334411 Electron Tube Manufacturing

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RIN: 2050-AE52

**3344. REVISIONS TO THE DEFINITION OF SOLID WASTE**

**Regulatory Plan:** This entry is Seq. No. 128 in part II of this issue of the **Federal Register**.

RIN: 2050-AE98

**3345. PROJECT XL SITE-SPECIFIC RULEMAKING FOR THE IBM SEMICONDUCTOR MANUFACTURING FACILITY IN HOPEWELL JUNCTION, NEW YORK**

Priority: Info./Admin./Other

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

CFR Citation: 40 CFR 261.4(a)

Legal Deadline: None

**Abstract:** This rulemaking provides a site-specific exclusion from the regulatory definition of solid waste for certain wastewater treatment sludges (otherwise designated as Hazardous Waste No. F006) when they are used as ingredients in the production of cement. Without this exclusion, the sludges being legitimately recycled as substitutes for raw materials would remain subject to hazardous waste regulatory requirements, including the need for a storage permit by the cement

manufacturer, which is a major disincentive to recycling the sludges in this manner. This XL project tests the presumption that these sludges can be safely recycled without regulatory oversight.

**Timetable:**

Action	Date	FR Cite
NPRM—	06/06/01	66 FR 30349
Supplemental NPRM—	04/14/03	68 FR 18042
Final Action—	01/00/06	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4565;

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RIN: 2090-AA29

## Environmental Protection Agency (EPA)

Long-Term Actions

## Resource Conservation and Recovery Act (RCRA)

**3346. MANAGEMENT OF CEMENT KILN DUST (CKD)**

Priority: Other Significant

**Legal Authority:** 42 USC 6912(a) "RCRA 2002(a)"; 42 USC 6921(a) "RCRA 3001(a)"

**CFR Citation:** 40 CFR 256; 40 CFR 259; 40 CFR 261; 40 CFR 264

Legal Deadline: None

**Abstract:** In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with cement kiln dust (CKD). In 1995, EPA determined that some additional control of CKD was needed and published a regulatory determination (60 FR 7366, 2/7/95). On August 20, 1999, EPA issued a proposed rule (64 FR 45632) outlining

the Agency's preferred regulatory approach (i.e., an exemption from hazardous waste listing for properly managed CKD) and several optional approaches including requirements solely under RCRA Subtitle D. On July 25, 2002, the Agency published a notice (67 FR 48648) to announce the availability for public inspection and comment of recently acquired data on CKD. The Agency is now considering an approach whereby it would finalize the proposed option of issuing the protective CKD management standards as described in the August 20, 1999 proposal as a RCRA Subtitle D rule. The Agency would temporarily suspend its active consideration of the proposed listing of mismanaged CKD as a hazardous waste, and assess how CKD management practices and state

regulatory programs evolve over the next three to five years. Based on this assessment, EPA will then proceed to either formally withdraw or promulgate the portion of the 1999 proposal that classifies as a RCRA hazardous waste CKD that has been egregiously mismanaged. EPA will be promoting pollution prevention, recycling, and safer disposal of CKD by considering finalization of protective management standards for this waste. The Agency believes that these management standards are a creative, affordable, and common sense approach that can protect human health and the environment without imposing unnecessary regulatory burdens on the cement industry. These standards provide a new, tailored framework that

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

safeguards ground water and limits risk from releases of dust to air.

**Timetable:**

Action	Date	FR Cite
Regulatory Determination—	02/07/95	60 FR 7366
NPRM—	08/20/99	64 FR 45632
Notice—Extend Comment Period—	10/28/99	64 FR 58022
NoDA 1—	07/25/02	67 FR 48648
Notice—Extend Comment Period—	11/08/02	67 FR 68130
Final Action—	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3856;

**Sectors Affected:** 32731 Cement Manufacturing

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**RIN:** 2050-AE34

### 3347. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES—NON-POWER PRODUCERS AND MINEFILLING

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944

**CFR Citation:** 40 CFR 257

**Legal Deadline:** None

**Abstract:** This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by non-utility combustors. Non-utility

combustors are commercial, industrial, and institutional facilities that burn coal in boilers to generate steam. The regulations will also apply to mine facilities where any coal combustion wastes are managed, (i.e., backfilled into mined areas). This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), in which the Agency concluded that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. As described in the regulatory determination, there is sufficient evidence that adequate controls may not be in place. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency has completed information collection efforts and is currently analyzing this information. The Agency will also analyze the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulations. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR 32214, May 22, 2000). EPA has also considered issuing guidance to industry and state and local governments to focus on the waste management issues but concluded that there will probably continue to be some gaps in practices and controls and is concerned at the possibility that these will go unaddressed. The Agency is considering alternatives to regulation of mine placement under RCRA per this action, including consulting with the U.S. Department of the Interior on appropriate measures under the Surface Mining Control and Reclamation Act (SMCRA) or some combination of both SMCRA and RCRA. The schedule has been deferred pending results of a National Academy of Sciences study of the health and environmental risks associated with placement of power plant coal combustion byproducts in coal mines.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, Local, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4469; This rule may also impact Federal, State, local or tribal governments that own/operate coal-burning facilities (excluding facilities that primarily generate electric power for sale) or coal mines that accept coal combustion wastes.

**Sectors Affected:** 325 Chemical Manufacturing; 2121 Coal Mining; 22112 Electric Power Transmission, Control and Distribution; 311 Food Manufacturing; 337 Furniture and Related Product Manufacturing; 62 Health Care and Social Assistance; 322 Paper Manufacturing; 331 Primary Metal Manufacturing; 313 Textile Mills; 336 Transportation Equipment Manufacturing

**URL For More Information:**

<http://www.epa.gov/epaoswer/other/fossil/index.htm>

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**RIN:** 2050-AE83

### 3348. REVISIONS TO SOLID WASTE LANDFILL CRITERIA—LEACHATE RECIRCULATION ON ALTERNATIVE LINERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a

**CFR Citation:** 40 CFR 258

**Legal Deadline:** None

**Abstract:** EPA plans to propose a rule amending the Federal criteria for municipal solid waste landfills (MSWLF) to allow leachate recirculation over alternative liner systems which meet the performance standard specified by the MSWLF criteria. The performance determination would be made by the state director of an approved MSWLF program. EPA also plans to propose a new section to

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

the MSWLF criteria that will allow the alternative of clean closure of landfills rather than require the installation of a landfill cap. This would allow the solid waste in the MSWLF to be totally removed from the site and be properly disposed of at another site. Finally, EPA plans to propose an additional factor for determining the frequency of ground water monitoring for the detection monitoring program specified in this subpart. The additional factor for consideration concerns liner performance where there is some direct system for determining liner performance. However, the minimum monitoring frequency would still be no less than once a year as stated in the existing regulation. The Federal role is to establish minimum protective criteria. This proposal would allow additional flexibility for facility managers of municipal landfills to achieve compliance with the criteria. By providing additional flexibility this proposal will reduce potential costs while providing alternative means of environmental protection.

**Timetable:**

Action	Date	FR Cite
NODA—	04/06/00	65 FR 18014
NPRM—	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local, Tribal

**Additional Information:** SAN No. 4230;

**Sectors Affected:** 562 Waste Management and Remediation Services

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**RIN:** 2050-AE67

**3349. RCRA SMARTER WASTE REPORTING**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104-13

**CFR Citation:** 40 CFR 260.31; 40 CFR 261.4; 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 268.7; 40 CFR 268.9; 40 CFR 270.16; 40 CFR 270.17

**Legal Deadline:** None

**Abstract:** As part of its response to the Paperwork Reduction Act, EPA formed the RCRA Burden Reduction Initiative. The Agency is reviewing additional Burden Reduction opportunities, some of which were proposed but not included in the Burden Reduction Initiative final rule. Additionally, EPA will look for opportunities for burden reduction within the Biennial Report. Moving from a paper system to an electronic system focused on information gathered and generated by Treatment, Storage, and Disposal Facilities may provide for significant Burden Reduction savings.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local, Tribal

**Additional Information:** SAN No. 4735;

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**RIN:** 2050-AF01

**3350. E-CYCLING PILOT PROJECT FOR REGION 3 STATES (ECOS); STREAMLINING RCRA REGULATIONS TO ENCOURAGE REUSE, RECYCLING, AND RECOVERY OF ELECTRONIC EQUIPMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**CFR Citation:** 40 CFR 261.4(a)(24); 40 CFR 261.40

**Legal Deadline:** None

**Abstract:** This project is the result of an Environmental Council of States (ECOS) partnership agreement that EPA Region 3 entered into with the six State environmental agencies. As part of the partnership agreement, the Region agreed to prepare a regional rule and to expedite its promulgation by using the direct final rulemaking process. By using this innovative approach to have a regional e-Cycling Pilot Project, EPA Region 3 and the Mid-Atlantic States (DE, DC, MD, PA, VA, WV) will be able to provide additional information about EPA's national proposed cathode ray tube (CRTs) exclusion from the definition of solid waste (e.g., CRTs are the video display components of televisions and computer monitors). The Regional e-Cycling Pilot Project could serve as a model for electronic recycling nationwide and the states believe that the recycling program will function effectively as a result of this regulatory flexibility.

**Timetable:**

Action	Date	FR Cite
NPRM—	12/26/02	67 FR 78761
Direct Final—	12/26/02	67 FR 78718
Direct Final	02/24/03	68 FR 8553
Withdrawn—		
Final Action—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 4701;

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## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

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**RIN:** 2003-AA00

### 3351. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO PETROLEUM CONTAMINATED MEDIA AND DEBRIS FROM UNDERGROUND STORAGE TANKS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 6921 "RCRA 3001"

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** In the final hazardous waste Toxicity Characteristic (TC) rule published in June 1990, EPA decided to temporarily defer application of the TC rule to petroleum-contaminated media and debris, such as soils and groundwater, that result from underground storage tank (UST) corrective actions. This rule is part of the Agency's commitment to make a final determination regarding the UST temporary deferral. The temporary deferral was, in part, based on the Agency's concern that without such a deferral, UST cleanup procedures would be adversely affected, resulting in delays in remedial action and increases in remediation costs. Since this action is deregulatory, there are no adverse effects on small businesses, or on State, local, or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM-	02/12/93	58 FR 8504
Final Action-	12/00/10	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 3189;

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**RIN:** 2050-AD69

### 3352. HAZARDOUS WASTE GENERATOR PROGRAM EVALUATION

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912; 42 USC 6921-6930; 42 USC 6974

**CFR Citation:** 40 CFR 261; 40 CFR 262

**Legal Deadline:** None

**Abstract:** EPA is in the process of evaluating comments associated with the effectiveness and efficiency of RCRA's hazardous waste generator regulatory program. These comments were submitted in response to an Advanced Notice of Proposed Rulemaking (ANPRM) seeking comment on a series of questions associated with the current program, as well as on a series of questions associated with the current program, as well as identifying areas for improvement. Once these comments have been evaluated, EPA will develop a program strategy, subject to resource availability, that strives to improve both the efficiency and effectiveness of the RCRA hazardous waste generator regulatory program. As part of this strategy future milestones will be identified.

**Timetable:**

Action	Date	FR Cite
ANPRM-	04/22/04	69 FR 21801
NPRM-	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4824;

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**RIN:** 2050-AG25

### 3353. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a); 42 USC 6924; 42 USC 6925; 42 USC 6926

**CFR Citation:** 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

**Legal Deadline:** None

**Abstract:** EPA's regulations require companies to provide financial assurance for environmental obligations, and allow companies that meet certain requirements to self insure their environmental obligations for closure, post-closure care and third party liability. EPA proposed a revised financial test because the revised test would be better at predicting which firms will enter bankruptcy and not be able to cover their financial assurance obligations at hazardous waste treatment, storage and disposal facilities. If such a firm were to enter bankruptcy, the Government could incur the clean up liability. EPA's regulations set the minimum national standards for State hazardous waste programs, and so a change in federal requirements would be necessary to ensure consistent improvements in the test. Without rulemaking, States would have the option of not adopting these changes, and so the improvement in the test would not be implemented in States that cannot have regulations that are more stringent than Federal standards. The proposal considered several alternative financial tests, and the analysis supporting the original proposal found that the savings from the proposed alternative would be \$19 million in public and private costs. If EPA promulgates a revised financial test, it may affect companies that treat, store or dispose of hazardous waste. EPA has suspended work on this rulemaking because it has asked the Environmental Financial Advisory Board (a Federal advisory committee) to evaluate the financial test proposed in 1991 as one means of complying with the requirements for financial assurance for closure and post-closure under RCRA Subtitle C. Specifically, EPA has asked the Board, "Should EPA adopt the financial test proposed in 1991 for hazardous waste, or have advancements in financial analysis provided better potential tests in the meantime?" The Agency will evaluate the report of the Board before deciding how to proceed with the 1991 proposed rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM Original-	07/01/91	56 FR 30201
NPRM-	10/12/94	59 FR 51523
Final-	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 2647;

**Sectors Affected:** 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 33299 All Other Fabricated Metal Product Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 331311 Alumina Refining; 4411 Automobile Dealers; 323110 Commercial Lithographic Printing; 334 Computer and Electronic Product Manufacturing; 22111 Electric Power Generation; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 325193 Ethyl Alcohol Manufacturing; 221112 Fossil Fuel Electric Power Generation; 45431 Fuel Dealers; 4471 Gasoline Stations; 811111 General Automotive Repair; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 33271 Machine Shops; 56292 Materials Recovery Facilities; 333319 Other Commercial and Service Industry Machinery Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 323114 Quick Printing; 22132 Sewage Treatment Facilities; 48422 Specialized Freight (except Used Goods) Trucking, Local; 311942 Spice and Extract Manufacturing; 336 Transportation Equipment Manufacturing; 56211 Waste Collection; 56221 Waste Treatment and Disposal

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**RIN:** 2050-AC71

### 3354. REVISIONS OF THE LEAD-ACID BATTERY EXPORT NOTIFICATION AND CONSENT REQUIREMENTS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6901 et seq

**CFR Citation:** 40 CFR subpart G 266.80 (a)

**Legal Deadline:** None

**Abstract:** Currently, generators, transporters and facilities that reclaim but do not store spent lead-acid batteries are exempt from hazardous waste management requirements, as specified in 40 CFR Part 266 subpart G. Spent lead-acid batteries destined for export/reclamation are not, therefore, subject to RCRA manifesting or export notification and consent requirements specified in 40 CFR Part 262. Allowing the export of spent lead-acid batteries without prior notice and consent of the receiving country is not consistent with widely-accepted international practices. Similarly, the exemption contrasts with more recent Universal Waste requirements in 40 CFR Part 262, which require export notice and consent for comparable waste streams. The purpose of this regulation is to modify the spent lead-acid battery exemption to require appropriate notice and consent for those batteries intended for export.

**Timetable:**

Action	Date	FR Cite
NPRM-	11/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4778;

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**RIN:** 2050-AF06

### 3355. HAZARDOUS WASTE MANIFEST REVISIONS—STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6926; PL 105-277

**CFR Citation:** 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

**Legal Deadline:** None

**Abstract:** This action is aimed at continuing the development of regulatory standards and procedures that will govern the initiation, signing, transmittal, and retention of hazardous waste manifests using electronic documents and systems. EPA proposed electronic manifest standards in May 2001, as part of a more general manifest revision action that also addressed standardizing the paper manifest form's data elements and procedures for its use across all states. The Manifest Form Revisions was decoupled from action on the electronic manifest, and the Final Form Revisions Rule was published on March 4, 2005. The May 2001 proposed rule included: (1) Electronic file formats for the manifest data elements; (2) electronic signature options; and (3) computer security controls aimed at ensuring data integrity and reliable systems. Subsequently in May 2004, a stakeholder meeting collected additional stakeholder views on the future direction of the electronic manifest. Based on the record developed for the proposed standards and the additional views from stakeholders at the May 2004 meeting, EPA is considering final action on the proposed standards.

**Timetable:**

Action	Date	FR Cite
NPRM-	05/22/01	66 FR 28240
Notice of Public Meeting-	04/01/04	69 FR 17145
Final Action-	04/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3147.1; Split from RIN 2050-AE21.

**Sectors Affected:** 323 Printing and Related Support Activities; 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 482 Rail Transportation; 483 Water Transportation; 484 Truck Transportation; 2111 Oil and Gas Extraction; 2122 Metal Ore Mining; 2211 Electric Power Generation,

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

Transmission and Distribution; 3221 Pulp, Paper, and Paperboard Mills; 5621 Waste Collection; 56221 Waste Treatment and Disposal

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**RIN:** 2050-AG20

## Environmental Protection Agency (EPA)

## Completed Actions

## Resource Conservation and Recovery Act (RCRA)

**3356. STANDARDIZED PERMIT FOR RCRA HAZARDOUS WASTE MANAGEMENT FACILITIES**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 124; 40 CFR 267; 40 CFR 270

**Completed:**

Reason	Date	FR Cite
Final Action-	09/08/05	70 FR 53420

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2050-AE44

**3357. METHODS INNOVATION RULE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63; 40 CFR 171; 40 CFR 258; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270; 40 CFR 279

**Completed:**

Reason	Date	FR Cite
NPRM-	10/30/02	67 FR 66252
Final Action-	06/14/05	70 FR 34538
Correction Notice-	08/01/05	70 FR 44150

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local, Tribal

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**RIN:** 2050-AE41

**3358. HAZARDOUS WASTE MANIFEST REGULATION**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

**Completed:**

Reason	Date	FR Cite
NPRM-	05/22/01	66 FR 28240
Final Action-	03/04/05	70 FR 10776
Final Action-	06/16/05	70 FR 35034

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2050-AE21

**3359. REVISION OF WASTEWATER TREATMENT EXEMPTIONS FOR HAZARDOUS WASTE MIXTURES**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 261.3(a)(2)(iv)(A)-(G)(Revision)

**Completed:**

Reason	Date	FR Cite
Final Action-	10/04/05	70 FR 57769

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2050-AE84

**3360. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS (PHASE I FINAL REPLACEMENT STANDARDS AND PHASE II)**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

**Completed:**

Reason	Date	FR Cite
Final Action-	10/12/05	70 FR 59402

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State, Tribal

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**RIN:** 2050-AE01

**3361. HAZARDOUS WASTE MANAGEMENT SYSTEM; MODIFICATION OF THE HAZARDOUS WASTE PROGRAM: MERCURY-CONTAINING EQUIPMENT**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 261; 40 CFR 273

**Completed:**

Reason	Date	FR Cite
Final Action-	08/05/05	70 FR 45508

## EPA—Resource Conservation and Recovery Act (RCRA)

## Completed Actions

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Katherine Blanton  
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Reason	Date	FR Cite
NPRM-	07/24/01	66 FR 38395
Final Action-	06/27/05	70 FR 36850

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sandra Panetta  
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Email: filbin.gerald@epamail.epa.gov**RIN:** 2090-AA14**Environmental Protection Agency (EPA) Oil Pollution Act (OPA)****Proposed Rule Stage****3363. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE, 40 CFR PART 112****Regulatory Plan:** This entry is Seq. No. 115 in part II of this issue of the **Federal Register**.**RIN:** 2050-AG16**3364. REGULATORY ACTIONS ASSOCIATED WITH THE NOTICES OF DATA AVAILABILITY ON THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE, 40 CFR PART 112****Regulatory Plan:** This entry is Seq. No. 116 in part II of this issue of the **Federal Register**.**RIN:** 2050-AG23**3365. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 9605**CFR Citation:** 40 CFR 300.425**Legal Deadline:** None**Abstract:** This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous

substance releases and to delete sites that have been cleaned up.

**Timetable:**

Action	Date	FR Cite
Final 20-	03/06/98	63 FR 11332
NPRM 24-	03/06/98	63 FR 11340
Final 21-	07/28/98	63 FR 40182
NPRM 25-	07/28/98	63 FR 40247
Final Tex-Tin-	09/18/98	63 FR 49855
Final 22-	09/29/98	63 FR 51848
NPRM 26-	09/29/98	63 FR 51882
Final 23-	01/19/99	64 FR 2942
NPRM 27-	01/19/99	64 FR 2950
NPRM Midnight Mine-	02/16/99	64 FR 7564
NPRM 28-	04/23/99	64 FR 19968
Final 24-	05/10/99	64 FR 24949
NPRM Alameda-	05/10/99	64 FR 24990
Final 25-	07/22/99	64 FR 39878
NPRM 29-	07/22/99	64 FR 39886
NPRM 30-	10/22/99	64 FR 56992
Final Action-	10/22/99	64 FR 56966
Final 26-	02/04/00	65 FR 5435
NPRM 31-	02/04/00	65 FR 5468
Final 28-	05/11/00	65 FR 30482
NPRM 32-	05/11/00	65 FR 30489
Final 29-	07/27/00	65 FR 46096
NPRM 33-	07/27/00	65 FR 46131
NPRM Alabama/Malone-	08/24/00	65 FR 51567
Final 30-	12/01/00	65 FR 75179
NPRM 34-	12/01/00	65 FR 75215
NPRM 35-	01/11/01	66 FR 2380
Final 31-	06/14/01	66 FR 32235
NPRM 36-	06/14/01	66 FR 32287
Final 32-	09/13/01	66 FR 47583
NPRM 37-	09/13/01	66 FR 47612
NPRM Libby/Omaha-	02/26/02	67 FR 8836
Final adds 19 sites-	09/05/02	67 FR 56757
NPRM 38-	09/05/02	67 FR 56794
Final Action-	10/24/02	67 FR 65315
Final Action-	04/30/03	68 FR 23077

Action	Date	FR Cite
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-	11/00/05	
NPRM 43-	11/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 3439;**URL For More Information:** [www.epa.gov/superfund](http://www.epa.gov/superfund)**Agency Contact:** Terry Jeng, Environmental Protection Agency, Solid Waste and Emergency Response, 5204G, Washington, DC 20460  
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## EPA—Oil Pollution Act (OPA)

## Proposed Rule Stage

**3366. ADMINISTRATIVE REPORTING EXEMPTION FOR CERTAIN AIR RELEASES OF NOX**

**Regulatory Plan:** This entry is Seq. No. 114 in part II of this issue of the Federal Register.

**RIN:** 2050-AF02

**3367. NATIONAL CONTINGENCY PLAN REVISIONS TO ALIGN WITH THE NATIONAL RESPONSE PLAN**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9601 et seq

**CFR Citation:** 40 CFR 300

**Legal Deadline:** None

**Abstract:** The purpose of this regulation is to revise the National Contingency Plan (NCP) to align it with the National Response Plan (NRP), as required by the Department of Homeland Security. The purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. (see 40 CFR 300.1). The purpose of the NRP is to provide a common organizational

structure and procedures for Federal departments and agencies to provide emergency and disaster assistance to State, tribal, and local governments for incidents of national significance. The NRP was developed by the Department of Homeland Security, in close consultation with federal (including EPA), state, Tribal, local governments, first responder organizations, private sector preparedness and relief groups. Alignment of the NCP with the NRP will facilitate smooth integration of emergency response activities under the NCP with the NRP when both plans are activated. The NRP does not alter the existing authorities of Federal departments and agencies, but rather, establishes the coordinating structures, processes, and protocols required to integrate the authorities of various agencies into an all-hazard approach to incident management. EPA is making another minor revision to the NCP. The descriptions of Federal agency capabilities are being updated, and modifications are being made, where appropriate to reflect the new Department of Homeland Security organization.

**Timetable:**

Action	Date	FR Cite
NPRM-	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4971;

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**RIN:** 2050-AG22

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Comprehensive Environmental Response, Compensation and Liability Act

**3368. REPORTABLE QUANTITY ADJUSTMENTS FOR CARBAMATES AND CARBAMATE-RELATED HAZARDOUS WASTE STREAMS; REPORTABLE QUANTITY ADJUSTMENT FOR INORGANIC CHEMICAL MANUFACTURING PROCESS WASTE (K178)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 9602(a); 42 USC 11004

**CFR Citation:** 40 CFR 302; 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA listed carbamate waste streams and certain inorganic chemical manufacturing process waste as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). RCRA listed wastes, by statute, automatically become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and are assigned a one pound statutory reportable quantity (RQ) until EPA adjusts them. These

substances also become subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) with a one pound threshold. EPA proposed RQ adjustments for these carbamates and wastes. Most RQ adjustments are greater than one pound. Raising the RQs for these substances will decrease the burden on 1) the regulated community for complying with the reporting requirements under CERCLA and EPCRA; 2) Federal, State, and local authorities for program implementation; and 3) Federal, State, or local authorities, if they release hazardous substances at the RQ level or greater. In addition, we proposed an RQ adjustment for the inorganic chemical manufacturing process waste (K178) (66 FR 58258, 11/20/01). The comment period for the proposed rule closed February 2, 2004. EPA is in the process of addressing the few comments received and going forward with the final rule.

**Timetable:**

Action	Date	FR Cite
NPRM-	12/04/03	68 FR 67916
Final Action-	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3423;

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**RIN:** 2050-AE12

**3369. STANDARDS AND PRACTICES FOR CONDUCTING ALL APPROPRIATE INQUIRIES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9601 et seq

## EPA—Comprehensive Environmental Response, Compensation and Liability Act

Final Rule Stage

**CFR Citation:** 40 CFR 312**Legal Deadline:** Final, Statutory, January 11, 2004, Small Business Liability Protection Act section 223, CERCLA 101(35)(B)(2)(ii).**Abstract:** The Small Business Liability Relief and Brownfields Revitalization Act (the “Brownfields Amendments”) amended a number of provisions in CERCLA including section 101(35)(B) and includes, among other things, new provisions regarding CERCLA liability protections for certain landowners. As part of these provisions, the Brownfields Amendments require bona fide prospective purchasers, contiguous property owners, and innocent landowners to conduct “all appropriate inquiries” into prior ownership and use of the property at the time the party acquires the property. In the Brownfields Amendments, Congress directed EPA to promulgate regulations establishing standards and practices for conducting “all appropriate inquiries.” Section 101 (35)(B)(iii) of CERCLA, as amended, includes criteria that EPA is

required to address in setting these standards and practices. This regulation, when finalized, will establish the federal standards for conducting “all appropriate inquiries,” pursuant to the statute. Recipients of Brownfields Assessment Grants awarded under section 104(k)(2)(B) of CERCLA also will be regulated by the final action. Purchasers of contaminated properties seeking any of the protections from CERCLA liability will be required to follow the promulgated procedures and standards. EPA developed the proposed Federal standard for all appropriate inquiries under a negotiated rulemaking process. EPA published a proposed rule based upon the Negotiated Rulemaking Committee’s consensus-based regulatory language on August 26, 2004. The public comment period for the proposal ended November 30, 2004.

**Timetable:**

Action	Date	FR Cite
NPRM—	08/26/04	69 FR 52542
Final Action—	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4739; State, local and tribal governments affected if they are grant recipients.**Agency Contact:** Patricia Overmeyer, Environmental Protection Agency, Solid Waste and Emergency Response, 5105T, Washington, DC 20460  
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**RIN:** 2050-AF04

## Environmental Protection Agency (EPA)

Long-Term Actions

## Comprehensive Environmental Response, Compensation and Liability Act

**3370. CRITERIA FOR THE DESIGNATION OF HAZARDOUS SUBSTANCES UNDER CERCLA SECTION 102(A)****Priority:** Other Significant**Legal Authority:** 42 USC 9602**CFR Citation:** 40 CFR 302.4**Legal Deadline:** None**Abstract:** This action will address the development of evaluation criteria for the designation of substances as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). It is necessary to develop evaluation criteria because the Agency has the authority under CERCLA 102(a) to designate substances as hazardous; however, the Agency does not have criteria to do so. To date the only substances designated as CERCLA hazardous substances are as a result of their appearance on other Acts’ lists defined under CERCLA 101(14). Using CERCLA designation criteria the Agency may establish CERCLA hazardous substances independently from other Acts, in the interest of public health and the environment. The

purpose of this action is to have well thought-out criteria for designating hazardous substances that may be applied to individual substances for evaluation and decision as to whether or not the substance should be appropriately designated a CERCLA 102(a) hazardous substance. The Agency already has the authority to designate substances as hazardous; in this action, criteria will be developed to implement that authority.

**Timetable:**

Action	Date	FR Cite
ANPRM—	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4201;**Agency Contact:** Lynn Beasley, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460  
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**RIN:** 2050-AE63**3371. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES****Priority:** Other Significant**Legal Authority:** 42 USC 9602-9603**CFR Citation:** 40 CFR 302 (Revision)**Legal Deadline:** None**Abstract:** The Agency is considering a proposal for corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F-and K- waste streams and entries in Appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in Table 302.4, Appendix A to Section 302.4, and the table in Section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in Table 302.4.

## EPA—Comprehensive Environmental Response, Compensation and Liability Act

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:**

Undetermined

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**RIN:** 2050-AF03**3372. REVISE 40 CFR PART 35 SUBPART O: COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS****Priority:** Other Significant**Legal Authority:** 42 USC 9601 to 9675**CFR Citation:** 40 CFR 35 subpart O**Legal Deadline:** None

**Abstract:** 40 CFR part 35 subpart O is the Superfund Administrative Regulation that governs awarding of Superfund cooperative agreements (CAs) to States, Indian tribes, and territories of the United States. Subpart O covers State-led, site-specific cooperative agreements for non-time-critical removal, preredial, remedial, and enforcement actions, and site-specific management assistance for

federal-lead projects. Also covered by subpart O are non-site-specific Core Program and Voluntary Cleanup Program State infrastructure development, as well as Brownfields pilots, and Brownfields assessments. The requirements for Superfund State contracts, financial administration, property, procurement, reporting, recordkeeping, and close-out are provided in subpart O. Subpart O was promulgated 6/5/1990, and became effective on 7/5/1990. Many changes in the Superfund program have occurred over the past almost 15 years and these need to be reflected in subpart O. The six categories of CAs presently used in subpart O need greater flexibility to accommodate the new types of CAs that have developed. For example, the number of Block Funding Reform pilots, begun in 1997, to consolidate several of the cooperative agreements offered in subpart O, has grown to about 16 for fiscal year 2000, and have generated at least 60 approved deviation requests from subpart O and 40 CFR part 31. These pilot projects offer considerable administrative relief to States, tribes, and EPA by reducing reporting requirements, broadening scope changes without amendment, increasing the ability to move monies within and among CAs, and relaxing application requirements regarding site-specific identification of cooperative agreement funds to certain activities, while maintaining site-specific drawdown requirements needed for cost recovery and Superfund accounting. Subpart O also needs to be conformed with part 31 (Uniform

Administrative Requirements for Grants and Cooperative Agreements). EPA expects to institutionalize the combining of CA types, create more flexible reporting requirements, permit greater scope changes without amendment, provide more flexible money movement within and among CAs, and promote other policy advances in State/tribal/EPA interaction.

**Timetable:**

Action	Date	FR Cite
Interim Final—	12/00/08	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4177;

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**RIN:** 2050-AE62

## Environmental Protection Agency (EPA)

## Clean Water Act (CWA)

## Proposed Rule Stage

**3373. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN; SUBPART J PRODUCT SCHEDULE LISTING REQUIREMENTS****Priority:** Other Significant**Legal Authority:** 33 USC 1321(d)(2); CWA 311(d)(2)**CFR Citation:** 40 CFR 300**Legal Deadline:** None

**Abstract:** This action will propose revisions to subpart J of the National Contingency Plan (NCP). The Clean Water Act requires EPA to prepare a schedule of dispersants, other

chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Under subpart J, respondents wishing to add a product to the Product Schedule must submit technical product data to EPA. This rulemaking will propose revisions to subpart J to clarify and change protocols for effectiveness and toxicity testing. It will clarify EPA authority to remove products from the Product Schedule. These changes will help ensure protection of the environment when these products are used to clean up and mitigate oil spills (1) into or upon navigable waters, adjoining shorelines,

the waters of the contiguous zone, or (2) which may affect natural resources belonging to or under the exclusive management authority of the United States.

**Timetable:**

Action	Date	FR Cite
NPRM—	05/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4526;

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

**Sectors Affected:** 3251 Basic Chemical Manufacturing; 325 Chemical Manufacturing; 3259 Other Chemical Product Manufacturing; 54 Professional, Scientific and Technical Services

**URL For More Information:**

www.epa.gov/oilspill

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**RIN:** 2050-AE87

### 3374. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES—PHASE II

**Priority:** Other Significant

**Legal Authority:** 33 USC 1322; 33 USC 1361

**CFR Citation:** 40 CFR 1700

**Legal Deadline:** Final, Statutory, May 10, 2001.

**Abstract:** This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of these discharges have the potential to introduce oil or other organics into

receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as hull coating leachate); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. The Phase II performance standards will be promulgated in five “batches.” Each batch will address several performance standards. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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

**Additional Information:** SAN No. 4357;

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**RIN:** 2040-AD39

### 3375. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-554, sec 1404 to 1407

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Title XIV: Certain Alaska Cruise Ship Operations (HR 4577)

authorizes EPA to establish effluent standards for black and gray water from cruise ships into the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve. EPA will develop those standards based on the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. The implementation of these regulations will reduce the environmental impacts of cruise ships operating in the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4746; This rule was formerly known as “Regulations for Cruise Ships Operating in Alaskan Waters”

**Sectors Affected:** 483114 Coastal and Great Lakes Passenger Transportation; 483112 Deep Sea Passenger Transportation

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**RIN:** 2040-AD89

### 3376. 2006 EFFLUENT GUIDELINES PROGRAM PLAN

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 301, 304, 306, 307

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, September 2, 2006.

**Abstract:** EPA publishes a final Effluent Guidelines Plan every other year after taking comment on a

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

preliminary plan, as required by Section 304(m) of the Clean Water Act. This Federal Register notice presents EPA's preliminary Effluent Guidelines Program Plan for 2006. This notice also discusses EPA's annual review of effluent limitations guidelines and standards undertaken pursuant to sections 304(b), 304(g), and 307(b). EPA's 2006 final Effluent Guidelines Program Plan will identify guidelines that may be revised or new guidelines that may be developed, and will provide a schedule for such rulemaking.

**Timetable:**

Action	Date	FR Cite
Proposal—	08/29/05	70 FR 51042
Comment Period End—	10/28/05	
Final Plan—	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4965, EDocket No. OW-2004-0032;

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**RIN:** 2040-AE76

**3377. • CONCENTRATED ANIMAL FEEDING OPERATION RULE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 301, 304, 306, 307, 308, 402, 501

**CFR Citation:** 40 CFR 122 and 40 CFR 412

**Legal Deadline:** None

**Abstract:** This rulemaking is in response to the Second Circuit's February 28, 2005, decision in *Waterkeeper Alliance vs. EPA*, which

vacated provisions in the Concentrated Animal Feeding Operations (CAFO) rule found at 40 CFR 412. Two vacatures from the case affect the 1) duty that all CAFOs need to apply for an NPDES permit, and 2) provisions that nutrient management plans (NMPs) need only be kept on-site. In accordance with the court's decision, this proposed rule will remove the duty to apply for all CAFOs and replace it with a requirement for CAFOs to apply for a permit if they discharge or propose to discharge. The proposed rule also will establish a process to address the court's concerns that the information within NMPs be available for public comment, reviewed by the permit authority, and incorporated into the permit. It is EPA's intention to make only those changes necessary to address the issues raised by the court.

**Timetable:**

Action	Date	FR Cite
NPRM—	03/00/06	
Final Action—	03/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4996;

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**RIN:** 2040-AE80

**3378. • OIL AND GAS PHASE II STORM WATER PERMIT REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 402(p)(11)

**CFR Citation:** 40 CFR 122

**Legal Deadline:** None

**Abstract:** On Monday, August 8, President Bush signed into law The Energy Policy Act of 2005 (H.R. 6, "the Energy Bill"). Section 323 of the legislation modifies section 502 of the Federal Water Pollution Control Act to define the term "oil and gas exploration, production, processing, or treatment operations, or transmission facilities" to mean "all field activities or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activities." EPA interprets this statutory language change as excluding all construction activities associated with oil and gas exploration and production operations from NPDES storm water permit requirements. Reflecting the changes in the new law, EPA expects to propose modifications to its current regulations governing construction site storm water discharges for oil and gas activities regulated by the Phase I and Phase II storm water rules.

**Timetable:**

Action	Date	FR Cite
NPRM—	12/00/05	
Final Action—	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4979;

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**RIN:** 2040-AE81

**Environmental Protection Agency (EPA)  
Clean Water Act (CWA)**
**Final Rule Stage**
**3379. TEST PROCEDURES: NEW AND UPDATED TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314; 33 USC 1361(a); 42 USC 300f; 42 USC 300g-1; 42 USC 300j-4; 42 USC 300j-9(a)

**CFR Citation:** 40 CFR 136; 40 CFR 141

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR Part 136 and the National Primary Drinking Water Regulations under 40 CFR part 141 to approve new and updated EPA methods for wastewater, ambient water quality, and drinking water, including new and updated versions of methods from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater, ambient water quality and/or drinking water programs, as authorized under the Clean Water Act and Safe Drinking Water Act. The proposal included new methods for metals, such as Method 200.8 (which utilizes ICP/MS), new methods for chemical pollutants (e.g., Method 245.7), updated methods for chemical pollutants (e.g., Methods 300.1 and 200.7), including methods from voluntary consensus standards bodies, and from other external organizations submitted under EPA's alternate test procedure program. The new and updated methods include methods from organizations such as the American Society for Testing and Materials, International Standard Methods, and the Association of Official Analytical Chemists-International.

**Timetable:**

Action	Date	FR Cite
NPRM-	04/06/04	69 FR 18166
NODA-	02/16/05	70 FR 7909
Final Action-	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local, Tribal

**Additional Information:** SAN No. 4540; This action incorporates the following analytical methods that had previously been tracked independently: 1. RIN

2040-AC95, SAN 3155 - Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase One 2. RIN 2040-AD12, SAN 4089 - Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase Two, and 3. RIN 2040-AD52, SAN 4377 - Test Procedures for the Analysis of Mercury Under the Clean Water Act (Method 245.7).

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**RIN:** 2040-AD71

**3380. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3**
**Priority:** Other Significant

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

**Legal Authority:** CWA 101, 304, 308, 401, 402, 510

**CFR Citation:** 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

**Legal Deadline:** NPRM, Judicial, November 1, 2004.  
Final, Judicial, June 1, 2006.

**Abstract:** This rulemaking will affect existing facilities that use cooling water intake structures, and whose intake flow levels exceed a minimum threshold to be determined by EPA during this rulemaking. The rule would address existing facilities in the following industries if they meet the specified threshold levels: Pulp and paper manufacturing facilities; chemicals and allied products manufacturing facilities; petroleum and coal products manufacturing facilities; primary metals manufacturing facilities; and any other existing facility not

already subject to Phase 2 regulations. EPA will also consider developing regulations for certain new offshore facilities not included in the Phase I rule, such as offshore and coastal oil and gas extraction facilities. Section 316(b) of the Clean Water Act provides that any standard established pursuant to sections 301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. A primary purpose of this action is to minimize the impingement and entrainment of fish and other aquatic organisms by cooling water intake structures. Impingement occurs when fish and other aquatic life are trapped against cooling water intake structures. Entrainment occurs when aquatic organisms, eggs and larvae are drawn into a cooling system and then pumped back out, resulting in significant injury or mortality to the entrained organisms.

**Timetable:**

Action	Date	FR Cite
NPRM-	11/24/04	69 FR 68444
Final Action-	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 4543; Split from RIN 2040-AC34.

**Sectors Affected:** 312 Beverage and Tobacco Product Manufacturing; 325 Chemical Manufacturing; 61131 Colleges, Universities and Professional Schools; 334 Computer and Electronic Product Manufacturing; 211111 Crude Petroleum and Natural Gas Extraction; 22111 Electric Power Generation; 335 Electrical Equipment, Appliance and Component Manufacturing; 332 Fabricated Metal Product Manufacturing; 311 Food Manufacturing; 333 Machinery Manufacturing; 21 Mining; 211112 Natural Gas Liquid Extraction; 327 Nonmetallic Mineral Product Manufacturing; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 22133 Steam and Air-Conditioning

## EPA—Clean Water Act (CWA)

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Supply; 313 Textile Mills; 336 Transportation Equipment Manufacturing; 321 Wood Product Manufacturing

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**RIN:** 2040-AD70

### 3381. TEST PROCEDURES FOR THE ANALYSIS OF E. COLI, ENTEROCOCCI, FECAL COLIFORMS, AND SALMONELLA UNDER THE CLEAN WATER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1345; 33 USC 1361(a)

**CFR Citation:** 40 CFR sec 136.3

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the “Guidelines Establishing Test Procedures for the Analysis of Pollutants” under 40 CFR Part 136 to approve several microbiological methods for monitoring wastewater and biosolids for use by testing laboratories. The proposal will include several analytical methods for monitoring E. coli and Enterococci in wastewater and several analytical methods for monitoring fecal coliforms and salmonella in biosolids. This proposed regulations would approve test procedures to be available for use by testing laboratories. Test procedures in part 136 must be used in implementing the NPDES program.

#### Timetable:

Action	Date	FR Cite
NPRM-	08/16/05	70 FR 48256
Final Action-	06/00/06	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4950;

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**RIN:** 2040-AE68

### 3382. EFFLUENT GUIDELINES FOR THE IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY (REVISION)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 308; CWA 402; CWA 501

**CFR Citation:** 40 CFR 420

**Legal Deadline:** None

**Abstract:** In October 2002, EPA promulgated revisions to the Iron and Steel Manufacturing Effluent Guidelines rule (40 CFR 420) which, among other things, prohibited establishing alternative limits for oil and grease under the “water bubble.” The October 2002 revisions did not fully reflect the fact that some facilities already had permits that allowed “water bubble” oil and grease limitations. The October 2002 revisions also contained incorrect construction dates for determining when the new source standards apply. This action will amend the final rule to restore the option of establishing alternative limitations for oil and grease under certain circumstances and to correct the new source construction dates. All other pollutant limitations and requirements from the October 2002 final rule will remain unchanged. This action will not change the cost or impact estimates associated with the October 2002 final rule.

#### Timetable:

Action	Date	FR Cite
NPRM-	08/10/05	70 FR 46459
NPRM Comment Period End	09/09/05	
Final Action-	12/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 4947;

**Sectors Affected:** 3311 Iron and Steel Mills and Ferroalloy Manufacturing; 3312 Steel Product Manufacturing from Purchased Steel

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**RIN:** 2040-AE78

### 3383. • RULEMAKING ON DIRECT APPLICATION OF PESTICIDES TO WATERS OF THE UNITED STATES IN COMPLIANCE WITH FIFRA

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** This action may affect State, local or tribal governments.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 122.3

**Legal Deadline:** None

**Abstract:** EPA is working to codify its February 1, 2005, proposed rulemaking and interpretive statement entitled “Application of Pesticides to Waters of the United States in Compliance with FIFRA.” The proposed rulemaking and interpretive statement proposed to revise the NPDES permit program regulations to incorporate the substance of the interpretive statement, which clarifies when pesticides are applied to waters of the United States in compliance with FIFRA, an NPDES permit is not required in two circumstances: (1) The application of pesticides directly to waters of the United States in order to control pests. Examples of such applications include applications to control mosquito larvae, aquatic weeds or other pests that are present in the waters of the United States; (2) The application of pesticides to control pests that are present over waters of the United States, including near such waters, that results in a portion of the pesticides being deposited to waters of the United States; for example, when insecticides are aerially applied to a forest canopy where waters of the United States may be present below the canopy or when pesticides are applied over, including near, water for control of adult mosquitoes or other pests.

#### Timetable:

Action	Date	FR Cite
NPRM-	02/01/05	70 FR 5093
Final Action-	01/00/06	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

## EPA—Clean Water Act (CWA)

Final Rule Stage

**Government Levels Affected:** State  
**Federalism:** Undetermined  
**Additional Information:** SAN No. 4995;  
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**RIN:** 2040-AE79

**Environmental Protection Agency (EPA)**  
**Clean Water Act (CWA)**

Long-Term Actions

**3384. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY, DISSOLVING KRAFT AND DISSOLVING SULFITE SUBCATEGORIES (PHASE III)**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361  
**CFR Citation:** 40 CFR 430.10 to 430.18; 40 CFR 430.40 to 430.48

**Legal Deadline:** None

**Abstract:** On December 17, 1993, EPA proposed revised effluent limitations, guidelines and standards, and best management practices regulations for the Dissolving Kraft and Dissolving Sulfite Subcategories of the Pulp, Paper, and Paperboard Point Source Category (40 CFR part 430). EPA refers to this rulemaking as Pulp and Paper Phase III. EPA is considering the public comments on the proposed rule and the new data acquired since proposal. EPA will consider as part of its effluent guidelines review process under CWA section 304 (b) whether to proceed with the rulemaking or whether assistance to States will more appropriately address any concerns with discharges from these facilities.

**Timetable:**

Action	Date	FR Cite
NPRM—	12/17/93	58 FR 66078
Final Action—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4370;

**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

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**RIN:** 2040-AD49

**3385. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1314 “CWA 304”; 33 USC 1361(a) “CWA 501 (a)”

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This proposal would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new EPA methods for the determination of trace metals at EPA’s water quality criteria levels. These methods are necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State’s designated water quality standard. Because the methods currently approved under 40 CFR part 136 were designed to support primarily technology-based permitting needs, and because these technology-based levels are as much as 280 times higher than water quality-based criteria for metals. EPA is pursuing approval of new test procedures.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined
Final Action—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 3702;

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**RIN:** 2040-AC75

**3386. TEST PROCEDURES: INCREASED METHOD FLEXIBILITY FOR TEST PROCEDURES APPROVED FOR CLEAN WATER ACT COMPLIANCE MONITORING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314 “CWA 304”; 33 USC 1361(a) “CWA 501 (a)”

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** EPA is considering preparation of a document that would highlight the flexibility already contained in some EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. These methods typically contain a statement that, in recognition



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of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits. Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA's position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) increase consistency between methods, (2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local, Tribal

**Additional Information:** SAN No. 3714;

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**RIN:** 2040-AC92

**3387. TEST PROCEDURES: PERFORMANCE-BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314; 33 USC 1361(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This action would establish performance-based measurement procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would also discuss the format, content, quality assurance/quality control, and data validation requirements for use of test methods. It would also describe EPA's planned steps to provide additional information through technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

**Timetable:**

Action	Date	FR Cite
NPRM— Final Action—	03/28/97 To Be	62 FR 14975 Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local, Tribal

**Additional Information:** SAN No. 3713;

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**RIN:** 2040-AC93

**3388. TEST PROCEDURES FOR THE ANALYSIS OF CO-PLANAR AND MONO-ORTHO-SUBSTITUTED POLYCHLORINATED BIPHENYLS (PCBS) UNDER THE CLEAN WATER ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314; 33 USC 1361(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** The proposal would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR parts 136 and 503 to approve EPA Method 1668 for the congener-specific determination of co-planar and mono-ortho-substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's designated water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local, Tribal

**Additional Information:** SAN No. 4049;

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**RIN:** 2040-AD09

## EPA—Clean Water Act (CWA)

## Long-Term Actions

**3389. NPDES APPLICATIONS REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311 “CWA 301”; 33 USC 1312 “CWA 302”; 33 USC 1314 “CWA 304”; 33 USC 1316 “CWA 306”; 33 USC 1318 “CWA 308”; 33 USC 1342 “CWA 402”; 33 USC 1361 “CWA 501”

**CFR Citation:** 40 CFR 122; 40 CFR 123; 40 CFR 124

**Legal Deadline:** None

**Abstract:** EPA plans to revise NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include modifying and streamlining existing permit application requirements. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

**Timetable:**

Action	Date	FR Cite
NPRM—	04/00/07	
Final Action—	04/00/09	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local, Tribal

**Additional Information:** SAN No. 3786;

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**RIN:** 2040-AC84

**3390. NPDES PERMIT REQUIREMENTS FOR MUNICIPAL SANITARY AND COMBINED SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, SANITARY SEWER OVERFLOWS, AND PEAK EXCESS FLOW TREATMENT FACILITIES**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1311“CWA 301”; 33 USC 1314“CWA 304”; 33 USC 1318“CWA 308”; 33 USC 1342“CWA 402”; 33 USC 1361“CWA 501(a)”

**CFR Citation:** 40 CFR 122.38; 40 CFR 122.41; 40 CFR 122.42

**Legal Deadline:** None

**Abstract:** EPA is considering whether to develop a notice of rulemaking outlining a broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The Agency is considering proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements would address reporting, public notification, and recordkeeping requirements for sanitary sewer overflows (SSOs), capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; and a prohibition on SSOs. The Agency is also considering proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.

**Timetable:**

Action	Date	FR Cite
NPRM—	09/00/07	
Final Action—	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Federal, State, Local, 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

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**RIN:** 2040-AD02

**3391. POLICY REGARDING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR MUNICIPAL WASTEWATER TREATMENT DURING WET WEATHER CONDITIONS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1311, 1318, 1342, 1361

**CFR Citation:** 40 CFR 122.41(m)

**Legal Deadline:** None

**Abstract:** During periods of wet weather, wastewater flows received by municipal sewage treatment plants can significantly increase, which can create operational challenges for sewage treatment facilities. Where peak flows approach or exceed the design capacity of a treatment plant they can seriously reduce treatment efficiency or damage treatment units. In addition to hydraulic concerns, wastewater associated with peak flows may have low organic strength, which can also decrease treatment efficiencies. One engineering practice that some facilities use to protect biological treatment units from damage and to prevent overflows and backups elsewhere in the system is referred to as wet weather blending. Wet weather blending occurs during peak wet weather flow events when flows that exceed the capacity of the biological units are routed around the biological units and blended with effluent from the biological units prior

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to discharge. Regulatory agencies, sewage treatment plant operators, and representatives of environmental advocacy groups have expressed uncertainty about National Pollutant Discharge Elimination System (NPDES) requirements addressing such situations. EPA requested public comment on a proposed policy published on November 7, 2003. Based on a review of all the information received, EPA has no intention of finalizing the blending policy as proposed in November 2003. EPA will continue to review policy and regulatory options to manage this issue and look forward to working with Congress, communities and citizens on effective and efficient approaches that protect communities and ensure compliance with the Clean Water Act.

**Timetable:**

Action	Date	FR Cite
Draft Policy—	11/07/03	68 FR 63042
Final Policy—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4690;

**Sectors Affected:** 22132 Sewage Treatment Facilities

**URL For More Information:**

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**RIN:** 2040-AD87

**3392. EFFLUENT GUIDELINES AND STANDARDS: RECODIFICATION OF VARIOUS EFFLUENT GUIDELINES**

**Priority:** Info./Admin./Other

**Legal Authority:** Clean Water Act 301; Clean Water Act 304; Clean Water Act 306; Clean Water Act 307; Clean Water

Act 308; Clean Water Act 402; Clean Water Act 501

**CFR Citation:** 40 CFR 401; 40 CFR 419

**Legal Deadline:** None

**Abstract:** Several years ago, OW conducted a comprehensive review of effluent guidelines and removed from the Code of Federal Regulations (CFR) provisions contained in a number of regulations that were obsolete or redundant (FR 60 33926, June 29, 1995). In addition to removing these provisions, EPA's Office of Water identified additional opportunities for further streamlining some of the effluent guidelines. This action would recodify the effluent limitations and standards for one point source category and the general definitions without making any legally substantive changes in the requirements. The revised and shorter format will enable Federal, State and local regulators and the regulated community to more easily read, understand and implement the regulations. By reducing the number of pages in Title 40, the new format will also afford some long-term savings in the annual cost of printing these regulations. The point source category which would be recodified by this action is Petroleum Refining (part 419). The revisions would also expand the list of general definitions in section 401.11.

**Timetable:**

Action	Date	FR Cite
NPRM—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State, Local

**Additional Information:** SAN No. 4822;

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**RIN:** 2040-AE61

**3393. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR AIRPORT DEICING OPERATIONS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from airport deicing operations. Based on preliminary study and on public comments, discharges from deicing operations have the potential to cause fish kills, algae blooms, and contamination to surface or ground waters. The likely source of pollutants is aircraft deicing fluid (ADF) that is not properly recaptured, re-used or treated before discharge. Deicing agents typically contain glycols and additives. There is great disparity among airports in terms of wastewater treatment and also in terms of discharge permits. Based on preliminary estimates, airports annually discharge approximately 21 million gallons of ADF. Early estimates of potential reductions from treatment technology and from pollution prevention practices indicate that those discharges could be lowered to 4 million gallons. Effluent guidelines for these operations would apply only to wastewaters that are considered point source discharges. Discharges that are non-point sources (e.g., ADF shedding from the airplane after it leaves the airport) would not be subject to any potential effluent guidelines.

**Timetable:**

Action	Date	FR Cite
NPRM—	10/00/06	
Final Action—	09/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4948, EDocket No. OW-2004-0038;

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**RIN:** 2040-AE69

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## Long-Term Actions

**3394. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR DRINKING WATER SUPPLY AND TREATMENT**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** CWA 301, 304, 306, 307, 308, 402, 501

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from drinking water treatment plants. Based on preliminary study and on public comments, discharges from drinking water facilities have the potential to discharge significant quantities of conventional and toxic pollutants, including metals, chlorine, and salts. Some of the sources of these pollutants are treatment sludges and reverse osmosis reject wastewaters. The preliminary data is not conclusive, and additional study and analysis of treatability is necessary to determine whether pollutant reductions are technologically feasible and economically achievable. The early steps of regulatory development, especially gathering additional discharge data, will be critical to better-informed decisions on how to proceed. EPA is preparing to conduct a study of a representative sample of the industry, along with wastewater sampling of facilities representing different size categories and treatment technologies.

**Timetable:**

Action	Date	FR Cite
NPRM—	04/00/07	
Final Action—	09/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4949, EDocket No. OW-2004-0035;

**URL For More Information:**

<http://www.epa.gov/waterscience/guide/dw/index.htm>

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**RIN:** 2040-AE74

**3395. NEW/REVISED AMBIENT WATER QUALITY CRITERIA (AWQC) FOR RECREATIONAL WATERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, October 5, 2005.

**Abstract:** Under the BEACHES Amendments to the Clean Water Act the USEPA is required to provide new or revised AWQC for recreational waters by October 5, 2005. A number of activities, also required under the BEACHES Amendments, are in progress or completed. These provide improved approaches for beach water quality monitoring and health assessments, including: Better understanding of the temporal and spatial aspects of water quality determinations at beach water sites; application of rapid (<2hr) molecular methods to determine bacterial (fecal indicator) water quality; epidemiological assessments to better understand the relationship of bacterial indicator occurrence to rates of acute gastrointestinal disease for persons who swim in designated recreational waters. Additional studies are being conducted to better express, numerically, the relationship of the indicators to disease incidence both for single sample determinations of water quality at the beach at any given time and for long term determinations of general water quality to characterize the water quality's attainment of the designated recreational use. Additional efforts are being conducted to prepare "Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health" specific to the development of these and other microbiological criteria. The results of four fresh water (Great Lakes) epidemiology studies and companion rapid fecal indicator validation studies will be analyzed using the above human health methodology to establish

the criteria. Draft criteria will be peer reviewed both internal and external to the USEPA prior to FAR and OMB review and approval.

**Timetable:**

Action	Date	FR Cite
Draft Guidance—	To Be	Determined
Final Guidance—	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4967;

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**RIN:** 2040-AE77

**3396. • EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR THE VINYL CHLORIDE AND CHLOR-ALKALI POINT SOURCE CATEGORIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 30 USC 1311 et seq

**CFR Citation:** 40 CFR 414 (Revision) ; 40 CFR 415 (Revision)

**Legal Deadline:** None

**Abstract:** EPA is considering possible revision of the existing effluent guidelines and standards for vinyl chloride manufacturing and chlor-alkali manufacturing. Currently, wastewater discharges from vinyl chloride manufacturing are subject to the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Point Source Category (40 CFR part 414), and wastewater discharges from chlor-alkali manufacturing are subject to the Inorganic Chemicals Point Source Category (40 CFR part 415). Based on preliminary study, discharges from vinyl chloride and chlor-alkali manufacturing might contain significant quantities of toxic pollutants, including dioxin, and in the 2004 Effluent Guidelines Program Plan, EPA identified these two industrial sectors as candidates for possible regulatory revision. In a 2004 study (see section 6 of <http://www.epa.gov/ost/guide/304m/tsd.pdf>), EPA found that vinyl chloride and chlor-alkali manufacturing are

## EPA—Clean Water Act (CWA)

## Long-Term Actions

often located at the same site. The background study includes an industrial profile, a listing of the targeted facilities, information on the manufacturing processes, information on dioxin generation, and limited information on ways to reduce toxic dioxin discharges. Preliminary estimates of the scope of the rulemaking are for 50 to 60 facilities.

**Timetable:**

Action	Date	FR Cite
NPRM—	03/00/08	
Final Action—	03/00/11	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4980;

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**RIN:** 2040-AE82

Environmental Protection Agency (EPA)  
Clean Water Act (CWA)

## Completed Actions

**3397. STREAMLINING THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 403

**Completed:**

Reason	Date	FR Cite
Final Action—	10/14/05	70 FR 60134

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, State, Local, Tribal

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**RIN:** 2040-AC58

Environmental Protection Agency (EPA)  
Safe Drinking Water Act (SDWA)

## Proposed Rule Stage

**3398. UNREGULATED CONTAMINANT MONITORING REGULATION FOR PUBLIC WATER SYSTEMS REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141.40

**Legal Deadline:** Final, Statutory, August 6, 2004, 5 years after UCMR 1.

**Abstract:** The 1996 amendments to the Safe Drinking Water Act require the Agency to publish, every 5 years, a revised listing of the contaminants to be monitored under the UCMR. The purpose of this proposed action is to meet that requirement by revising the National Primary Drinking Water Regulations for the UCMR by making minor modifications to the current UCMR program to improve its implementation, to revise the lists of analyses to permit a second round of monitoring, and to approve the analytical methods needed to perform this monitoring.

**Timetable:**

Action	Date	FR Cite
NPRM—	08/22/05	70 FR 49093
NPRM Comment Period End—	10/21/05	
Final Action—	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Federal, State, Local, Tribal

**Additional Information:** SAN No. 4770;

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**RIN:** 2040-AD93

**3399. DRINKING WATER: REGULATORY DETERMINATIONS REGARDING CONTAMINANTS ON THE SECOND DRINKING WATER CONTAMINANT CANDIDATE LIST**

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

**Legal Authority:** 42 USC 300g-1(b)

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, August 6, 2006, The 1996 SDWA Amendments require EPA to publish the second regulatory determinations by August 2006.

**Abstract:** The 1996 amendments to the Safe Drinking Water Act (SDWA) require EPA to publish a list of non-regulated contaminants every five years, which may warrant regulation due to their health effects and their potential for occurrence in public water

EPA—Safe Drinking Water Act (SDWA)

Proposed Rule Stage

systems (PWSs). The first Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10247). The second CCL was published on February 22, 2005 (70 FR 9017). In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the second CCL and determine whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). In order to make a determination of whether to develop an NPDWR for a contaminant, the SDWA requires three statutory tests be met: 1) The contaminant may have an adverse effect on the health of persons; 2) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and 3) in the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems. Using these three statutory tests to make regulatory decisions, there are three possible outcomes: 1) Regulate the contaminant with an NPDWR; 2) develop guidance (e.g., Health or Consumer Advisory); or 3) determine no action is necessary.

**Timetable:**

Action	Date	FR Cite
Preliminary Notice—	02/00/06	
Final Notice—	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4821;

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**RIN:** 2040-AE60

**3400. • NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR LEAD AND COPPER: SHORT-TERM REGULATORY REVISIONS AND CLARIFICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** SDWA: 42 USC sec 300f et seq

**CFR Citation:** 40 CFR 141, 40 CFR 142

**Legal Deadline:** None

**Abstract:** This action is minor as it makes minor additions and clarifications to an existing regulation. EPA undertook several activities in 2004 to determine whether a national problem exists related to elevated drinking water lead levels comparable to that in the District of Columbia. This evaluation, while it did not reveal a national problem comparable to D.C., highlighted areas for improvement and clarification to the existing lead and copper rule and associated guidance materials. Several short-term actions will be initiated in 2005 and completed during the 2005-2006 time frame. EPA also identified several regulatory changes that will be considered as part of identifying more comprehensive changes to the rule. These

considerations are longer-term as they require additional data collection, research, analysis, and stakeholder involvement to support decisions. These longer-term regulatory changes will be examined by a separate workgroup under an additional regulatory action. This action addresses the regulatory revisions to be completed in the 2005-2006 time frame. Regulatory changes to be addressed include clarifications about sample collection; clarifications to definitions for monitoring and compliance periods; modifications regarding public water system notification to their State of treatment changes 60 days prior to the change; revisions to language related to criteria for reduced monitoring; revisions to language regarding consideration of lead service line replacement for compliance purposes; revisions to language related to flushing guidance; and additional requirements for consumer notification of lead monitoring results.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	
Final Action	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** SAN No. 4981;

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**RIN:** 2040-AE83

Environmental Protection Agency (EPA)  
 Safe Drinking Water Act (SDWA)

Final Rule Stage

**3401. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUND WATER RULE**

**Regulatory Plan:** This entry is Seq. No. 129 in part II of this issue of the Federal Register.

**RIN:** 2040-AA97

**3402. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE**

**Regulatory Plan:** This entry is Seq. No. 130 in part II of this issue of the Federal Register.

**RIN:** 2040-AD37

**3403. NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 2 DISINFECTION BYPRODUCTS RULE**

**Regulatory Plan:** This entry is Seq. No. 131 in part II of this issue of the Federal Register.

**RIN:** 2040-AD38

**Environmental Protection Agency (EPA)**  
**Safe Drinking Water Act (SDWA)**
**Long-Term Actions**
**3404. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON**

**Priority:** Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:** This action may affect State, local or tribal governments.

**Legal Authority:** 42 USC 300f et seq "SDWA1412"

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** Other, Statutory, February 6, 1999, Publish radon health risk reduction and cost analysis. NPRM, Statutory, August 6, 1999. Final, Statutory, November 2, 2000.

**Abstract:** The Radon rule complies with the Safe Drinking Water Act (SDWA) requirement to reduce exposure to radon in homes. In 1999, EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Systems would also be able to develop a State approved MMM program in the absence of a State program. 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
Notice 99-	02/26/99	64 FR 9560
NPRM-	11/02/99	64 FR 59246
Final Action-	12/00/07	

**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;

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AA94

**3405. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM-	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, State, Local, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 3238;

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC13

**3406. 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. EPA is required to make a regulatory determination for at least five unregulated contaminants by August 2006. Presently, the Water program is collecting and analyzing research information on occurrence, health effects, method sensitivity, and treatment effectiveness. A proposed regulatory determination, which will evaluate information on MTBE as well as a number of other contaminants, is anticipated for Drinking Water: Regulatory Determination on the Second Contaminants Candidate List.

**Timetable:**

Action	Date	FR Cite
NPRM-	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4404;

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD54

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

**3407. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND ADDITIONAL DISTRIBUTION SYSTEM REQUIREMENTS**

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

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

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** EPA is revising the Total Coliform Rule (TCR), which was published in 1989. On July 18, 2003, EPA published a Federal Register (68FR42907) Notice of Intent to Revise the TCR. EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR while improving system efficiency. A Federal Advisory Committee recommended that EPA, as part of the TCR 6-year review process, “initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks. “The original TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. Since then, EPA has gained a better understanding of distribution system impacts on human health and, therefore, intends to strengthen the TCR by adding distribution system requirements. The process to do so involves a performance evaluation, development of issue papers on both distribution systems and total coliform, stakeholders meetings, and proposed and final rules.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal, Local, State, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4775;

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**RIN:** 2040-AD94

**3408. DRINKING WATER CONTAMINANT CANDIDATE LIST 3**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300g-1(b)

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, February 6, 2008, The 1996 SDWA Amendments require EPA to publish the third list of candidate contaminants by February 2008. Not a rulemaking.

**Abstract:** The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list every five years of contaminants that are known or anticipated to occur in public water systems, and which may require regulation under the SDWA. The purpose of this action is to prepare and publish the third Contaminant Candidate List (CCL). In preparing the third list, EPA will evaluate the classification approach recommended by the National Academy of Sciences' National Research Council (NRC) and, as applicable, use the NRC approach to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for future CCLs. If we identify additional contaminants early in the evaluation process, we may consider those contaminants in the regulatory determinations for 2006.

**Timetable:**

Action	Date	FR Cite
NPRM—Preliminary Notice—	02/00/07	
Final Notice—	02/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4745;

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**RIN:** 2040-AD99

**3409. UNDERGROUND INJECTION CONTROL: UPDATE OF STATE PROGRAMS**

**Priority:** Info./Admin./Other

**Legal Authority:** 42 USC 300h-1“SDWA 1422”; 42 USC 300h-4“SDWA 1425”

**CFR Citation:** 40 CFR 147 (Revision)

**Legal Deadline:** None

**Abstract:** EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason, more importantly, is to allow EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many States. This update is necessary to ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are federally enforceable if necessary. EPA Regional Offices will be submitting State revision packages as they are completed. Part 147 will then be updated in several stages. This is the first stage. This effort should have no impact on the regulated community because we will merely be incorporating by reference elements of already effective State programs.



## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
Direct Final Rule—	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4236;

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**RIN:** 2040-AD40

### 3410. • DRINKING WATER REGULATIONS FOR AIRCRAFT PUBLIC WATER SYSTEM

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

**Legal Authority:** 42 USC 300f et seq**CFR Citation:** 40 CFR 141**Legal Deadline:** None

**Abstract:** The action is to tailor drinking water rule requirements to the unique characteristics of aircraft to ensure that the water passengers drink while on an airplane is safe. This action is necessary because aircraft public water systems are very different from traditional public water systems. Aircraft fly to multiple destinations throughout the course of any given day and may board water from different sources along the way. Depending on the quality of the water that is boarded from these multiple sources and the care used to board the water, contamination could be introduced. This increases the vulnerability of the

aircraft's water system to contamination when compared to a typical public water system. In the United States water loaded aboard passenger aircraft comes from public water systems. The water provided by public water systems that are regulated by state and federal authorities is among the safest in the world; however, a significant percentage of passenger aircraft travel includes international destinations. These aircraft may board water from foreign sources which are not subject to EPA drinking water standards. Therefore, this action also will address the boarding of foreign water by U.S. aircraft.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Federalism:** Undetermined**Additional Information:** SAN No. 4966;

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**RIN:** 2040-AE84

### 3411. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2601 "Shore  
Protection Act of 1988"; PL 100-688  
"4103(b)"

**CFR Citation:** 40 CFR 237**Legal Deadline:** None

**Abstract:** This rule will implement the Shore Protection Act (SPA) and is designed to prevent the deposit of municipal and commercial waste into U.S. Coastal Waters. This rule establishes minimum waste handling

practices for vessels and waste handling facilities involved in the transport of municipal or commercial wastes in the coastal waters of the United States. The rule may require certain vessels and waste handling facilities to develop an operation and maintenance manual that identifies procedures to prevent, report, and clean up deposits of waste into coastal waters. Local governments and businesses involved with the vessel transportation and shore side handling of these wastes would be affected by this rule. Currently no tribes are known to be involved in waste handling of this type; therefore none would be affected by this rule. With regard to small businesses, EPA has provided guidance on development of operation and maintenance manuals and encourages the use and documentation of existing industry practices that meet or exceed the EPA proposed minimum waste handling standards. All indications are that this regulation as proposed would have a minimal economic impact. This regulation will result in reduction of municipal and commercial wastes deposited in coastal waters.

**Timetable:**

Action	Date	FR Cite
NPRM—	08/30/94	59 FR 44798
Final Action—	08/00/09	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local**Additional Information:** SAN No. 2820;

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**RIN:** 2040-AB85

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