



# Federal Register

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**Monday,  
December 13, 2004**

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**Part XXV**

**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 7817-1**
**Fall 2004 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  
 Regulations and major policies completed or canceled since the last Agenda.

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

If you would like to subscribe, please send an e-mail with your name and address to: [ncepimal@one.net](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 decision making process, please contact: Phil Schwartz (1803A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone: (202)564-6564; e-mail: [schwartz.philip@epa.gov](mailto:schwartz.philip@epa.gov)

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

Our primary objective is to protect human health and the environment. To achieve this objective and ensure that our decisions are cost-effective and fully protective, we conduct high quality scientific, economic, and policy analyses. These analyses are planned and initiated at early stages in the regulatory development process, so that Agency decision makers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches. It is also important that we continue to apply new and improved methods to protect the environment, such as: building flexibility into regulations from the very beginning, creating strong partnerships with the regulated community, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. Research, testing and adoption of new environmental protection methods is 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 2005 Regulatory Plan ([epa.gov/regagenda](http://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. Democracy is not a spectator sport. We urge you to become involved in EPA's rule and policymaking process.

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

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

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We generally do not include minor amendments or the following categories of actions:

- Administrative actions such as delegations of authority, changes of address or phone numbers.
- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes.
- Under the Federal Insecticide, Fungicide, and Rodenticide Act: 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.

#### 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 prerulemaking 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 2005.
5. Completed Action - This section contains actions that have been promulgated and published in the **Federal Register** since publication of the Spring 2004 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) which is assigned when an action first appears in the Agenda. The RIN has two parts: the first part corresponds to the lead sub-agency 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, "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

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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: [epa.gov/edocket](http://epa.gov/edocket). 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.)

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

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

### **1. Public Dockets**

When EPA publishes either an advance notice of proposed rulemaking or a notice of proposed rulemaking in the Federal Register, the Agency may establish an official docket to accumulate materials throughout the development process for that rulemaking. The official docket serves as the repository for the collection of documents or information related to a particular agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for Regulatory Flexibility Act section 610 reviews of rules with significant impacts on a substantial number of small entities and various non-rulemaking activities, such as Federal Register documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other non-rule activities. In 2002, EPA released its online electronic docket and comment system, EDOCKET at [www.epa.gov/edocket](http://www.epa.gov/edocket).

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**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

**4. Appendices to the Agenda** There are five appendices that provide:

- A list of the existing rules that we are reviewing under section 610 of the Regulatory Flexibility Act
- A list of actions that may have a significant impact on a substantial number of small businesses, small governments, or small non-profit organizations
- 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
- A list of actions that may affect State, local, or tribal governments
- A list of actions that may have federalism implications as defined in Executive Order 13132

There is a sixth appendix included in the Unified Regulatory Agenda, a subject matter index. This appendix is not included in EPA's Agenda reprints for reasons of costs and because of the availability of the search engines described in #3, immediately above.

**5. The Regulatory Agenda Collection in the EPA History Office** has a complete collection of Regulatory Agendas and related materials. A list of the contents including exact citations for all Agendas is at:

- 6. Listservers** If you want to get automatic e-mails about areas of particular interest, we maintain 12 collections including:
- Air
  - Water
  - Wastes and emergency response
  - Pesticides
  - Toxic substances

- Right-to-know and toxic release inventory
- Environmental impacts
- Endangered species
- Meetings
- The Science Advisory Board
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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 Appendix B at the end of the Agenda, "Index to Environmental Protection Agency Entries for which a Regulatory Flexibility Analysis is Required" for a list of these rules. See Appendix C for a list of the rules that may affect small entities, but which we do not expect will have a significant economic impact on a substantial number of them.

The Regulatory Flexibility Act (RFA) section 610 requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SISNOSE).

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, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as confidential business information (CBI) and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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

- 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

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cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

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

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

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: 2822, 1200 Pennsylvania Ave., NW, Washington, DC, 20460.

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

For public 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. Acknowledging Those Involved in the Rulemaking Process**

Finally, I would like to thank the members of the public who have taken the time to get involved in the rulemaking process. Experience has taught us that we must listen to and involve our stakeholders if we hope to fully understand the issues and develop effective, efficient solutions to the problems we face.

Over the years you, the public, have submitted an enormous number of comments on our rulemakings. We have heard all and adopted many.

Protecting human health and the environment which makes life possible is one of our most important quests. Thank you for joining in this endeavor.

**Dated:** October 12, 2004.  
**Jessica L. Furey,**  
*Associate Administrator, Office of Policy, Economics, and Innovation.*

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3021	SAN No. 4292 Proposed Revision to EPA's Implementing NEPA Regulations .....	2020-AA42
3022	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest .....	2030-AA67
3023	SAN No. 4904 Security Requirements for Toxic Substances Control Act Confidential Business Information Access for Contractors .....	2030-AA88
3024	SAN No. 4903 Award Term Contracting .....	2030-AA89
3025	SAN No. 4931 Accessibility Standards for Contract Deliverables (508) .....	2030-AA90

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## GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3026	SAN No. 3580 Incorporation of Class Deviations Into EPAAR .....	2030-AA37
3027	SAN No. 4270 Cross-Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR) ( <b>Reg Plan Seq No. 141</b> ) .....	2025-AA07
3028	SAN No. 4693 Privacy Act Regulations (Revised) .....	2025-AA13
3029	SAN No. 4813 Miscellaneous Revisions to EPAAR Clauses .....	2030-AA84
3030	SAN No. 3671 Guidelines for Carcinogen Risk Assessment .....	2080-AA06
3031	SAN No. 4925 Technical Amendments to the Federal Policy for the Protection of Human Subjects .....	2080-AA11
3032	SAN No. 4536 Project XL Site Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I and II) .....	2090-AA27

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

## GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3033	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements .....	2020-AA39
3034	SAN No. 3240 Public Information and Confidentiality Regulations .....	2025-AA02
3035	SAN No. 4902 Waste Isolation Pilot Plant (WIPP) FY 2003 Report to Congress .....	2060-AM73
3036	SAN No. 4463 Persistent, Bioaccumulative, and Toxic (PBT) Pollutants Strategy .....	2070-AD45
3037	SAN 4836. Project XL Site Specific Rulemaking for the NASA White Sands Test Facility in Las Cruces, New Mexico (Phases III-VI) .....	2090-AA35

## GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3038	SAN No. 4747 Implementation of Authority To Appoint Research Scientists Under 42 USC .....	2030-AA83
3039	SAN No. 4191 Revision to EPAAR 1552.211-73, Level of Effort .....	2030-AA64
3040	SAN No. 4733 Background Investigations for Contractors Performing Services Onsite .....	2030-AA80
3041	SAN No. 4742 Continuation of Implementing the Empowerment Initiative .....	2030-AA81
3042	SAN No. 4814 On-Site and Off-Site Background Checks Performed by EPA and Contractors .....	2030-AA85
3043	SAN No. 4812 Contract Bundling Requirements .....	2030-AA86
3044	SAN No. 4761 Waste Isolation Pilot Plant (WIPP) FY 2002 Report to Congress .....	2060-AK79
3045	SAN No. 3538 Intent To Evaluate Whether the Waste Isolation Pilot Plant Continues To Comply With the 40 CFR Part 191 Disposal Regulations and the 40 CFR Part 194 Compliance Criteria .....	2060-AM60

## CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3046	SAN No. 4759 Revision to Policy on Control of Volatile Organic Compounds (VOC) .....	2060-AK75
3047	SAN No. 4699 Request for Comments on Potentially Inadequate Monitoring in Clean Air Applicable Requirements and on Methods To Improve Such Monitoring .....	2060-AM63

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

Sequence Number	Title	Regulation Identifier Number
3048	SAN No. 4266 Review National Ambient Air Quality Standards for Carbon Monoxide .....	2060-AI43
3049	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings) .....	2060-AF72

## EPA

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

Sequence Number	Title	Regulation Identifier Number
3050	SAN No. 4070 General Conformity Regulations; Revisions .....	2060-AH93
3051	SAN No. 3751 NSPS and Emission Guidelines for Other Solid Waste Incinerators .....	2060-AG31
3052	SAN No. 3975 Review of New Sources and Modifications in Indian Country .....	2060-AH37
3053	SAN No. 4752 Clean Air Fine Particle Implementation Rule ( <b>Reg Plan Seq No. 118</b> ) .....	2060-AK74
3054	SAN No. 4119 Performance Specification 16 - Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources .....	2060-AH84
3055	SAN No. 4478 Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills: Amendment .....	2060-AJ41
3056	SAN No. 4310 NESHAP: Printing and Publishing Industry; Amendments .....	2060-AI66
3057	SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment to Implement Court Remand .....	2060-AJ78
3058	SAN No. 4654 NESHAP: Ethylene Oxide for Sterilization Facilities—Residual Risk Standards .....	2060-AK09
3059	SAN No. 4655 NESHAP: Gasoline Distribution (Stage I) Residual Risk Standards .....	2060-AK10
3060	SAN No. 4660 NESHAP: Industrial Process Cooling Towers Residual Risk Standards .....	2060-AK16
3061	SAN No. 4662 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards .....	2060-AK18
3062	SAN No. 4669 NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard .....	2060-AK23
3063	SAN No. 4712 NESHAP: Hazardous Organic NESHAP (HON) Amendments .....	2060-AK49
3064	SAN No. 4750 National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks—Residual Risk Standards .....	2060-AK72
3065	SAN No. 4782 Petition to Delist Hazardous Air Pollutant : 4,4'-Methylene Diphenyl Diisocyanate .....	2060-AK84
3066	SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards .....	2060-AK14
3067	SAN No. 4309 National VOC Emission Standards for Consumer Products; Proposed Amendments .....	2060-AI62
3068	SAN No. 4748 Control of Hazardous Air Pollutants From Mobile Sources .....	2060-AK70
3069	SAN No. 4697 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries .....	2060-AK45
3070	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO <sub>2</sub> ) Area .....	2008-AA00
3071	SAN No. 3262 Inspection/Maintenance Recall Requirements .....	2060-AE22
3072	SAN No. 4421 Ambient Air Quality Monitoring Regulations: Revisions .....	2060-AJ25
3073	SAN No. 4570 Control of Air Pollution From Motor Vehicles and Engines: Alternative Low-Sulfur Highway Diesel Fuel Transition Program for Alaska .....	2060-AJ72
3074	SAN 4547. Modification of Authority to Grant Alternative Method Approvals .....	2060-AJ83
3075	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems .....	2060-AJ86
3076	SAN No. 4621 Control of Hazardous Air Pollutants From Mobile Sources: Default Baseline Revision .....	2060-AJ97
3077	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
3078	SAN No. 4811 Transportation Conformity Rule Amendments for New 8-Hour Ozone and PM <sub>2.5</sub> National Ambient Air Quality Standards .....	2060-AL73
3079	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. 119</b> ) .....	2060-AL75
3080	SAN No. 4796 Section 126 Rule: Withdrawal of Findings for Sources in Michigan .....	2060-AL83
3081	SAN No. 4802 Amendments to Leather Finishing NESHAP .....	2060-AL89
3082	SAN No. 4804 Protection of Stratospheric Ozone; Allowance System for Controlling HCFC Production, Import and Export; Correction .....	2060-AL90
3083	SAN No. 4808 Amendments to the NESHAP for Cellulose Products Manufacturing .....	2060-AL91
3084	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
3085	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide .....	2060-AL94
3086	SAN No. 4829 5-Year Review of MACT Standards for Large MWC .....	2060-AL97
3087	SAN No. 4830 Alternative Work Practice for Leak Detection and Repair .....	2060-AL98
3088	SAN No. 4871 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder .....	2060-AM06
3089	SAN No. 4846 NESHAP: Municipal Solid Waste Landfills—Amendments .....	2060-AM08
3090	SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations .....	2060-AM09
3091	SAN No. 4851 Protection of Stratospheric Ozone: Restriction on the Sales of Pre-Charged Split Systems .....	2060-AM15
3092	SAN No. 4875 NESHAP: Area Source Standards — Oil and Natural Gas Production .....	2060-AM16
3093	SAN No. 4849 Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK) .....	2060-AM20
3094	SAN No. 4854 Amendments to Vehicle Inspection and Maintenance Program Requirements To Address New 8-Hour Ozone Standard .....	2060-AM21

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Sequence Number	Title	Regulation Identifier Number
3095	SAN No. 4848 NESHAP: Total Facility Low Risk Determination (TFLRD) for Residual Risk .....	2060-AM22
3096	SAN No. 4867 NESHAP: Hydrochloric Acid Production Amendments .....	2060-AM25
3097	SAN No. 4865 Strategy for Addressing Air Emissions From Animal Feeding Operations .....	2060-AM26
3098	SAN No. 4853 Requirements for Transmix Processing and Blending Under the Reformulated Gasoline and Gasoline Sulfur Rules .....	2060-AM27
3099	SAN No. 4864 NESHAP: Surface Coating of Metal Cans—Amendments .....	2060-AM28
3100	SAN No. 4866 NESHAP: Site Remediation: Amendments .....	2060-AM30
3101	SAN No. 4868 Proposal To Exempt Area Sources Subject to NESHAPs From Federal and State Operating Permit Programs .....	2060-AM31
3102	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
3103	SAN No. 4881 Prevention of Significant Deterioration for Nitrogen Oxides .....	2060-AM33
3104	SAN No. 4882 Control of Emissions From Spark-Ignition Engines and Fuel Systems From Marine Vessels and Small Equipment .....	2060-AM34
3105	SAN No. 4891 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing; Amendments .....	2060-AM43
3106	SAN No. 4885 Flexible Air Permit Rule .....	2060-AM45
3107	SAN No. 4905 National Volatile Organic Compound Emission Standards for Architectural Coatings—Amendments .....	2060-AM47
3108	SAN No. 4899 Control of Ultra Low Sulfur Diesel Fuel Lubricity .....	2060-AM48
3109	SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants .....	2060-AM49
3110	SAN No. 4893 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2005 .....	2060-AM50
3111	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act .....	2060-AM55
3112	SAN No. 4894 Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone Depleting Substances .....	2060-AM56
3113	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
3114	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide (Coatings) .....	2060-AM65
3115	SAN No. 4889 Area Source NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing .....	2060-AM71
3116	SAN No. 4908 NESHAP: General Provisions—Amendments .....	2060-AM75
3117	SAN No. 4909 NESHAP: Integrated Iron and Steel; Amendments .....	2060-AM76
3118	SAN No. 4911 NESHAP: Plywood and Composite Wood Products—Amendments .....	2060-AM78
3119	SAN No. 4912 New Source Performance Standards (NSPS) for Stationary Combustion Turbines .....	2060-AM79
3120	SAN No. 4913 New Source Performance Standards (NSPS) for Electric Utility Steam Generating Units and Industrial and Commercial Boilers .....	2060-AM80
3121	SAN No. 4914 New Source Performance Standards (NSPS) for Reciprocating Internal Combustion Compression Ignition Engines .....	2060-AM81
3122	SAN No. 4919 NESHAP: Coke Ovens: Pushing, Quenching, and Battery Stacks; Amendments .....	2060-AM83
3123	SAN No. 4927 NESHAP: Iron and Steel Foundries; Amendments .....	2060-AM85
3124	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments .....	2060-AM87
3125	SAN No. 4934 Part 63 General Provisions—Response to Petition to Reconsider .....	2060-AM89
3126	SAN No. 4940 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions .....	2060-AM91
3127	SAN No. 4933 Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone .....	2060-AM93

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

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Sequence Number	Title	Regulation Identifier Number
3128	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation .....	2009-AA00
3129	SAN No. 3569 Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant .....	2009-AA01

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Sequence Number	Title	Regulation Identifier Number
3130	SAN No. 4768 Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon From DOE Facilities .....	2060-AK81
3131	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
3132	SAN No. 4683 Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of 4 Compounds .....	2060-AK37
3133	SAN No. 2915 Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51 .....	2060-AF83
3134	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
3135	SAN No. 4625 Clean Air Ozone Implementation Rule (Part 1 and Part 2) ( <b>Reg Plan Seq No. 128</b> ) .....	2060-AJ99
3136	SAN No. 3380 NSPS: SOCM1—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60 .....	2060-AE94
3137	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements (40 CFR Part 60, Appendix F, Procedure 3) .....	2060-AH23
3138	SAN No. 4555 Electric Arc Furnace NSPS Amendment .....	2060-AJ68
3139	SAN No. 4161 Update of Continuous Instrumental Test Methods .....	2060-AK61
3140	SAN No. 4313 Petitions to Delist Hazardous Air Pollutants: MEK .....	2060-AI72
3141	SAN No. 4571 Clean Air Mercury Rule—Electric Utility Steam Generating Units ( <b>Reg Plan Seq No. 127</b> ) .....	2060-AJ65
3142	SAN No. 4620 National Emission Standards for Coke Oven Batteries—Residual Risk Standards .....	2060-AJ96
3143	SAN No. 4713 NESHAP for Primary Aluminum Reduction Plants; Amendments .....	2060-AK50
3144	SAN No. 4714 NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units; Amendments .....	2060-AK51
3145	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements .....	2060-AK54
3146	SAN No. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines—Petition to Delist .....	2060-AK73
3147	SAN No. 4763 NESHAP: Ethylene Processes; Amendments .....	2060-AK80
3148	SAN No. 4689 Section 126 Rule Withdrawal Provision .....	2060-AK41
3149	SAN No. 3910 Streamlined Evaporative Test Procedures .....	2060-AH34
3150	SAN No. 4030 Expanded Definitions for Alternative-Fueled Vehicles and Engines Meeting Low-Emission Vehicle Exhaust Emission Standards .....	2060-AH52
3151	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline .....	2060-AJ82
3152	SAN No. 4757 Emissions Durability Procedures for New Light-Duty Vehicles and Light-Duty Trucks .....	2060-AK76
3153	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations .....	2060-AI03
3154	SAN No. 4535 Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide .....	2060-AJ63
3155	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide .....	2060-AK26
3156	SAN No. 4487 Federal Implementation Plans for Indian Reservations in Idaho, Oregon and Washington .....	2012-AA01
3157	SAN No. 4254 Revision to the Definition of Volatile Organic Compound (VOC) to Exclude Tertiary Butyl Acetate ..	2060-AI45
3158	SAN No. 4450 Clean Air Visibility Rule ( <b>Reg Plan Seq No. 126</b> ) .....	2060-AJ31
3159	SAN No. 4631 Adoption of the Amended International NOx Standard for Aircraft Engines .....	2060-AK01
3160	SAN No. 4634 Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline .....	2060-AK04
3161	SAN No. 4722 California Gasoline Technical Correction .....	2060-AK56
3162	SAN No. 4557 Amendments to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program .....	2060-AK62
3163	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition .....	2060-AK69
3164	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
3165	SAN No. 4794 Clean Air Interstate Rule Formerly Titled: Interstate Air Quality Rule .....	2060-AL76
3166	SAN No. 4800 List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List: Petition to Delist Ethylene Glycol Monobutyl Ether .....	2060-AL87
3167	SAN No. 4840 Clean Air Fine Particle Designations .....	2060-AM04
3168	SAN No. 3560 Protection of Stratospheric Ozone; Refrigerant Recycling; Substitute Refrigerants; Leak Repair Requirements for Refrigeration and Air-Conditioning Equipment .....	2060-AM05
3169	SAN No. 4855 NESHAP: Asphalt Processing and Asphalt Roofing Manufacturing—Amendments .....	2060-AM10
3170	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
3171	SAN No. 4863 NESHAP: Reinforced Plastic Composites—Amendments .....	2060-AM23

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3172	SAN No. 4857 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances—Fire Suppression and Explosion Protection .....	2060-AM24
3173	SAN No. 4883 Test Procedures for Highway and Nonroad Engines .....	2060-AM35
3174	SAN No. 4895 Regulation of Fuel and Fuel Additives: Gasoline and Diesel Test Methods .....	2060-AM42
3175	SAN No. 4900 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels .....	2060-AM46
3176	SAN No. 4917 Protection of Stratospheric Ozone: Substitute Refrigerant Recycling; Amendment to the Definition of Refrigerant .....	2060-AM51
3177	SAN No. 4892 National Emission Standards for Pharmaceuticals Production; Amendments .....	2060-AM52
3178	SAN No. 4918 Protection of the Stratospheric Ozone: Alternatives for the Mobile Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program .....	2060-AM54
3179	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
3180	SAN No. 3259 Nonattainment Major New Source Review (NSR) ( <b>Reg Plan Seq No. 129</b> ) .....	2060-AM59
3181	SAN No. 4890 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing; Amendment .....	2060-AM72
3182	SAN No. 4910 NESHAP: Organic Liquid Distribution—Amendments .....	2060-AM77
3183	SAN No. 4928 NESHAP: Secondary Aluminum Production Amendments .....	2060-AM86
3184	SAN No. 4930 Regulation of Fuels and Fuel Additives: Refiner and Importer Quality Assurance Requirements for Downstream Oxygenate Blending .....	2060-AM88
3185	SAN No. 4937 NESHAP for Refractory Products Manufacturing—Amendments .....	2060-AM90
3186	SAN No. 4941 State and Federal Operating Permits Programs: Amendments to Compliance Certification Requirements: Technical Correction .....	2060-AM92

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

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Sequence Number	Title	Regulation Identifier Number
3187	SAN No. 4695 NESHAP: Off-Site Waste and Recovery Operations Residual Risk Standard .....	2060-AK68
3188	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
3189	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
3190	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter .....	2060-AI44
3191	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives .....	2060-AJ61
3192	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand) .....	2060-AA61
3193	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins—Amendments .....	2060-AH47
3194	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas .....	2060-AH01
3195	SAN No. 4096 Phase I (FIP) To Reduce the Regional Transport of Ozone in the Eastern United States .....	2060-AH87
3196	SAN No. 4653 NESHAP: Aerospace Manufacturing and Rework Facilities Residual Risk Standards .....	2060-AK08
3197	SAN No. 4657 NESHAP: Group II Polymers and Resins— Residual Risk Standards .....	2060-AK13
3198	SAN No. 4661 NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations— Residual Risk Standard .....	2060-AK17
3199	SAN No. 4665 NESHAP: Secondary Lead Smelting Residual Risk Standards .....	2060-AK19
3200	SAN No. 4666 NESHAP: Shipbuilding and Ship Repair Surface Coating—Residual Risk Standards .....	2060-AK20
3201	SAN No. 4667 NESHAP: Wood Furniture Manufacturing Operations—Residual Risk Standards .....	2060-AK21
3202	SAN No. 4668 NESHAP: Halogenated Solvent Cleaning—Residual Risk Standards .....	2060-AK22
3203	SAN No. 4664 NESHAP: Printing and Publishing Industry—Residual Risk Standards .....	2060-AK24
3204	SAN No. 4663 NESHAP: Petroleum Refineries—Residual Risk Standards .....	2060-AK25
3205	SAN No. 4656 NESHAP: Group I Polymers and Resins—Residual Risk Standards .....	2060-AK12
3206	SAN No. 4658 NESHAP: Group IV Polymers and Resins— Residual Risk Standards .....	2060-AK15
3207	SAN 4383. Th Interstate Ozone Transport: Rulemaking on Section 126 Petitions From the District of Columbia, Delaware, Maryland, and New Jersey .....	2060-AI99
3208	SAN No. 4393 Control of Methyl Tertiary Butyl Ether (MTBE) .....	2060-AJ00
3209	SAN No. 3412 Operating Permits: Revisions (Part 70) .....	2060-AF70

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Sequence Number	Title	Regulation Identifier Number
3210	SAN No. 3922 Revised Permit Revision Procedures for the Federal Operating Permits Program—Part 71 .....	2060-AG92
3211	SAN No. 4700 Selection of Sequence of Mandatory Sanctions To Be Applied Pursuant to Section 502 of the Clean Air Act .....	2060-AK46
3212	SAN No. 3263 Performance Warranty and Inspection/Maintenance Test Procedures .....	2060-AE20
3213	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions .....	2060-AH31
3214	SAN No. 4348 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule .....	2060-AI97
3215	SAN 4391. Rescinding Finding That Preexisting PM10 Standards Are No Longer Applicable in Northern Ada County/Boise, Idaho .....	2060-AJ05
3216	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
3217	SAN No. 4691 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Clean Units .....	2060-AK42
3218	SAN No. 4783 Voluntary Superior Monitoring .....	2060-AK85
3219	SAN No. 4095 Section 126 Rule: Lifting the 8-Hour Stay .....	2060-AL79
3220	SAN No. 4797 Lifting the Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rule-making for Purposes of Reducing Interstate Ozone Transport (NOx SIP Call) .....	2060-AL84
3221	SAN 4798. Th Deferral of Effective Date of Nonattainment Designations for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas .....	2060-AL85
3222	SAN No. 4799 Consideration of Industry Petition to Remove the 2-Piece Can Subcategory From the Clean Air Act Hazardous Air Pollutant Source Category List .....	2060-AL86
3223	SAN No. 4810 NESHAP: Ferroalloys Production: Ferromanganese and Silicomanganese Residual Risk Standards .....	2060-AL93
3224	SAN No. 4825 Mineral Wool Production Residual Risk Standard .....	2060-AL96
3225	SAN No. 4831 NESHAP for Flexible Polyurethane Foam Production: Residual Risk Standards .....	2060-AL99
3226	SAN No. 4832 NESHAP: Pharmaceuticals Production: Residual Risk Standards .....	2060-AM00
3227	SAN No. 4861 NESHAP: Area Source Standards—Paint Stripping .....	2060-AM07
3228	SAN No. 4873 NESHAP: Area Source Standards—Glass Manufacturing Industry .....	2060-AM12
3229	SAN No. 4860 NESHAP: Area Source Standards—Acrylic/ Modacrylic Fiber (AMF) Production .....	2060-AM13
3230	SAN No. 4859 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization .....	2060-AM14
3231	SAN No. 4847 NESHAP: Oil and Natural Gas Production Residual Risk Standards .....	2060-AM18
3232	SAN No. 4874 NESHAP: Area Source Standards—Industrial Inorganic Chemicals Manufacturing .....	2060-AM19
3233	SAN No. 4879 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries .....	2060-AM36
3234	SAN No. 4886 NESHAP: Area Source Standards—Plating and Polishing .....	2060-AM37
3235	SAN No. 4884 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers .....	2060-AM44
3236	SAN No. 4906 NESHAP: Area Source Standards—Clay Ceramics Industry .....	2060-AM53
3237	SAN No. 4887 Area Source NESHAP for Primary Nonferrous Metals—Zn, Cd, Be .....	2060-AM69
3238	SAN No. 4888 Area Source NESHAP for Secondary Nonferrous Metals .....	2060-AM70
3239	SAN No. 4907 NESHAP: Gasoline Distribution Stage I—Area Source Standards .....	2060-AM74
3240	SAN No. 4915 New Source Performance Standards (NSPS) for Reciprocating Internal Combustion Spark Ignited Engines .....	2060-AM82
3241	SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment .....	2060-AM84

## CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3242	SAN No. 3656 NESHAP: Reciprocating Internal Combustion Engine .....	2060-AG63
3243	SAN No. 3837 NESHAP: Industrial, Commercial and Institutional Boilers and Process Heaters .....	2060-AG69
3244	SAN No. 3525 Protection of Stratospheric Ozone: Update of the Substitutes List Under (SNAP) Program .....	2060-AG12
3245	SAN No. 4681 Revision of Combustion Turbines NSPS— Part 60, Subpart GG .....	2060-AK35
3246	SAN No. 3820 NESHAP: Plywood and Composite Wood Products .....	2060-AG52
3247	SAN No. 3826 Plastic Parts and Products (Surface Coating) NESHAP .....	2060-AG57
3248	SAN No. 4115 NESHAP: Chromium Electroplating Amendment .....	2060-AH69
3249	SAN No. 4107 NESHAP: Asphalt/Coal Tar Application on Metal Pipes .....	2060-AH78
3250	SAN No. 4672 NESHAP: Solvent Extraction for Vegetable Oil: Amendments .....	2060-AK32

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Sequence Number	Title	Regulation Identifier Number
3251	SAN No. 4464 Rulemaking on Section 126 Petitions From New York and Connecticut Regarding Sources in Michigan; Revision of Definition of Applicable Requirement for Title V Operating Permit Programs .....	2060-AJ36
3252	SAN No. 4340 Transportation Conformity Amendments: Response to March 2, 1999, Court Decision .....	2060-AL56
3253	SAN No. 4675 Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel .....	2060-AK27
3254	SAN No. 4682 Revisions to the Appeal Procedures and the Federal NOx Budget Trading Program, Parts 78 and 97 .....	2060-AK36
3255	SAN No. 4699 Revisions to Clarify the Scope of Certain Monitoring Requirements for Federal and State Operating Permits Programs .....	2060-AK29
3256	SAN No. 3560 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants .....	2060-AL77
3257	SAN No. 4820 Protection of Stratospheric Ozone: Quantity Allocation of Methyl Bromide for Critical Use Exemptions After the Phaseout .....	2060-AL95
3258	SAN No. 4837 National Ambient Air Quality Standards for Particulate Matter; Amendment To Reflect Court Order Vacating Certain Rules .....	2060-AM02
3259	SAN No. 4839 Clean Air Ozone Designations .....	2060-AM03
3260	SAN No. 4844 Addition of CO Emission Limit for Large MWC Using Fluid Bed Combustion Technology (Section 129) .....	2060-AM11
3261	SAN No. 4862 NESHAP: Printing, Coating, and Dyeing of Fabrics and Other Textiles— Amendments .....	2060-AM29
3262	SAN No. 4922 Fuels and Fuel Additives Registration Regulations ( <b>Section 610 Review</b> ) .....	2060-AM38
3263	SAN No. 4921 Emission Standards for New Nonroad Spark-Ignition Engines At or Below 19 Kilowatts ( <b>Section 610 Review</b> ) .....	2060-AM39
3264	SAN No. 4924 NESHAP: Secondary Lead Smelting ( <b>Section 610 Review</b> ) .....	2060-AM40
3265	SAN No. 4923 NESHAP: Petroleum Refineries ( <b>Section 610 Review</b> ) .....	2060-AM41
3266	SAN No. 4676 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR) Equipment Replacement Provision (ERP); Stay Notice .....	2060-AM57
3267	SAN No. 4104 National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production: Amendments .....	2060-AM61
3268	SAN No. 4839 Air Quality Designations and Classifications for the 8-Hour Ozone NAAQS; Early Action Compact Areas with Deferred Effective Dates (Reinstatement of Chattanooga EAC) .....	2060-AM64
3269	SAN No. 4839 Clean Air Ozone Designations: 5 Percent Reclassifications .....	2060-AM66
3270	SAN No. 4839 Air Quality Designations and Classifications for 8-Hour Ozone NAAQS; Las Vegas, Nevada Nonattainment Area .....	2060-AM67
3271	SAN No. 4816 National Emission Standards for Hazardous Air Pollutants: Site-specific Regulation for Packaging Corporation of America in Tomahawk, Wisconsin .....	2090-AA33

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

Sequence Number	Title	Regulation Identifier Number
3272	SAN No. 4003 Technical Change to Dose Methodology for 40 CFR Part 190, Subpart B and 40 CFR 191, Subpart A .....	2060-AH90

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

Sequence Number	Title	Regulation Identifier Number
3273	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste .....	2060-AH63
3274	SAN 4054.1. Approaches to an Integrated Framework for Management and Disposal of Low-Activity Radioactive Waste .....	2060-AL78

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## ATOMIC ENERGY ACT (AEA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3275	SAN No. 4403 Revision of the 40 CFR Part 194 Waste Isolation Pilot Plant Compliance Criteria .....	2060-AJ07

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

Sequence Number	Title	Regulation Identifier Number
3276	SAN No. 4727 Endocrine Disruptor Screening Program (EDSP); Chemical Selection Approach for Initial Round of Screening ( <b>Reg Plan Seq No. 115</b> ) .....	2070-AD59
3277	SAN No. 4789 WPS; Pesticide Worker Protection Standard (WPS) Rule ( <b>Section 610 Review</b> ) .....	2070-AD66

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

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

Sequence Number	Title	Regulation Identifier Number
3278	SAN 2687. Pesticides; Data Requirements for Conventional Chemicals ( <b>Reg Plan Seq No. 120</b> ) .....	2070-AC12
3279	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials .....	2070-AD30
3280	SAN No. 4610 Acceptability of Research Using Human Subjects ( <b>Reg Plan Seq No. 122</b> ) .....	2070-AD57
3281	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations .....	2020-AA44
3282	SAN 4170. Pesticides; Procedures for the Registration Review Program .....	2070-AD29
3283	SAN No. 4216 Pesticides; Emergency Exemption Process Revisions ( <b>Reg Plan Seq No. 121</b> ) .....	2070-AD36

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

Sequence Number	Title	Regulation Identifier Number
3284	SAN No. 4596 Pesticides; Data Requirements for Biochemical and Microbial Products .....	2070-AD51
3285	SAN No. 4728 Endocrine Disrupter Screening Program (EDSP); Implementing the Screening and Testing Phase .....	2070-AD61
3286	SAN No. 4175 Pesticide Tolerance Reassessment Program .....	2070-AD24
3287	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for those Based on Viral Coat Proteins .....	2070-AD49
3288	SAN No. 4611 Plant-Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants .....	2070-AD55
3289	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant .....	2070-AD56
3290	SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment .....	2070-AB95
3291	SAN No. 3222 Groundwater and Pesticide Management Plan Rule .....	2070-AC46
3292	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products .....	2070-AD14
3293	SAN No. 4609 Pesticides; Exemption of Medical Devices Treated With Antimicrobial Pesticides .....	2070-AD54

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

Sequence Number	Title	Regulation Identifier Number
3294	SAN No. 4027 Pesticides; Tolerance Processing Fees .....	2070-AD23
3295	SAN No. 3731 WPS; Pesticide Worker Protection Standard (WPS); Glove Amendment .....	2070-AC93

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

Sequence Number	Title	Regulation Identifier Number
3296	SAN No. 3493 Future Testing for Existing Chemicals (Generic Entry) .....	2070-AB94
3297	SAN No. 4788 Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities ( <b>Section 610 Review</b> ) .....	2070-AD65
3298	SAN 4858. Notification of Chemical Exports Under TSCA Section 12(b) ( <b>Reg Plan Seq No. 116</b> ) .....	2070-AJ01
3299	SAN No. 3557 Lead-Based Paint Activities; Voluntary Program for Renovation and Remodeling ( <b>Reg Plan Seq No. 117</b> ) .....	2070-AJ03
3300	SAN No. 4878 TSCA Inventory Nomenclature for Enzymes and Proteins .....	2070-AJ04

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

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

Sequence Number	Title	Regulation Identifier Number
3301	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers .....	2070-AD58
3302	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances .....	2070-AB79
3303	SAN No. 4876 Voluntary Children's Chemical Evaluation Program (VCCEP) .....	2070-AC27
3304	SAN No. 3301 TSCA Inventory Update Rule Revisions .....	2070-AD63
3305	SAN No. 1923 Follow-Up Rules on Existing Chemicals .....	2070-AA58
3306	SAN No. 4512 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture .....	2070-AD48
3307	SAN No. 4870 Significant New Use Rule (SNUR); Certain Polybrominated Diphenyl Ethers (PBDEs) .....	2070-AJ02
3308	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemption Request From U.S. Maritime Administration (MARAD) .....	2070-AJ05
3309	SAN No. 4942 Significant New Use Rule for Glycol Ethers .....	2070-AJ12
3310	Lead-Based Paint: Pre-Renovation Lead Education .....	2070-AJ14

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

Sequence Number	Title	Regulation Identifier Number
3311	SAN No. 3508 Lead; Management and Disposal of Lead-Based Paint Debris .....	2070-AC72
3312	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances .....	2070-AA59
3313	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders .....	2070-AB27
3314	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals ( <b>Reg Plan Seq No. 130</b> ) .....	2070-AD16
3315	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules .....	2070-AB08
3316	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules .....	2070-AB11
3317	SAN No. 3493 Testing Agreement for Perfluorooctanoic Acid (PFOA) .....	2070-AJ06
3318	SAN No. 3493 Testing Agreement for Diethanolamine .....	2070-AJ09
3319	SAN No. 3493 Testing Agreement for Hydrogen Fluoride .....	2070-AJ10
3320	SAN No. 3493 Testing Agreement for Phthalic Anhydride .....	2070-AJ11
3321	SAN No. 3493 Testing Agreement for Maleic Anhydride .....	2070-AJ13

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

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

Sequence Number	Title	Regulation Identifier Number
3322	SAN No. 3148 Asbestos Model Accreditation Plan Revisions .....	2070-AC51
3323	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban .....	2070-AC21
3324	SAN No. 4376 Lead-Based Paint Activities; Training, Accreditation, and Certification Rule and Model State Plan Rule—Bridges and Structures .....	2070-AC64
3325	SAN No. 3557 Lead-Based Paint Activities; Abatement Amendments for Renovation and Remodeling .....	2070-AC83

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

Sequence Number	Title	Regulation Identifier Number
3326	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce .....	2070-AB20
3327	SAN No. 4597 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues .....	2070-AD52
3328	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs) .....	2070-AC76
3329	SAN No. 3882 Test Rule; Certain Metals .....	2070-AD10
3330	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives .....	2070-AD28
3331	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity ....	2070-AD44
3332	SAN No. 3528 Significant New Use Rule (SNUR); Refractory Ceramic Fibers (RCFs) .....	2070-AC37
3333	SAN No. 4176 Voluntary High Production Volume (HPV) Chemical Challenge Program .....	2070-AD25
3334	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants) .....	2070-AD53
3335	SAN No. 4777 Lead; Amendments to Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing .....	2070-AD64
3336	SAN No. 3493 Testing Agreement for Aryl Phosphates (ITC List 2) .....	2070-AJ07
3337	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
3338	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
3339	SAN No. 2425 TRI; Responses to Petitions Received To Add or Delete or Modify Chemical Listings on the Toxic Release Inventory .....	2025-AA00
3340	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
3341	SAN No. 4896 Toxics Release Inventory Reporting Burden Reduction Rule ( <b>Reg Plan Seq No. 125</b> ) .....	2025-AA14
3342	SAN 4938 TRI Reporting Forms Modification .....	2025-AA15

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

Sequence Number	Title	Regulation Identifier Number
3343	SAN No. 3994 Response to a Petition Requesting Deletion of Phosmet From the Extremely Hazardous Substances (EHS) List .....	2050-AE42
3344	SAN No. 4595 Toxic Release Inventory (TRI) Reporting Requirements From Standard Industrial Classification (SIC) Codes to North American Industrial Classification System (NAICS) Codes .....	2025-AA10

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

Sequence Number	Title	Regulation Identifier Number
3345	SAN No. 3215 Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule .....	2050-AE17
3346	SAN No. 4015 TRI; Review of Chemicals on the Original TRI List .....	2025-AA03
3347	SAN No. 4265 TRI; Revisions to the Otherwise Use Activity Exemptions and the Coal Extraction Activities Exemption .....	2025-AA06
3348	SAN No. 2847 TRI; Pollution Prevention Act Information Requirements .....	2025-AA09
3349	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation .....	2025-AA11

## EPA

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

Sequence Number	Title	Regulation Identifier Number
3350	SAN No. 4230 Revisions to Solid Waste Landfill Criteria—Leachate Recirculation on Alternative Liners .....	2050-AE67
3351	SAN No. 4651 Increase Metals Reclamation From F006 Waste Streams ( <b>Reg Plan Seq No. 123</b> ) .....	2050-AE97
3352	SAN No. 4743 Land Disposal Restrictions: Determination of Equivalent Treatment for Macroencapsulation of Radioactive Lead Solids; Definition of Macroencapsulation .....	2050-AF12
3353	SAN No. 4834 Regulatory Amendments to the F019 Hazardous Waste Listing To Exclude Wastewater Treatment Sludges From Chemical Conversion Coating Process (Zinc Phosphating) of Automobile Bodies of Aluminum ( <b>Reg Plan Seq No. 124</b> ) .....	2050-AG15
3354	SAN No. 4828 RCRA Incentives for Performance Track Members .....	2090-AA34
3355	SAN No. 4944 Regulatory Incentives for the National Environmental Performance Track Program; Direct Final Rule .....	2090-AA36
3356	SAN No. 4944 Regulatory Incentives for the National Environmental Performance Track Program; Direct Final Rule .....	2090-AA37

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

Sequence Number	Title	Regulation Identifier Number
3357	SAN No. 4028 Standardized Permit for RCRA Hazardous Waste Management Facilities ( <b>Reg Plan Seq No. 133</b> ) .....	2050-AE44
3358	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials .....	2050-AE23
3359	SAN No. 3989 Methods Innovation Rule .....	2050-AE41
3360	SAN No. 3147 Hazardous Waste Manifest Regulation ( <b>Reg Plan Seq No. 132</b> ) .....	2050-AE21
3361	SAN No. 4084 RCRA Burden Reduction Initiative ( <b>Reg Plan Seq No. 134</b> ) .....	2050-AE50
3362	SAN No. 3066 Loading-Based Listing of Non-Wastewaters from the Production of Selected Organic Dyes, Pigments, and Food, Drug, and Cosmetic Colorants .....	2050-AD80
3363	SAN No. 4092 Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations ( <b>Reg Plan Seq No. 135</b> ) .....	2050-AE52
3364	SAN No. 4501 Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures .....	2050-AE84
3365	SAN No. 3333 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) ( <b>Reg Plan Seq No. 131</b> ) .....	2050-AE01
3366	SAN No. 4092 Hazardous Waste Management System; Modification of the Hazardous Waste Program: Mercury-Containing Equipment ( <b>Reg Plan Seq No. 136</b> ) .....	2050-AG21
3367	SAN No. 4439 Project XL—Ortho-McNeil Pilot Project Allowing On-Site Treatment of Low-Level Mixed Wastes Without RCRA Permit .....	2090-AA14
3368	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
3369	SAN No. 3856 Management of Cement Kiln Dust (CKD) .....	2050-AE34
3370	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers .....	2050-AE81
3371	SAN No. 4469 Standards for the Management of Coal Combustion Wastes—Non-Power Producers and Minefilling .....	2050-AE83
3372	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
3373	SAN No. 4735 RCRA Burden Reduction Initiative, Phase 2 .....	2050-AF01
3374	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
3375	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

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

Sequence Number	Title	Regulation Identifier Number
3376	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes .....	2050-AE51
3377	SAN No. 4670 Revisions to the Definition of Solid Waste .....	2050-AE98
3378	SAN No. 4606 Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development .....	2050-AE93
3379	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision) .....	2050-AC71
3380	SAN No. 4778 Revisions of the Lead-Acid Battery Export Notification and Consent Requirements .....	2050-AF06
3381	SAN No. 4920 Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories .....	2050-AG18
3382	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
3383	SAN No. 4898 Land Disposal Restrictions Phase III: Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners <b>(Completion of a Section 610 Review)</b> .....	2050-AG17
3384	SAN No. 4897 Land Disposal Restrictions Phase II: Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes <b>(Completion of a Section 610 Review)</b> .....	2050-AG19

## OIL POLLUTION ACT (OPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3385	SAN No. 2634 Revisions to Spill Prevention, Control, and Countermeasures (SPCC) Rule .....	2050-AG16

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

Sequence Number	Title	Regulation Identifier Number
3386	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules .....	2050-AD75
3387	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities .....	2050-AF03

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

Sequence Number	Title	Regulation Identifier Number
3388	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
3389	SAN No. 4177 Revise 40 CFR Part 35 Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Actions .....	2050-AE62

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

Sequence Number	Title	Regulation Identifier Number
3390	SAN No. 4201 Criteria for the Designation of Hazardous Substances Under CERCLA Section 102(a) .....	2050-AE63
3391	SAN No. 4736 Administrative Reporting Exemption for Certain Air Releases of NOx .....	2050-AF02

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

Sequence Number	Title	Regulation Identifier Number
3392	SAN No. 4739 Standards and Practices for Conducting All Appropriate Inquiries .....	2050-AF04

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

Sequence Number	Title	Regulation Identifier Number
3393	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II .....	2040-AD39
3394	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
3395	SAN No. 4822 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines .....	2040-AE61
3396	SAN No. 4932 Effluent Guidelines for the Transportation Equipment Cleaning Point Source Category .....	2040-AE65

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

Sequence Number	Title	Regulation Identifier Number
3397	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
3398	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 ( <b>Reg Plan Seq No. 140</b> ) .....	2040-AD70
3399	SAN No. 3663 Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution .....	2040-AC58
3400	SAN No. 4690 Policy Regarding National Pollutant Discharge Elimination System Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions .....	2040-AD87
3401	SAN No. 4852 Water Quality Standards for Pathogens and Pathogen Indicators for Coastal Recreation Waters ....	2040-AE63

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

Sequence Number	Title	Regulation Identifier Number
3402	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements .....	2050-AE87
3403	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
3404	SAN No. 4344 Water Quality Standards for Indian Country Waters .....	2040-AD46
3405	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act .....	2040-AC75
3406	SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring .....	2040-AC92
3407	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures .....	2040-AC93
3408	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
3409	SAN No. 3786 NPDES Applications Revisions .....	2040-AC84
3410	SAN No. 4623 Watershed Rule: Total Maximum Daily Load (TMDL) Program Revisions .....	2040-AD82
3411	SAN No. 4746 Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters .....	2040-AD89

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## CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3412	SAN No. 4280 Effluent Guidelines and Standards for the Construction and Development Industry .....	2040-AD42
3413	SAN No. 4406 Effluent Guidelines and Standards for the Concentrated Aquatic Animal Production Industry .....	2040-AD55
3414	SAN No. 4407 Effluent Guidelines and Standards for the Meat and Poultry Products Point Source Category (Revisions) .....	2040-AD56
3415	SAN No. 4766 Effluent Guidelines Program Plan for 2004 .....	2040-AD92
3416	SAN No. 4378 Test Procedures: Revisions to Method Detection and Quantitation for the Clean Water Act .....	2040-AD53
3417	SAN No. 4474 Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 2 .....	2040-AD62
3418	SAN No. 3288 Comparison of Dredged Material to Reference Sediment .....	2040-AC14
3419	SAN No. 4493 Clean Water State Revolving Fund Regulation Revisions Re: Use as Matching Funds .....	2040-AD68
3420	SAN No. 3925 Uniform National Discharge Standards for Armed Forces Vessels—Phase II .....	2040-AE64
3421	SAN No. 4945 Withdrawal of Certain Federal Water Quality Criteria Applicable to Alaska, Arkansas, and Puerto Rico .....	2040-AE67

## SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3422	SAN No. 4770 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions .....	2040-AD93
3423	SAN No. 4821 Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List .....	2040-AE60

## SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3424	SAN No. 2340 National Primary Drinking Water Regulations: Groundwater Rule ( <b>Reg Plan Seq No. 137</b> ) .....	2040-AA97
3425	SAN 4341. National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule ( <b>Reg Plan Seq No. 138</b> ) .....	2040-AD37
3426	SAN 4342. National Primary Drinking Water Regulations: Stage 2 Disinfection Byproducts Rule ( <b>Reg Plan Seq No. 139</b> ) .....	2040-AD38
3427	SAN No. 4703 Drinking Water Contaminant Candidate List 2 .....	2060-AD86

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

Sequence Number	Title	Regulation Identifier Number
3428	SAN No. 2281 National Primary Drinking Water Regulations: Radon .....	2040-AA94
3429	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb .....	2040-AC13
3430	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR .....	2040-AD54
3431	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements .....	2040-AD94
3432	SAN No. 4745 Drinking Water Contaminant Candidate List 3 .....	2040-AD99
3433	SAN No. 4236 Underground Injection Control: Update of State Programs .....	2040-AD40

**EPA**

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

Sequence Number	Title	Regulation Identifier Number
3434	SAN No. 4795 National Primary Drinking Water Regulations: Minor Corrections and Clarification to Drinking Water Regulations .....	2040-AE58
3435	SAN No. 4826 National Primary Drinking Water Regulations: Analytical Method for Uranium .....	2040-AE62

**SHORE PROTECTION ACT (SPA)—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
3436	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations .....	2040-AB85

**Environmental Protection Agency (EPA)**

**Proposed Rule Stage**

**General**

**3021. 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	09/00/05	
Final Action	08/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4292;

**Agency Contact:** Katherine Biggs, Environmental Protection Agency, Office of Enforcement and Compliance

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 Phone: 202 564-0000  
 Fax: 202-564-0070  
 Email: hargrove.robert@epamail.epa.gov  
**RIN:** 2020-AA42

**3022. 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	03/00/05	
Final Action	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4319;

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

**Agency Contact:** Daniel Humphries, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460  
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 Fax: 202 565-2552  
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## EPA—General

## Proposed Rule Stage

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 RIN: 2030-AA67

### 3023. SECURITY REQUIREMENTS FOR TOXIC SUBSTANCES CONTROL ACT CONFIDENTIAL BUSINESS INFORMATION ACCESS FOR CONTRACTORS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4904;

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Management, 1200 Pennsylvania Ave, Washington, DC 20460  
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**RIN:** 2030-AA88

### 3024. 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	11/00/04	
Final Action	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4903;

**Agency Contact:** Ed Chambers, Environmental Protection Agency,

Administration and Resources Management, 1200 Pennsylvania Ave, Washington, DC 20460  
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 Email: chambers.ed@epamail.epa.gov

**RIN:** 2030-AA89

### 3025. 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 standards in contract deliverables.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	
Final Action	09/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4931;

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**RIN:** 2030-AA90

## Environmental Protection Agency (EPA)

## Final Rule Stage

## General

### 3026. 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	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3580;

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## EPA—General

## Final Rule Stage

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RIN: 2030-AA37

### 3027. CROSS-MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE (CROMERRR)

**Regulatory Plan:** This entry is Seq. No. 141 in part II of this issue of the Federal Register.

RIN: 2025-AA07

### 3028. 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
NPRM Comment Period End	10/14/04	
Final Action	12/00/04	

**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

### 3029. MISCELLANEOUS REVISIONS TO EPAAR CLAUSES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 63 Stat. 390 sec (c) 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	06/00/05	

**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

### 3030. GUIDELINES FOR CARCINOGEN RISK ASSESSMENT

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

**Legal Authority:** Not Yet Determined

**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 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	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3671;

**Agency Contact:** William Wood, Environmental Protection Agency,

## EPA—General

## Final Rule Stage

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**RIN:** 2080-AA06

### 3031. TECHNICAL AMENDMENTS TO THE FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4925;

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**RIN:** 2080-AA11

### 3032. PROJECT XL SITE SPECIFIC RULEMAKING FOR NASA WHITE SANDS TEST FACILITY ELECTRONIC REPORTING IN LAS CRUCES, NEW MEXICO (PHASES I AND II)

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

**Legal Authority:** “Safe Drinking Water Act, 42 U.S.C. 300f to 300j-26; Solid Waste Disposal Act, 42 U.S.C. 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	11/00/04	

**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

### 3033. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 33

**Legal Deadline:** None

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

decision in *Adarand Constructors, Inc. v. Peña*, 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

## EPA—General

## Long-Term Actions

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**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4056;**Agency Contact:** Kimberly Patrick, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 1230, Washington, DC 20460

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**RIN:** 2020-AA39**3034. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2005; 15 USC 2601 et seq; 21 USC 346; 33 USC 1251 et seq; 33 USC 1414; 42 USC 11001 et seq; 42 USC 300(f) et seq; 42 USC 4912; 42 USC 6901 et seq; 42 USC 7401 et seq; 42 USC 9601 et seq; 5 USC 552; 7 USC 136 et seq**CFR Citation:** 40 CFR 2; 40 CFR 57; 40 CFR 122; 40 CFR 123; 40 CFR 145; 40 CFR 233; 40 CFR 260; 40 CFR 270; 40 CFR 271; 40 CFR 281; 40 CFR 350; 40 CFR 403; 40 CFR 85; 40 CFR 86**Legal Deadline:** NPRM, Statutory, August 31, 2000, Proposed rule to eliminate the special treatment of CBI substantiations.**Abstract:** EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information claimed as confidential business information (CBI). Although the current regulations have succeeded in protecting CBI, changes in Agency workload, practice, and statutory authority have made it difficult to handle CBI activities as expeditiously as desired. EPA is examining its CBI regulations to determine whether changes are needed to make them more efficient and effective. Provision 40 CFR 2.205(c), which automatically protects CBI substantiations claimed as confidential, is being examined individually and as part of the CBI regulations as a whole.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3240;**Agency Contact:** Sara Hisel-McCoy, Environmental Protection Agency, Office of Environmental Information, 2822-T, Washington, DC 20460

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**RIN:** 2025-AA02**3035. • WASTE ISOLATION PILOT PLANT (WIPP) FY 2003 REPORT TO CONGRESS****Priority:** Info./Admin./Other**Legal Authority:** PL 102-529 sec 23(a)(2)**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** This Report to Congress is required by section 23(a)(2) of the WIPP Land Withdrawal Act, which requires EPA to submit an annual report to Congress "on the status of and resources required for the fulfillment of the Administrator's responsibilities under the Act" regarding the Waste Isolation Pilot Plant (WIPP). This report summarizes the activities and progress EPA has made in fulfilling its responsibilities under the Act and outlines the resources required for the Agency to meet its commitments. The WIPP is an underground repository for the permanent disposal of radioactive waste generated as byproducts from nuclear weapons production. It was constructed by the Department of Energy (DOE) and is located near Carlsbad, New Mexico. In 1998, EPA certified that the WIPP complies with EPA's radioactive waste disposal standards at subpart B and C of 40 CFR 191 and EPA's WIPP compliance criteria at 40 CFR 194, and thus is safe to contain radioactive waste. Since that time, the DOE has begun emplacing waste in the WIPP. The waste is stored approximately 2,100 feet underground in excavated, natural salt formations. EPA also has responsibility for assuring continual compliance with EPA's radioactive waste disposal standards. EPA continues to have an oversight role at the WIPP to ensure that it continues to protect human health and the environment. This Report summarizes EPA's activities past and present.**Timetable:**

Action	Date	FR Cite
Final Action	12/00/05	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4902;**Agency Contact:** Lisa Sharp, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, Washington, DC 20460

Phone: 202-343-9265

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## EPA—General

## Long-Term Actions

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RIN: 2060-AM73

### 3036. PERSISTENT, BIOACCUMULATIVE, AND TOXIC (PBT) POLLUTANTS STRATEGY

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** As described in the Agency's 1998 PBT Strategy, EPA is developing and implementing National Action Plans for certain priority PBT pollutants. These pollutants pose risks because they are toxic, persist in ecosystems, and accumulate in fish and up the food chain. The PBT challenges remaining stem from the pollutants' ability to travel long distances, to transfer rather easily among air, water, and land, and to linger for generations. EPA is forging a new approach to reduce risks from and exposures to priority PBT pollutants through increased coordination among EPA national and regional programs. This approach also requires the significant involvement of stakeholders, including international, state, local, and tribal organizations, the regulated community, environmental groups, and private citizens. EPA is initially focusing action on 12 substances either individually or as categories and two major cross-cutting issues (monitoring and outreach/risk communication). The action plans will use the full range of tools to prevent and reduce releases of these substances. These tools include international, voluntary, outreach, programmatic, remedial, compliance monitoring and assistance, enforcement, research, and regulatory tools. EPA will integrate and sequence actions within and across action plans, and will seek to leverage these actions on international and industry-sector bases. Beyond these first 12 substances EPA will identify additional PBTs for development of National Action Plans. Although these Plans are not regulatory actions, EPA has included them in the Regulatory Agenda to inform the public and regulated community because the Action Plans may discuss regulatory alternatives for consideration.

#### Timetable:

Action	Date	FR Cite
Notice: Draft for Mercury	11/17/98	63 FR 63926
Notice: PBT Strategy	11/17/98	63 FR 63926
Notice: Draft for Great Lakes	11/01/99	64 FR 58841
Notice: Draft for Alkyl-lead	08/25/00	65 FR 51823
Notice: Draft for OCS	08/25/00	65 FR 51825
Notice: Draft for Alkyl-lead Reopened	10/25/00	65 FR 63861
Notice: Draft for Level 1 Pesticides	11/01/00	65 FR 65314
Notice: Draft for HCB	12/08/00	65 FR 77026
Notice: Final for Alkyl-lead	07/23/02	67 FR 48177
Notice: Draft for B(a)P	12/00/05	
Notice: Final for HCB	12/00/05	
Notice: Final for OCS	12/00/05	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4463;

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RIN: 2070-AD45

### 3037. PROJECT XL SITE SPECIFIC RULEMAKING FOR THE NASA WHITE SANDS TEST FACILITY IN LAS CRUCES, NEW MEXICO (PHASES III-VI)

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

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN 4836.

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RIN: 2090-AA35

## Environmental Protection Agency (EPA)

## Completed Actions

## General

**3038. IMPLEMENTATION OF AUTHORITY TO APPOINT RESEARCH SCIENTISTS UNDER 42 USC****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Completed:**

Reason	Date	FR Cite
Withdrawn	11/04/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John O'Brien

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**RIN:** 2030-AA83**3039. REVISION TO EPAAR 1552.211-73, LEVEL OF EFFORT****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1552**Completed:**

Reason	Date	FR Cite
Withdrawn	07/22/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Larry Wyborski

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**RIN:** 2030-AA64**3040. BACKGROUND INVESTIGATIONS FOR CONTRACTORS PERFORMING SERVICES ONSITE****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Completed:**

Reason	Date	FR Cite
Withdrawn	10/08/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Paul Schaffer

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**RIN:** 2030-AA80**3041. CONTINUATION OF IMPLEMENTING THE EMPOWERMENT INITIATIVE****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Completed:**

Reason	Date	FR Cite
Withdrawn	10/08/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jill Robbins

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**RIN:** 2030-AA81**3042. ON-SITE AND OFF-SITE BACKGROUND CHECKS PERFORMED BY EPA AND CONTRACTORS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1511; 48 CFR 1552**Completed:**

Reason	Date	FR Cite
Withdrawn	10/08/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Judy Davis

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**RIN:** 2030-AA85**3043. CONTRACT BUNDLING REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1519; 48 CFR 1552**Completed:**

Reason	Date	FR Cite
Withdrawn	07/22/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Susan Kantrowitz

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**RIN:** 2030-AA86**3044. WASTE ISOLATION PILOT PLANT (WIPP) FY 2002 REPORT TO CONGRESS****Priority:** Info./Admin./Other**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Report to Congress	06/04/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Raymond Lee

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**RIN:** 2060-AK79**3045. • INTENT TO EVALUATE WHETHER THE WASTE ISOLATION PILOT PLANT CONTINUES TO COMPLY WITH THE 40 CFR PART 191 DISPOSAL REGULATIONS AND THE 40 CFR PART 194 COMPLIANCE CRITERIA****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 102-579; Land Withdrawal Act**CFR Citation:** 40 CFR 191; 40 CFR 194**Legal Deadline:** None

**Abstract:** The Compliance Application Guidance (previously titled Format and Content Guide) will be a guidance document for 40 CFR 194 compliance criteria. These criteria are being developed pursuant to the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act and EPA's radioactive waste disposal standards (40 CFR 191). The compliance criteria are proceeding separately in the regulatory process. These criteria include a number of requirements that will be used by EPA to determine if the Department of Energy's (DOE) application to open the WIPP complies with 40 CFR 191. The Format and Content Guide for 40 CFR 194 will 1) provide more detailed information on the completeness requirements discussed in the criteria, and it will 2) be used by EPA to judge if DOE has submitted in its application the information required by 40 CFR 194. There may be overlap in this Format and Content Guide and RCRA information needs.

**Timetable:**

Action	Date	FR Cite
Notice	05/24/04	69 FR 29646

## EPA—General

## Completed Actions

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3538.1; Split from RIN 2060-AG09.**Agency Contact:** Raymond Lee, Environmental Protection Agency, Air

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**RIN:** 2060-AM60**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)**

## Prerule Stage

**3046. REVISION TO POLICY ON CONTROL OF VOLATILE ORGANIC COMPOUNDS (VOC)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7671q**CFR Citation:** 40 CFR 51.100(s)**Legal Deadline:** None

**Abstract:** EPA is considering the proposal of revisions to its policy on control of volatile organic compounds (VOC), including the use of photochemical reactivity in controlling VOCs. As a first step, an ANPRM will be issued soliciting public comment on various policy options. Subsequent steps could range from taking no further action to publishing a policy statement in the Federal Register. The ANPRM is to announce that EPA is considering revision of its VOC policy which appeared in the July 8, 1977 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).

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4759;**Agency Contact:** William L. Johnson, Environmental Protection Agency, Air and Radiation, C539-02, Washington, DC 20460

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**RIN:** 2060-AK75**3047. • REQUEST FOR COMMENTS ON POTENTIALLY INADEQUATE MONITORING IN CLEAN AIR APPLICABLE REQUIREMENTS AND ON METHODS TO IMPROVE SUCH MONITORING****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60; 40 CFR 61**Legal Deadline:** None**Abstract:** This advance notice of proposed rulemaking (ANPRM) is to ask for public comments to help us identify potentially inadequate

monitoring in Federal and State air quality standards and rules with respect to the monitoring requirements of title V of the Clean Air Act. The ANPRM would also ask for comments on methods to improve such monitoring. Specifically, we are seeking stakeholder input to identify potentially inadequate monitoring in applicable requirements, including NSPS, NESHAP, and State SI rules. We are also seeking suggestions as to the best programmatic methods to improve such monitoring, perhaps by conducting rulemaking to revise the monitoring in the applicable requirements directly. In our final "umbrella monitoring rule" published January 22, 2004, EPA explained its interpretation of the umbrella monitoring provisions of the operating permit program rules (part 70/71). We explained that those provisions do not establish a separate basis for establishing monitoring that would be different from any monitoring that may be required under the "periodic monitoring" rules. In addition, we stated that to satisfy the umbrella monitoring rules, operating permits must contain all monitoring required by the periodic monitoring rules and all monitoring required by applicable requirements, such as monitoring required by NSPS, NESHAP, the compliance assurance monitoring rule, and SIP rules. Also in the umbrella monitoring rule, EPA announced a strategy for improving monitoring in applicable requirements, where necessary, through rulemaking or other programmatic means, rather than solely by improving monitoring in operating permits on a case-by-case basis using the part 70 and part 71 rules. This strategy for improving monitoring is consistent with a legal settlement we entered into with UARG and other industry trade groups over EPA's title V monitoring policy. This ANPRM is an important part of that strategy.

## EPA—Clean Air Act (CAA)

Prerule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 4699.1; Split from RIN 2060-AK29**Agency Contact:** Jeff Herring, Environmental Protection Agency, Air and Radiation, C304-04, Research Triangle Park, NC 27711  
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Email: hitte.steve@epamail.epa.gov**RIN:** 2060-AM63**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)**

Proposed Rule Stage

**3048. REVIEW NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE****Priority:** Other Significant**Legal Authority:** 42 USC 7409**CFR Citation:** 40 CFR 50**Legal Deadline:** Final, Statutory, May 31, 2001, Clean Air Act requires reviews every five years.**Abstract:** Review of the national ambient air quality standards (NAAQS) for carbon monoxide (CO) every 5 years is mandated by the Clean Air Act. This review assesses the available scientific data about the health and environmental effects of CO and translates the science into terms that can be used in making recommendations about whether or how the standards should be changed. The last review of the CO NAAQS was completed in 1994 with a final decision that revisions were not appropriate at that time.**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4266;**Agency Contact:** Dave Mckee, Environmental Protection Agency, Air and Radiation, C539-01, Washington, DC 20460  
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Phone: 919-541-5271  
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Action	Date	FR Cite
NPRM	09/00/05	
Final Action	03/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3649;**Agency Contact:** Candace Sorrell, Environmental Protection Agency, Air and Radiation, D205-02, Washington, DC 20460  
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**RIN:** 2060-AF72**3050. GENERAL CONFORMITY REGULATIONS; REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401-7671**CFR Citation:** 40 CFR 51.850 to 51.860; 40 CFR 93.150 to 93.160**Legal Deadline:** None**Abstract:** Section 176(c) of the Clean Air Act prohibits Federal entities from taking actions which do not conform to the State implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). In November 1993, EPA promulgated two sets of regulations to implement section 176(c). First, on November 24, EPA promulgated the Transportation Conformity Regulations to establish the criteria and procedures for determining that transportation plans, programs, and projects which are funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. Then, on November 30, EPA promulgated regulations, known as the General Conformity Regulations, to ensure that other Federal actions also conformed to the SIPs. The EPA has not reviewed or revised the General Conformity Regulations since their 1993 promulgation. Several Federal agencies have identified concerns over the implementation of the General Conformity Regulations, including the

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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	12/00/04	
Final Action	11/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

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

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**RIN:** 2060-AH93

### 3051. NSPS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 60

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

**Abstract:** Section 129 of the Clean Air Act of 1990 requires the Agency to promulgate New Source Performance Standards (NSPS) and Emission Guidelines (EG) for solid waste incinerators. Section 129 specifically required the Administrator to publish a schedule for regulating Other Solid Waste Incinerators (OSWI). A notice published on November 9, 2000

announced that the Administrator would promulgate OSWI standards by November 15, 2005. The notice also listed what classes of incinerators might be covered by the OSWI standards. Standards will be set for the following pollutants: particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead cadmium, mercury, and dioxins and dibenzofurans.

**Timetable:**

Action	Date	FR Cite
Prop. Stds & Guidance	11/09/00	65 FR 67357
Notice	11/09/00	65 FR 66850
NPRM	12/00/04	
Final Action	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** SAN No. 3751;

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**RIN:** 2060-AG31

### 3052. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** As required by the Clean Air Act's New Source Review (NSR) provisions, the EPA is proposing Federal regulations governing preconstruction permitting of major and minor stationary sources of air pollution in Indian country. Pursuant to the tribal Air Rule, eligible Indian tribes may receive EPA authorization to develop and implement such programs.

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, Tribal

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

**Additional Information:** SAN No. 3975;

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**RIN:** 2060-AH37

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3053. CLEAN AIR FINE PARTICLE IMPLEMENTATION RULE**

**Regulatory Plan:** This entry is Seq. No. 118 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AK74

**3054. 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	11/00/04	
Final Action	11/00/05	

**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

**3055. 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	12/00/04	
Final Action	12/00/05	

**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

**3056. NESHAP: PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4310;

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**RIN:** 2060-AI66

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3057. 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 Assn v. EPA. The Court remanded the three standards for which we established floors of no control (hydrogen chloride (HCl), total hydrocarbon (THC), and mercury (Hg)). The Court found that we committed error in not considering other means of control, in particular, control of HAPs in raw materials and in fossil fuels. The Court also remanded that we consider setting beyond-the-floor standards for HAP metals, for which particulate matter (PM) is a surrogate. This action will consist of amendments to respond to the court remand.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**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**3058. NESHAP: ETHYLENE OXIDE FOR STERILIZATION FACILITIES—RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 6, 2002.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA codified in 40 CFR part 63, subpart O. This source category covers ethylene oxide commercial sterilizers. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. We have completed the risk assessment, received Work Group comments, and are planning to submit for internal peer review. The assessment results show cancer incidence less than 1.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**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**3059. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 14, 2002.

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4655;

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**RIN:** 2060-AK10**3060. NESHAP: INDUSTRIAL PROCESS COOLING TOWERS RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

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**RIN:** 2060-AK16

**3061. NESHAP: PERCHLOROETHYLENE DRY CLEANING FACILITIES RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** EPA developed technology-based emission standards for this source category under section 112(d) of the Clean Air Act. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks and

develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	
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

**3062. NESHAP: MAGNETIC TAPE MANUFACTURING OPERATIONS RESIDUAL RISK STANDARD**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, December 15, 2002, -.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. The facilities covered by the 112(d) standard and under investigation in the project are Magnetic Tape coatings facilities that manufacture audio and video recording and computer information storage, and emit major source levels of air toxics. There are a total of six facilities manufacturing magnetic tape in the nation. Half of these are located in the

State of Alabama. We have completed the risk assessment, received Work Group comments, and are preparing for internal peer review.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**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

**3063. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAA 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This action proposes to amend the Hazardous Organic NESHAP to allow vapor balancing as a control option for storage vessels.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4712;

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**RIN:** 2060-AK49

**3064. 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	08/00/05	

**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

**3065. 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
NPRM	07/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4782;

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**RIN:** 2060-AK84

**3066. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) RESIDUAL RISK STANDARDS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, April 22, 2003, -.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. This rule will cover the major sources of air emissions

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within the synthetic organic chemical industry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**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

### 3067. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; PROPOSED AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7511b

**CFR Citation:** 40 CFR 59

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4309;

**Sectors Affected:** 32599 All Other Chemical Product Manufacturing

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**RIN:** 2060-AI62

### 3068. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 7521

**CFR Citation:** 40 CFR 80; 40 CFR 86

**Legal Deadline:** None

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

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

emissions overall and the potential for exposure to evaporative benzene emissions.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4748;

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

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**RIN:** 2060-AK70

### 3069. PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** This action reinforces the economic incentives related to the transition of Article 5 countries to ozone-depleting substance alternatives. Currently, Article 5 allowances are determined as a percentage of total production allowances assigned to 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	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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**Government Levels Affected:** None

**Additional Information:** SAN No. 4697;

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**RIN:** 2060-AK45

### 3070. 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

**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	12/00/04	

**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

### 3071. 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	10/00/05	
Final Action	05/00/06	

**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

### 3072. AMBIENT AIR QUALITY MONITORING REGULATIONS: REVISIONS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** Air pollution control authorities use air quality data to determine compliance with the National Ambient Air Quality

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

**Timetable:**

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

**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

**3073. CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND ENGINES: ALTERNATIVE LOW-SULFUR HIGHWAY DIESEL FUEL TRANSITION PROGRAM FOR ALASKA**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

2002. This action will be in response to that anticipated submittal. We are also adding a related re-proposal to implement nationwide diesel fuel content standards for nonroad, locomotive and marine engines as it applies to Alaska's rural areas.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**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

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**RIN:** 2060-AJ72

**3074. MODIFICATION OF AUTHORITY TO GRANT ALTERNATIVE METHOD APPROVALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Currently, stationary source regulations cite specific test methods to demonstrate compliance. If a source locates a test method which will measure the regulated pollutant(s) with similar precision and accuracy to the method cited in the regulation, and would like to use the alternative method, the source must petition the EPA (along with data documenting the applicability of the alternative) to allow the alternative method. Each of these alternative method approvals by letter may currently only be granted to a specific source. Source category-wide approvals must be published for comment in the Federal Register. Due

to budgetary and time constraints, the process constrains industry trade associations from developing and submitting alternative test methods. Therefore, the purpose of this rulemaking is to modify the regulations to allow source category-wide alternative method approvals to be issued by letter.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN 4547.

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**RIN:** 2060-AJ83

**3075. 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,

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN 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

**3076. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES: DEFAULT BASELINE REVISION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80

**Legal Deadline:** Final, Statutory, October 31, 2001, 80.855(b)(2) directs EPA to revise the default baseline by this date.

**Abstract:** The final rule, Control of Emissions of Hazardous Air Pollutants From Mobile Sources (66 FR 17230, 3/29/01), directed EPA to revise the default toxics baselines in the rule to include year 2000 data when it becomes available. When revised, the default toxics baseline values will be the average toxics values for gasoline over the period 1998-2000. This data is now available, and this rule will promulgate those revised baseline values.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4621;

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**RIN:** 2060-AJ97

**3077. 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	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4632;

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**RIN:** 2060-AK02

### 3078. TRANSPORTATION CONFORMITY RULE AMENDMENTS FOR NEW 8-HOUR OZONE AND PM<sub>2.5</sub> NATIONAL AMBIENT AIR QUALITY STANDARDS

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51 and 93

**Legal Deadline:** None

**Abstract:** The transportation conformity rule ensures that transportation planning is consistent with a state's plans for achieving the air quality standards. These amendments to the existing transportation conformity rule are necessary as a result of the new 8-hour ozone and PM<sub>2.5</sub> 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 PM<sub>2.5</sub>.

#### Timetable:

Action	Date	FR Cite
NPRM	11/05/03	68 FR 62690
Final Action	07/01/04	69 FR 40004
Correction Notice	07/20/04	69 FR 43325
Supplemental NPRM	11/00/04	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

**Additional Information:** SAN No. 4811; 2060-AI56 was merged into this action May 2004

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**RIN:** 2060-AL73

### 3079. 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. 119 in part II of this issue of the Federal Register.

**RIN:** 2060-AL75

### 3080. SECTION 126 RULE: WITHDRAWAL OF FINDINGS FOR SOURCES IN MICHIGAN

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 52.34

**Legal Deadline:** None

**Abstract:** In response to petitions submitted by four northeastern States, in January 2000, EPA issued the Section 126 Rule which required sources in Michigan and certain other States to reduce nitrogen oxides (NO<sub>x</sub>) emissions for the purpose of reducing interstate ozone transport. EPA coordinated the Section 126 Rule with another rule known as the NO<sub>x</sub> State implementation plan (SIP) Call, which also addresses ozone transport in the eastern half of the United States. EPA established a mechanism in the Section 126 Rule whereby the rule would be withdrawn for sources in a State if the State submitted, and EPA approved, a SIP that complied with the NO<sub>x</sub> 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 NO<sub>x</sub> transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NO<sub>x</sub> SIP Call have been delayed and the NO<sub>x</sub> 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 NO<sub>x</sub> SIP that meets only Phase 1 of the NO<sub>x</sub> SIP Call, EPA would need to make a determination that the SIP controls the total group of Section 126 sources to the same stringency as the Section 126 Rule would before the Section 126 Rule could be withdrawn. The EPA has since approved the Michigan NO<sub>x</sub> SIP. In this current action, EPA is proposing that the SIP meets the proposed Section 126 Rule withdrawal criteria, and therefore, EPA is proposing to withdraw the redundant Section 126 Rule for sources in Michigan.

#### Timetable:

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

#### 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

### 3081. AMENDMENTS TO LEATHER FINISHING NESHAP

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63 (Revision)

**Legal Deadline:** None

**Abstract:** On February 27, 2002, EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Leather Finishing Operations industry. EPA was subsequently petitioned by two affected facilities concerning the definition of specialty leather. EPA has engaged in negotiations with these facilities concerning the definition and is issuing these technical corrections to address

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the concerns. The amendments to the rule will clarify the definition of specialty leather and provide a means of determining what kinds of leather meet the definition of specialty leather.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4802;

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**RIN:** 2060-AL89

**3082. PROTECTION OF STRATOSPHERIC OZONE; ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT AND EXPORT; CORRECTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82 (Revision)

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**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

**3083. AMENDMENTS TO THE NESHP FOR CELLULOSE PRODUCTS MANUFACTURING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63 (Revision)

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	
Final Action	02/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4808;

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**RIN:** 2060-AL91

**3084. 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	05/00/05	
Final Action	01/00/06	

**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

### 3085. 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	10/00/05	
Final Action	12/00/05	

#### 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

### 3086. 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	04/00/05	
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

### 3087. ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60, 61, and 63

**Legal Deadline:** None

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

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AL98

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**3088. CONTROL OF EMISSIONS FROM NEW LOCOMOTIVES AND NEW MARINE DIESEL ENGINES LESS THAN 30 LITERS PER CYLINDER**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 7522 to 7621

**CFR Citation:** 40 CFR 92 and 94

**Legal Deadline:** None

**Abstract:** This rule will set an additional tier of more stringent exhaust emission standards for new locomotives and new marine compression-ignition engines below 30 liters per cylinder. Pollutants to be regulated are primarily nitrogen oxides (NOx) and particulates. These new standards are expected to reflect the emission reductions achievable through the application of advanced emission control technologies, including high-efficiency catalytic exhaust emission control devices, and the availability and use of low sulfur diesel fuel. Applying these technologies could result in a 90 percent reduction in exhaust emissions. The standards will build on our existing locomotive and marine diesel engine emission control programs, and will likely be modeled on our highway and nonroad diesel programs. The advanced technologies we are considering would take advantage of the fact that low-sulfur fuel for these engines will already be available as a result of previous regulation in our nonroad program.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4871;

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**RIN:** 2060-AM06

**3089. 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	04/00/05	
Final Action	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Local, Tribal

**Additional Information:** SAN No. 4846;

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**RIN:** 2060-AM08

**3090. PROTECTION OF STRATOSPHERIC OZONE: AMENDMENTS TO THE SECTION 608 LEAK REPAIR REGULATIONS**

**Priority:** Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

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

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

**Legal Deadline:** None

**Abstract:** This rulemaking will propose changes and amendments to the refrigerant leak repair regulations (40 CFR 82, subpart F) promulgated under section 608 of the Clean Air Act. The goal of the regulations is to protect the stratospheric ozone layer by promulgating regulations that reduce the use and emissions of ozone-depleting refrigerants to the lowest achievable level. This proposal will clarify the leak repair regulations by requiring that owners and operators of comfort cooling, commercial refrigeration, and industrial process refrigeration appliances that have ozone-depleting charges greater than 50 pounds calculate leak rates, verify all repairs, and document repair efforts. This rulemaking will provide further clarity by adding definitions and discussing compliance scenarios.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal

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**RIN:** 2060-AM09

**3091. 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

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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	01/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4851;**Agency Contact:** Jabeen Akhtar, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AM15**3092. NESHAP: AREA SOURCE STANDARDS — OIL AND NATURAL GAS PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63.760 to 779**Legal Deadline:** Final, Statutory, November 30, 2000, -.

**Abstract:** This regulation is being pursued under the Clean Air Act, Section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from "area" sources, which are sources that emit hazardous air pollutants (HAP) below the major source level of 10 tons/year of a single HAP and 25 tons/year of all HAP. As part of that strategy, several area-source categories were listed for regulation. Oil and Natural Gas (ONG) production sources was listed as one of those categories, and

this rulemaking will address measures to control pollution from ONG facilities. Oil and natural gas production processes are known to emit benzene, toluene, ethyl-benzene and xylene. In 1999, EPA promulgated the NESHAP for Oil and Natural Gas Production.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	
Final Action	01/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4875;**Agency Contact:** Greg Nizich, Environmental Protection Agency, Air and Radiation, C439-03, Washington, DC 20460

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**RIN:** 2060-AM16**3093. PETITION TO DELIST A HAZARDOUS AIR POLLUTANT FROM SECTION 112 OF THE CLEAN AIR ACT: METHYL ISOBUTYL KETONE (MIBK)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** The Ketones Panel of the American Chemistry Council (ACC) has petitioned the Agency to remove methyl isobutyl ketone (MIBK) from the Clean Air Act (CAA) hazardous air pollutant (HAP) list. The ACC originally submitted the petition in April of 1997. EPA suspended review of the petition pending the completion of 2-generation reproductive effects study. The study is now complete. On October 17, 2003, the ACC submitted an addendum to the 1997 petition which includes: the results of the 2-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.

**Timetable:**

Action	Date	FR Cite
Notice of Receipt of a Complete Petition	07/19/04	69 FR 42954
NPRM	05/00/05	
Final Action	05/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4849;**Agency Contact:** Mark Morris, Environmental Protection Agency, Air and Radiation, C404-01, Washington, DC 20460

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**RIN:** 2060-AM20**3094. AMENDMENTS TO VEHICLE INSPECTION AND MAINTENANCE PROGRAM REQUIREMENTS TO ADDRESS NEW 8-HOUR OZONE STANDARD****Priority:** Other Significant**Legal Authority:** 42 USC 7401**CFR Citation:** 40 CFR 51**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4854;

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RIN: 2060-AM21

**3095. NESHAP: TOTAL FACILITY LOW RISK DETERMINATION (TFLRD) FOR RESIDUAL RISK**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

**Abstract:** Section 112(f) of the Clean Air Act requires that we assess residual risk remaining after MACT and develop additional emission standard, as necessary, to provide an ample margin of safety. Many facilities have numerous MACT standards that they are subject to. This action will provide a procedure for facilities to assess risk, and if a facility wide low risk determination can be shown, to avoid applicable residual risk standards. The evaluation will be made on a facility wide HAP emissions basis.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**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

**3096. NESHAP: HYDROCHLORIC ACID PRODUCTION AMENDMENTS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4867;

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RIN: 2060-AM25

**3097. 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	06/00/05	

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4865;

**Agency Contact:** Bill Schrock, Environmental Protection Agency, Air

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060–AM26

### 3098. REQUIREMENTS FOR TRANSMIX PROCESSING AND BLENDING UNDER THE REFORMULATED GASOLINE AND GASOLINE SULFUR RULES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	02/00/05	

**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

### 3099. NESHAP: SURFACE COATING OF METAL CANS—AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** National emission standards for hazardous air pollutants (NESHAP) for metal can surface coating operations located at major sources of hazardous air pollutants (HAP) were promulgated on 11/13/2003 (68 FR 64432). The final standards implement section 112(d) of the Clean Air Act (CAA) by requiring these operations to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The final rule will protect air quality and promote public health by reducing emissions of HAP from facilities in the metal can surface coating source category. The EPA is issuing a final rule that removes ethylene glycol monobutyl ether (EGBE) from the list of hazardous air pollutants (HAP). EGBE compromises most of the air emissions from the metal can surface coating industry. Removing EGBE from the HAP list significantly affects the emission limits, emissions reductions, and the number of sources affected by the final rule issued in November 13, 2004 (68 FR 64432). This action proposes amendments to the surface coating of metal cans final rule to reflect the removal of EGBE from the hazardous air pollutant list.

#### Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

**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

### 3100. NESHAP: SITE REMEDIATION: AMENDMENTS

**Priority:** Routine and Frequent

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

**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

### 3101. PROPOSAL TO EXEMPT AREA SOURCES SUBJECT TO NESHAPS FROM FEDERAL AND STATE OPERATING PERMIT PROGRAMS

**Priority:** Other Significant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 40 CFR 70 and 71

**Legal Deadline:** None

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4868;

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**RIN:** 2060-AM31

### 3102. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: AMENDMENTS TO EVAPORATIVE EMISSIONS REGULATIONS AND TECHNICAL AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401

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

**Legal Deadline:** None

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

**Timetable:**

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

**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

### 3103. PREVENTION OF SIGNIFICANT DETERIORATION FOR NITROGEN OXIDES

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Judicial, September 30, 2004, Signature. 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 two-year schedule for promulgating such regulations by September 30, 2005. At a minimum, the regulations will provide EPA's interpretation of the statutory requirements for developing adequate increments to prevent significant deterioration for nitrogen oxides. Based on our interpretation, we will consider the need for revising the existing increments for nitrogen dioxide, including both an annual and short-term averaging period, and the regulation of other nitrogen oxide compounds other than nitrogen dioxide.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	
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;

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AM33

### 3104. CONTROL OF EMISSIONS FROM SPARK-IGNITION ENGINES AND FUEL SYSTEMS FROM MARINE VESSELS AND SMALL EQUIPMENT

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

**Legal Authority:** 42 USC 7521 to 7601(a)

**CFR Citation:** 40 CFR 90

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

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

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4882;

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RIN: 2060-AM34

### 3105. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

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

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4891;

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RIN: 2060-AM43

### 3106. 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 experiences with flexible permitting over the past decade. The term "flexible permit" is used to describe air permits with conditions designed to reduce the administrative "friction"—costs, time, delay, uncertainty, and risk — experienced by sources and permitting authorities when implementing a permit or making changes under the permit. This is accomplished by allowing a source to make certain types

of advanced approved changes (e.g., modifications to a source's method of operation, equipment, raw materials, emission factors, monitoring parameters, and/or the addition of new equipment capacity) without requiring additional permitting or approval, provided the source meets certain criteria outlined in its operating and relevant construction permits. Such criteria might include the maintenance of plant-wide emissions levels below enforceable caps and application of certain control approaches. Over the past decade, the EPA and State and local permitting authorities have piloted specific permitting techniques and tools to accomplish advance-approval for certain types of changes that might take place over the course of a permit term. While chosen solutions will depend on individual state permitting rules and requirements, such techniques typically include: descriptions of advance-approved changes or categories of changes in the permit; procedures for testing pollution control device performance and updating emission factors or parameter values without requiring the permit to be amended or re-opened; elimination of redundant requirements by applying the most stringent applicable requirement; provisions to explicitly encourage pollution prevention; and one or more emission caps to safeguard relevant ambient standards and increments. Flexible permitting has the potential to benefit a wide variety of types of facilities that are regulated under the Clean Air Act's title V operating permits program. Among the benefits flexible permits are anticipated to provide are: improved knowledge of a facility's emissions for the entire site and of its compliance status; improved public understanding of a facility's activities over an extended period (each proposed advance approval must describe the type and magnitude of the potential emissions increases that can occur); a better perspective of the type and amount of planned growth at a facility, at a time when public comment can influence the direction of the proposed changes; increased environmental protection from the use of emission caps, which limit future emissions increases and, in some cases, reduce overall emissions; and increased use of better add-on control devices and/or pollution prevention practices, which allow industry flexibility to

## EPA—Clean Air Act (CAA)

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adjust their processes as necessary to remain under an emissions cap.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

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

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**RIN:** 2060-AM45

**3107. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR ARCHITECTURAL COATINGS—AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

**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

**3108. CONTROL OF ULTRA LOW SULFUR DIESEL FUEL LUBRICITY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 86

**Legal Deadline:** None

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

**Timetable:**

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

**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

**3109. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** EPA is amending the rule on refrigerant recycling equipment intended for use with Substitute Refrigerants: EPA is amending the rule on refrigerant recycling, promulgated under section 608 of the Clean Air Act, to clarify how the requirements of section 608 extend to refrigerant recovery and/or recycling equipment intended for use with substitutes for CFC and HCFC refrigerants. NOTE: Substitute-refrigerant issues had previously been addressed by another rulemaking effort which is now listed as “withdrawn“ in the “completed“ section of this Regulatory Agenda (SAN 3560.1). Further work on these issues will be performed under SAN 4916.

**Timetable:**

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

**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

**3110. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2005**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 82.4(n)

**Legal Deadline:** None

**Abstract:** This rule will allocate essential use allowance for import and production of class I stratospheric

## EPA—Clean Air Act (CAA)

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4893;

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**RIN:** 2060-AM50

### 3111. 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. This amendment to the regulation will

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

**Timetable:**

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

**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

### 3112. 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	01/00/05	
Final Action	03/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4894;

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**RIN:** 2060-AM56

### 3113. ● PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT (RMRR); MAINTENANCE AND REPAIR AMENDMENTS

**Priority:** Economically 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). This action, SAN 4676.3, would propose more detailed approaches for establishing a regulatory definition for maintenance and repair activities (that are not equipment replacements) that fall within the RMRR Exclusion from major NSR.

**Timetable:**

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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.**Additional Information:** SAN No. 4676.3; Split from RIN 2060-AK28**Agency Contact:** Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27711  
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**RIN:** 2060-AM62**3114. • PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES: N-PROPYL BROMIDE (COATINGS)****Priority:** Economically Significant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None**Abstract:** This rule would list whether n-propylbromide (nPB) is an acceptable substitute for class I and class II ozone depleting substances used in connection with the manufacture and use of coatings. This will ensure that nPB is used in a manner that is safe and environmentally protective.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4599.1; Split from RIN 2060-AK26. Split from RIN 2060-AJ58. The previous ANPRM was under SAN No. 3525.**Agency Contact:** Margaret Sheppard, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AM65**3115. • AREA SOURCE NESHAP FOR STAINLESS AND NONSTAINLESS STEEL ELECTRIC ARC FURNACE (EAF) MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**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	06/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4889;**Agency Contact:** Mary Kissell, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711

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**RIN:** 2060-AM71**3116. • NESHAP: GENERAL PROVISIONS—AMENDMENTS****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**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	06/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4908;**Agency Contact:** Rick Colyer, Environmental Protection Agency, Air and Radiation, C504-05, Research Triangle Park, NC 27711

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**RIN:** 2060-AM75**3117. • NESHAP: INTEGRATED IRON AND STEEL; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Legal Deadline:** None

**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	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4909;

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**RIN:** 2060-AM76

**3118. • 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.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

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

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**RIN:** 2060-AM78

**3119. • 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	03/00/05	
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

**3120. • 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 revision to the NSPS standards.  
Final, Judicial, February 9, 2006, Under consent with Sierra Club and Our Children's Earth Foundation must promulgate revision 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 review and, if appropriate, revise the new source performance standards for electric utility steam generating units and industrial and

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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	03/00/05	
Final Action	03/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4913;

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**RIN:** 2060-AM80

### 3121. • NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR RECIPROCATING INTERNAL COMBUSTION COMPRESSION IGNITION ENGINES

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

**Legal Authority:** Clean Air Act sec 111

**CFR Citation:** None

**Legal Deadline:** None

**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 that has been agreed on in principle to propose by June 05 and to promulgate by June 06. Information gathering will begin 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	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local, State

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

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**RIN:** 2060-AM81

### 3122. • NESHAP: COKE OVENS: PUSHING, QUENCHING, AND BATTERY STACKS; 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 Coke Ovens: Pushing, Quenching, and Battery Stacks on April 14, 2003. EPA was subsequently petitioned by industry concerning several technical issues. EPA has engaged in negotiations with industry concerning the resolution of these issues and has agreed to propose amendments to address them.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4919;

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**RIN:** 2060-AM83

### 3123. • 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. 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	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4927;

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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 RIN: 2060-AM85

**3124. • 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. EPA has engaged in negotiations with NWF concerning the issues and is issuing these amendments to address their 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	06/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4929;

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 RIN: 2060-AM87

**3125. • 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	12/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

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

**Additional Information:** SAN No. 4934;

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**RIN:** 2060-AM89

**3126. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NON-ATTAINMENT NEW SOURCE REVIEW (NSR): RECONSIDERATION OF INCLUSION OF FUGITIVE EMISSIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 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 reconsideration of this issue arising from our final rules of December 31, 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	
Final Action	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. 4940;

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**RIN:** 2060-AM91

**3127. • FEDERAL IMPLEMENTATION PLANS TO REDUCE INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER AND OZONE**

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

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

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

**CFR Citation:** 40 CFR 52

**Legal Deadline:** None

**Abstract:** This action proposes Federal implementation plans that may be needed if States fail to revise their State implementation plans to comply with the "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule)." The Clean Air Interstate Rule, which EPA proposed in January 2004, would establish statewide emissions reduction requirements for nitrogen oxides (NOx) and sulfur dioxide (SO2) in order to eliminate the emissions that are significantly contributing to fine particulate matter (PM2.5) and 8-hour ozone nonattainment problems in

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downwind States. NOx and SO2 are precursors to PM2.5 pollution; NOx is also a precursor to ozone pollution. Controlling these emissions will assist the downwind areas in meeting the PM2.5 and 8-hour ozone national ambient air quality standards. In the FIP action, EPA intends to propose Federal NOx and SO2 trading programs for electric generating units. The EPA is required to promulgate a FIP within 2 years of: 1) finding that a State has failed to make the required SIP submittal, 2) finding that the submittal received does not satisfy the minimum SIP completeness criteria, or 3)

disapproving a SIP in whole or in part. The EPA is required to promulgate the FIP unless EPA has approved, within the 2-year time period, a SIP that corrects the identified deficiency.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4933;

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**RIN:** 2060-AM93

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

## Final Rule Stage

**3128. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 49 CFR 123

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4315; Formerly listed as RIN 2060-AI79

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**RIN:** 2009-AA00

**3129. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; FOUR CORNERS POWER PLANT**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1740

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Reproposal	03/00/05	

**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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**RIN:** 2009-AA01

**3130. 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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 4768;**Agency Contact:** Eleanord Thornton, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060-AK81**3131. REVISION TO THE GUIDELINE ON AIR QUALITY MODELS (APPENDIX W TO 40 CFR PART 51): ADOPTION OF A PREFERRED GENERAL PURPOSE (FLAT AND COMPLEX TERRAIN) DISPERSION MODEL AND OTHER REVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410 CAAA 110(a)(2); CAAA 165(e); CAAA 172(a); CAAA 172(c); 42 USC 7601 CAAA 301(a)(1); CAAA 320**CFR Citation:** 40 CFR 51.112; 40 CFR 51.160; 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None

**Abstract:** This action would revise the Guideline on Air Quality Models, published as appendix W to 40 CFR part 51. The Guideline provides EPA-recommended models for use in predicting ambient concentrations of pollutants for programs ranging from Prevention of Significant Deterioration (PSD) to State Implementation Plans (SIPs) for controlling air pollution sources. The Guideline fulfills a Clean Air Act mandate for EPA to specify models for air management purposes. This revision would enhance the Guideline by incorporating a new, general-purpose dispersion model called AERMOD, which would replace the existing Industrial Source Complex (ISC3) model in many air-quality assessments, including those involving complex terrain. An earlier version of the AERMOD revision was previously proposed (65 FR 21505, 4/21/2000; see SAN 3470), but not promulgated. 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 are being 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	11/00/04	

**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.**Agency Contact:** Tom Coulter, Environmental Protection Agency, Air and Radiation, D243-01, Research Triangle Park, NC 27711

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**RIN:** 2060-AK60**3132. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF 4 COMPOUNDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7407(d)**CFR Citation:** 40 CFR 51**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4683;**Sectors Affected:** 325 Chemical Manufacturing**Agency Contact:** Dave Sanders, Environmental Protection Agency, Air and Radiation, C539-02, Washington, DC 20460

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RIN: 2060-AK37

### 3133. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS—ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

#### Timetable:

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

#### 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

### 3134. ADDITION OF METHOD 207 TO APPENDIX M OF 40 CFR PART 51 METHOD FOR MEASURING ISOCYANATES IN STATIONARY SOURCE EMISSIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	12/08/97	62 FR 64532
Final Action	11/00/04	

#### 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

### 3135. CLEAN AIR OZONE IMPLEMENTATION RULE (PART 1 AND PART 2)

**Regulatory Plan:** This entry is Seq. No. 128 in part II of this issue of the Federal Register.

**RIN:** 2060-AJ99

### 3136. NSPS: SOCMI—WASTEWATER AND AMENDMENT TO APPENDIX C OF PART 63 AND APPENDIX J OF PART 60

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60 – SOCMI Wastewater and app J; 40 CFR 63 – app C

**Legal Deadline:** None

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

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effects and welfare (agricultural, ecosystem) effects have been attributed to concentrations of ozone commonly measured in the ambient air throughout the United States.

**Timetable:**

Action	Date	FR Cite
NPRM (NSPS)	09/12/94	59 FR 46780
Supp NPRM 1	10/11/95	60 FR 52889
Supp NPRM 2	12/09/98	63 FR 67988
NPRM Amendment	06/30/04	69 FR 39383
Final Action	01/00/05	

**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

### 3137. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (40 CFR PART 60, APPENDIX F, PROCEDURE 3)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/92	57 FR 46114
Supplemental NPRM	05/08/03	68 FR 24692
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3958;

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**RIN:** 2060-AH23

### 3138. ELECTRIC ARC FURNACE NSPS AMENDMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60.270 to 60.276a

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4555;

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**RIN:** 2060-AJ68

### 3139. 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

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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	11/00/04	

**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

### 3140. 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. Depending on the 4 individual determinations, the Agency will issue separate notices for each.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/04	

**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

### 3141. CLEAN AIR MERCURY RULE—ELECTRIC UTILITY STEAM GENERATING UNITS

**Regulatory Plan:** This entry is Seq. No. 127 in part II of this issue of the Federal Register.

**RIN:** 2060-AJ65

### 3142. NATIONAL EMISSION STANDARDS FOR COKE OVEN BATTERIES—RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, October 27, 2001, National Emission Standards for Coke Ovens – Residual Risk Standards. Final, Judicial, March 31, 2005, Consent Decree; still holding discussions re what day in March 2005 rule will need to be signed.

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

will further reduce coke oven emissions from charging, topside leaks, and door leaks at the affected coke plants.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/04	69 FR 48338
Final Action	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4620;

**Sectors Affected:** 331111 Iron and Steel Mills

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**RIN:** 2060-AJ96

### 3143. 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

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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	01/00/05	

**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

### 3144. NESHAP FOR PETROLEUM REFINERIES: CATALYTIC CRACKING UNITS, CATALYTIC REFORMING UNITS, AND SULFUR RECOVERY UNITS; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The NESHAP for Petroleum Refineries an existing rulemaking (40 CFR part 63, subpart UUU) to control hazardous air pollutant emissions from equipment in the petroleum refining industry. This rulemaking will amend the Petroleum Refinery NESHAP to incorporate additional compliance options for catalytic reforming units at refineries. Clarifying language and missing tables will also be added. This action will not increase costs or change the emission reductions expected for this rule.

**Timetable:**

Action	Date	FR Cite
Direct Final Action	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4714;

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**RIN:** 2060-AK51

### 3145. NESHAP: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

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

**Legal Deadline:** None

**Abstract:** We are proposing amendments to the part 63 General Provisions that would allow facilities that are subject to a maximum achievable control technology (MACT) subpart to discontinue unnecessary requirements if, through pollution prevention measures, they achieve and can demonstrate continued hazardous air pollutant (HAP) emission reductions equivalent to or better than the MACT level of control. We are proposing these amendments to encourage and promote pollution prevention, which is our 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
Proposed Amdt	05/15/03	68 FR 26249
Final Action	03/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2060-AK54

### 3146. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY COMBUSTION TURBINES—PETITION TO DELIST

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Other, Statutory, 12 months from the date of the receipt of the last information completing the petition.

**Abstract:** The Agency has received a petition to remove the Gas Turbines source category from the list of hazardous air pollutant sources under section 112(c) of the Clean Air Act. The Agency must review the petition and either grant or deny the petition within 12 months of the date the complete petition is received. If the Agency grants the petition, a notice of proposed rulemaking will be published in the FR, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the FR providing an explanation of the denial.

**Timetable:**

Action	Date	FR Cite
NPRM — Delisting	04/07/04	69 FR 18327
NPRM—STAY	04/07/04	69 FR 18338
Final Action — STAY	08/18/04	69 FR 5118
Final Action — Delisting	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4751;

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

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**RIN:** 2060-AK73

**3147. NESHAP: ETHYLENE PROCESSES; AMENDMENTS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7401 et seq  
**CFR Citation:** 40 CFR 63 subparts XX and YY  
**Legal Deadline:** None

**Abstract:** The Ethylene Production NESHAP was promulgated on Friday, July 12, 2002 (67 FR 46258) without petition for judicial review. However, we did receive a letter from the affected industry association requesting that we consider certain technical corrections. Following review of this request, we believe some changes to the final rule are necessary for clarity and consistency. This correction requires an action in the form of a direct final rule which will contain rule changes, technical amendments and clarifications.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4763;

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**RIN:** 2060-AK80

**3148. SECTION 126 RULE WITHDRAWAL PROVISION**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7426  
**CFR Citation:** 40 CFR 52  
**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/04	

**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

**3149. STREAMLINED EVAPORATIVE TEST PROCEDURES**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7521(m)  
**CFR Citation:** 40 CFR 86 (Revision)  
**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 2060-AH34

**3150. EXPANDED DEFINITIONS FOR ALTERNATIVE-FUELED VEHICLES AND ENGINES MEETING LOW-EMISSION VEHICLE EXHAUST EMISSION STANDARDS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 15 USC 2001; 15 USC 2002; 15 USC 2003; 15 USC 2005; 15 USC 2006; 15 USC 213; 42 USC 7521;

## EPA—Clean Air Act (CAA)

## Final Rule Stage

42 USC 7522; 42 USC 7524; 42 USC 7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7552

**CFR Citation:** 40 CFR 86; 40 CFR 88

**Legal Deadline:** None

**Abstract:** This action will ease the burden of certification for both Original Equipment Manufacturers (OEMs) and after-market conversion entities. This action will, for vehicles and engines meeting LEV emission standards, broaden the definition of the term dedicated fuel system, broaden the criteria for engine families, and provide an exemption from certification fees. This action is not a deregulatory action. This action will provide another means for small business to remain active entities in supplying alternatively fueled vehicles to the market place. The above three changes are intended to reduce the cost of complying with the requirements of certification, and small business will benefit from these changes. This action will enhance the ability for the regulated industry to provide alternatively fueled vehicles to the consumer in support of the Executive Order 13031.

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/98	63 FR 38767
Notice	05/14/99	64 FR 26410
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4030

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**RIN:** 2060-AH52

### 3151. MODIFICATION OF THE ANTI-DUMPING BASELINE DATE CUT-OFF LIMIT FOR DATA USED IN DEVELOPMENT OF AN INDIVIDUAL BASELINE

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Action	01/00/05	

**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

### 3152. 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	05/00/05	

**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

### 3153. 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

## EPA—Clean Air Act (CAA)

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CAA 203; 42 USC 7550 CAA 216; 42 USC 7601 CAA 301

**CFR Citation:** 40 CFR 85

**Legal Deadline:** None

**Abstract:** This action will amend the regulations in 40 CFR part 85, subpart P to allow entry into the United States of vehicles which are originally sold in Canada and which are identical to their U.S. counterparts, without obtaining a certificate of conformity from EPA. This action is in response to a petition for review of import rules. The final rule also will address certain other issues in part 85, subpart P and subpart R, including: (1) Formalizing a long-standing EPA policy regarding the importation of owned vehicles that are proven to be identical to a vehicle certified for sale in the United States (2) establishing new emission standards applicable to imported nonconforming vehicles; (3) clarifying the regulatory language that concerns exclusions and exemptions from meeting Federal emission requirements; and (4) providing several minor clarifications to the existing regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	03/24/94	59 FR 13912
Supplemental NPRM	02/12/96	61 FR 5840
Final Action	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 2665;

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**RIN:** 2060-AI03

### 3154. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL USES OF METHYL BROMIDE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7671c

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** With this action, EPA is revising the accelerated phaseout regulations that govern the production, import, export, transformation and

destruction of substances that deplete the ozone layer. The amendments will incorporate exemptions permitted under the "Montreal Protocol on Substances that Deplete the Ozone Layer" and changes to the Clean Air Act. Specifically, the amendments will create a process to exempt production and consumption of quantities of methyl bromide for critical uses from the 2005 phaseout of methyl bromide. In addition, the rule will limit the amount of methyl bromide available from inventories for critical uses. Because this is an exemption to the phaseout it confers a benefit on affected entities. The rule will allocate quantities of methyl bromide for critical use exemptions for 2005 based on amounts of methyl bromide authorized by the Parties to the Montreal Protocol. This allocation of quantities was previously to be proposed in a separate action under SAN 4820, but the rulemakings were combined.

**Timetable:**

Action	Date	FR Cite
NPRM	08/25/04	69 FR 52366
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4535;

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**RIN:** 2060-AJ63

### 3155. 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-propyl bromide (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 33284
NPRM Correction	10/02/03	68 FR 56809
Final Action	12/00/04	

**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

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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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**RIN:** 2060-AK26

### 3156. FEDERAL IMPLEMENTATION PLANS FOR INDIAN RESERVATIONS IN IDAHO, OREGON AND WASHINGTON

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 49.121 to 49.139; 40 CFR 49.9861 to 49.17810

**Legal Deadline:** None

**Abstract:** This Federal Implementation Plan (FIP) proposes basic air rules to apply on Indian Reservations in Idaho, Oregon, and Washington. The rules provide some basic air quality protection similar to what the state implementation plans (SIPs) require for Idaho, Oregon, and Washington. These rules are needed to establish a level playing field and create basic federally enforceable rules under the Clean Air Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/02	67 FR 11748
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, Tribal

**Additional Information:** SAN No. 4487; EPA Region 10 would be responsible for implementing and enforcing these proposed rules. Tribes can choose to assist EPA or take over responsibility for their reservations, and EPA would provide funding to tribes through grants to support their efforts.

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**RIN:** 2012-AA01

### 3157. REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUND (VOC) TO EXCLUDE TERTIARY BUTYL ACETATE

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The definition of VOC is proposed to be revised to add tertiary butyl acetate to the list of negligibly reactive compounds. This is a deregulatory action that will remove tertiary butyl acetate from the necessity to be controlled as a VOC in SIPs for attaining the ozone standard.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/99	64 FR 52731
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4254;

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**RIN:** 2060-AI45

### 3158. CLEAN AIR VISIBILITY RULE

**Regulatory Plan:** This entry is Seq. No. 126 in part II of this issue of the Federal Register.

**RIN:** 2060-AJ31

### 3159. ADOPTION OF THE AMENDED INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq; CAA 231 to 232; 42 USC 7571 to 7572; 5 USC 552(a)

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/03	68 FR 56226
Final Action	01/00/05	

**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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## EPA—Clean Air Act (CAA)

## Final Rule Stage

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**RIN:** 2060-AK01

### 3160. 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	01/00/05	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4634;

**Sectors Affected:** 32411 Petroleum Refineries; 32511 Petrochemical Manufacturing

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**RIN:** 2060-AK04

### 3161. CALIFORNIA GASOLINE TECHNICAL CORRECTION

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)  
**CFR Citation:** 40 CFR 80.81(a)  
**Legal Deadline:** None

**Abstract:** This rule corrects final regulations which were published in the Federal Register on March 29, 2001 (66 FR 17230). The corrected regulatory provision restores the definition of California gasoline as used in the enforcement exemptions for California gasoline under the regulation of fuels and fuel additives.

#### Timetable:

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

#### 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

### 3162. 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 rulemaking (NPRM) were published on November 5, 2001, in response to a settlement agreement reached with the American Chemical Council (ACC) regarding their litigation on the

Gasoline Deposit Control Additive Rule. This litigation pertained to the information that manufacturers must provide on additive composition at the time of certification. Adverse comments were received on two of the four amendments. A partial withdrawal notice was published on January 24, 2002, which withdrew the amendments on which we received adverse comments. In this action, we plan to finalize the provisions that were withdrawn. The provisions we plan to finalize are based on an ACC consensus position, which reduces the burden on manufacturers in demonstrating compliance with limits on the compositional variability of the deposit control additives, while maintaining the emissions control benefits of the gasoline deposit control program.

#### Timetable:

Action	Date	FR Cite
Direct Final Action 1	11/05/01	66 FR 55885
Final Action 2	11/00/04	

#### 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

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**3163. 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	01/00/05	

**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**3164. 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
Final Action	12/00/04	

**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**3165. CLEAN AIR INTERSTATE RULE FORMERLY TITLED: INTERSTATE AIR QUALITY RULE****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 7410(a)**CFR Citation:** 40 CFR 51; 40 CFR 72; 40 CFR 73; 40 CFR 74; 40 CFR 77; 40 CFR 78; 40 CFR 96**Legal Deadline:** None

**Abstract:** Many pollutant types and sources contribute to ambient levels of fine particulate matter (PM2.5) and ozone that exceed national air quality standards, and to regional haze that adversely affects visibility in Federal Class I areas. Some of these pollutants may originate tens or hundreds of miles from the areas where violations of the national ambient air quality standards are detected, from sources that are outside the jurisdiction of the State that is harmed. The Clean Air Act requires that a State take steps to prevent emissions from sources located within its boundaries from interfering with a downwind State's ability to meet air quality standards, or interfering with measures to protect visibility. EPA believes it is important to address interstate transport of PM2.5 and 8-hour ozone prior to the time when State plans addressing nonattainment of the standards are completed, so that States can rely on upwind reductions when developing plans for attaining the standards. The Bush Administration has proposed Clear Skies legislation that will help reduce interstate transport of pollution from the largest emitters in the power generation sector. This mandatory program would dramatically reduce sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and mercury by setting a national cap on emissions of each pollutant from power generators. Trading would provide sources with flexibility to reduce their emissions in most efficient and least costly way. EPA prefers to address the issue of transported pollution from power generators through Clear Skies legislation rather than rulemaking. Because enactment of legislation is inherently uncertain, in addition to promoting legislation EPA is initiating this rulemaking as a potential substitute to achieve part of what would be achieved by Clear Skies. Also, if analysis warrants, this rulemaking could supplement legislation by addressing categories of emissions sources not covered by the legislation.

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Further, EPA will conduct updated transport analyses to determine whether emission reductions beyond the already-promulgated NO<sub>x</sub> SIP Call (63 FR 57355) are warranted for purposes of the 8-hour ozone standard. Under the Clean Air Interstate Rule, EPA would establish state-level emissions reduction requirements for transported pollutants, and offer compliance flexibility in the form of an emissions trading program.

**Timetable:**

Action	Date	FR Cite
NPRM	01/30/04	69 FR 4566
Supplemental NPRM	06/10/04	69 FR 32683
Notice of Data Availability	08/06/04	69 FR 47828
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN No. 4794;

**URL For More Information:**

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RIN: 2060-AL76

**3166. LIST OF HAZARDOUS AIR POLLUTANTS, PETITION PROCESS, LESSER QUANTITY DESIGNATIONS, SOURCE CATEGORY LIST: PETITION TO DELIST ETHYLENE GLYCOL MONOBUTYL ETHER**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

**Abstract:** The Agency received a petition to remove Ethylene Glycol

Monobutyl ether (EGBE, 2-Butoxyethanol) from the American Chemistry Council on August 29, 1997, with additional submittals through December 21, 1998. This action will address that petition. A final decision on the petition will involve the resolution of toxicological issues with EGBE, including whether or not it is a human carcinogen. The institutional structure under which the petition will be considered is as follows: The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. Once EPA receives a petition, it conducts two reviews: a completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition. The EPA also requests and considers information from the public. After a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the requirements of the CAA, the review team recommends to the Administrator whether to grant the petition. If the Administrator decides to grant a petition, we propose a rule in the Federal Register which proposes a modification of the HAP list and presents the reasoning for doing so. The proposed rule is open to public comment and public hearing. If the Administrator decides to deny a petition, a notice setting forth an explanation of the reasons for denial is published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability, and is subject to judicial review as provided in the CAA.

**Timetable:**

Action	Date	FR Cite
NPRM	11/21/03	68 FR 65648
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4800;

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RIN: 2060-AL87

**3167. CLEAN AIR FINE PARTICLE DESIGNATIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7404(d)

CFR Citation: 40 CFR 81

Legal Deadline: None

**Abstract:** This rule sets out final air quality designations and classifications for all areas of the United States as required by section 107 of the Clean Air Act (CAA). The air quality status of an area is represented by the designation of the area. Designations are objectively based upon air quality monitoring data and other relevant information pertaining to the air quality in the affected area. Area designations of attainment/unclassifiable mean that the area has sufficient data to determine that the area is meeting the PM-2.5 NAAQS, or that due to no data being available for the area, or insufficient data being available, EPA can not make a determination for the area. States and tribes were requested to make their designation recommendations to EPA by February 2004. EPA reviewed the designation recommendations submitted by the States and tribes and made modifications as deemed appropriate. EPA is required by the CAA to notify States and tribes of any modifications that they intend to make to their recommendations no later than 120 days prior to promulgation of the designations. This time period is meant to provide States and tribes an opportunity to make a case for why

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EPA's modifications may be inappropriate. EPA notified States and tribes of the intended changes to their recommendations on June 29, 2004. The final date for promulgating designations for PM-2.5 is November 17, 2004. The effective date of the designations will be 60 days following the promulgation of the designations in the Federal Register.

**Timetable:**

Action	Date	FR Cite
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4840;

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**RIN:** 2060-AM04

### 3168. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; SUBSTITUTE REFRIGERANTS; LEAK REPAIR REQUIREMENTS FOR REFRIGERATION AND AIR-CONDITIONING EQUIPMENT

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq; 42 USC 7671(g) CAA 608**CFR Citation:** 40 CFR 82(F)**Legal Deadline:** None

**Abstract:** EPA is amending the leak repair requirements for commercial, comfort cooling, and industrial process refrigeration appliances, promulgated under section 608 of the Clean Air Act. This rule will address methods to calculate leak rates, amend definitions concerning leak repair, and clarify how the leak repair requirements of section 608 extend to appliances using

refrigerants that are substitutes for CFC and HCFC refrigerants.

**Timetable:**

Action	Date	FR Cite
NPRM	06/11/98	63 FR 32044
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3560.2; Split from RIN 2060. Split from RIN 2060-AF37.

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**RIN:** 2060-AM05

### 3169. NESHAP: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING—AMENDMENTS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63 (Revision)**Legal Deadline:** None

**Abstract:** This action is a direct final amendment to the national emission standards for hazardous air pollutants for asphalt processing and asphalt roofing manufacturing that will correct minor errors in that rule.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	02/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4855;

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**RIN:** 2060-AM10

### 3170. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: IN-USE, NOT-TO-EXCEED EMISSION STANDARD TESTING FOR HEAVY-DUTY DIESEL ENGINES AND VEHICLES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 86; 40 CFR 1065

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/04	69 FR 634326
Final Action	06/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4845;

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RIN: 2060-AM17

### 3171. NESHAP: REINFORCED PLASTIC COMPOSITES—AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401

**CFR Citation:** 40 CFR 63.5780 to 63.5935 (revisions)

**Legal Deadline:** None

**Abstract:** Since publication of the final Reinforced Plastic Composites NESHAP, we have discovered several minor errors. We also have been told that some of the rule language is confusing. This action will correct those errors and clarify some of the rule language. It should not make any substantive changes to the stringency of the rule.

**Timetable:**

Action	Date	FR Cite
Direct Final Action	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4863;

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RIN: 2060-AM23

### 3172. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES—FIRE SUPPRESSION AND EXPLOSION PROTECTION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** This 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 Rule	11/00/04	

**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

### 3173. TEST PROCEDURES FOR HIGHWAY AND NONROAD ENGINES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 1065

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/10/04	69 FR 54846
Final Action	02/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4883;

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RIN: 2060-AM35

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**3174. 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	04/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4895;**Agency Contact:** Joe Sopata, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460

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**RIN:** 2060-AM42**3175. 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 Rule	03/00/05	

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

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**RIN:** 2060-AM46**3176. PROTECTION OF STRATOSPHERIC OZONE: SUBSTITUTE REFRIGERANT RECYCLING; AMENDMENT TO THE DEFINITION OF REFRIGERANT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 82.154(a)**Legal Deadline:** None

**Abstract:** This action will correct the final rule entitled "Protection of Stratospheric Ozone: Refrigerant Recycling; Substitute Refrigerants" which was promulgated in the Federal Register on March 12, 2004 (69 FR 11946). Specifically, EPA is amending the regulatory text for the definition of refrigerant at 40 CFR 82.152 and the prohibition against venting substitute refrigerants at 40 CFR 82.154(a). These corrections reflect the preamble and intent of the March 12, 2004, rule that maintained the statutory venting

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prohibition while not otherwise regulating the sales or handling of substitute refrigerants that do not consist of an ozone-depleting substance (ODS), namely pure hydrofluorocarbon (HFC) and perfluorocarbon (PFC) refrigerants. Failure to make this correction would result in the unintentional regulation of substances that do not damage the ozone layer. EPA has not been granted authority to promulgate such regulations under the CAA.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4917;

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**RIN:** 2060-AM51

### 3177. NATIONAL EMISSION STANDARDS FOR PHARMACEUTICALS PRODUCTION; AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This action amends wastewater provisions in the final rule to be more consistent with later standards for chemical manufacturing.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	02/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4892;

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**RIN:** 2060-AM52

### 3178. PROTECTION OF THE STRATOSPHERIC OZONE: ALTERNATIVES FOR THE MOBILE AIR CONDITIONING SECTOR UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7671k

**CFR Citation:** 40 CFR 82.180

**Legal Deadline:** None

**Abstract:** This rulemaking will list two new alternatives to ozone depleting substances in the mobile air conditioning sector and outline the conditions necessary for their safe use. These new alternatives have better energy efficiency and lower impacts on the environment than currently available systems. By approving these systems under SNAP, EPA will provide additional choices to the automotive industry which, if adopted would reduce the impact of mobile air conditioners on the global environment. The automotive industry, if they chose to adopt these technologies, would be required to comply with the conditions necessary to deploy these systems in a safe manner.

**Timetable:**

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

**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

### 3179. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT (RMRR) EQUIPMENT REPLACEMENT PROVISION (ERP); RECONSIDERATION

**Priority:** Economically 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, 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. (The rule was subsequently stayed by the US Court of Appeals (DC Circuit) on 12/24/03; see SAN 4676.1, RIN 2060-AM57, elsewhere in this Regulatory Agenda.) EPA received petitions for reconsideration from a number of environmental and public interest groups and a group of states on several issues in the ERP. This action, SAN 4676.2, grants reconsideration of three issues contained in those petitions: our legal basis for the ERP, the 20 percent cost threshold for replacements under the ERP, and the modification made to the approach for SIPs to automatically update each time EPA revises the FIP. On August 2, EPA conducted a public hearing on the Reconsideration notice (published on 7/1/04). The comment period for the Reconsideration concluded on August 30 and the record for the public hearing closed on

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September 1. EPA received approximately 300 comments on the ERP Reconsideration during the comment period. About 75 percent of the comments are from citizens, 20 percent are from industry, and the remaining 5 percent are from either State/local agencies, environmental groups, or Federal agencies. EPA plans to finalize its reconsideration by December 2004.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	07/01/04 01/00/05	69 FR 40278

**Regulatory Flexibility Analysis Required:** No

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

**Additional Information:** SAN No. 4676.2; Split from RIN 2060-AK28

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**RIN:** 2060-AM58

**3180. • NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR)**

**Regulatory Plan:** This entry is Seq. No. 129 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AM59

**3181. • 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
Direct Final Action	04/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4890;

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**RIN:** 2060-AM72

**3182. • NESHAP: ORGANIC LIQUID DISTRIBUTION—AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** A direct final rulemaking 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 direct final. 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
Direct Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4910;

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**RIN:** 2060-AM77

**3183. • NESHAP: SECONDARY ALUMINUM PRODUCTION AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63.1500

**Legal Deadline:** None

**Abstract:** A National Emission Standard for Hazardous Air Pollutants (NESHAP) was promulgated for the Secondary Aluminum Production industry on March 23, 2000 (65 FR 15710). Since promulgation, a number of minor errors have been discovered in the text of the rule. This action will correct those minor errors.

**Timetable:**

Action	Date	FR Cite
Direct Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4928;

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**RIN:** 2060-AM86

## EPA—Clean Air Act (CAA)

## Final Rule Stage

**3184. • 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 7545(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	01/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4930;

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**RIN:** 2060-AM88

**3185. • 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. We view the revisions as noncontroversial and anticipate no significant adverse comments.

**Timetable:**

Action	Date	FR Cite
Direct Final Action	01/00/05	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 4937;

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**RIN:** 2060-AM90**3186. • STATE AND FEDERAL OPERATING PERMITS PROGRAMS: AMENDMENTS TO COMPLIANCE CERTIFICATION REQUIREMENTS: TECHNICAL CORRECTION****Priority:** Substantive, Nonsignificant**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:** The 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
Direct Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4941;

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**RIN:** 2060-AM92

**Environmental Protection Agency (EPA)**  
**Clean Air Act (CAA)**
**Long-Term Actions**
**3187. 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	04/00/06	

**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

**3188. 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

**3189. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(3); REVISIONS TO THE LIST OF SUBSTANCES**

**Priority:** Other Significant

**Legal Authority:** CAA 112(r)

**CFR Citation:** 40 CFR 68.130

**Legal Deadline:** None

**Abstract:** The list of substances subject to the Chemical Accident Prevention requirements at 40 CFR part 68 was promulgated on January 31, 1994. The Clean Air Act states that the list may be revised from time to time by EPA's own motion or by petition and shall be reviewed at least every 5 years. Since the January 1994 final list rule, EPA has modified the listing for hydrochloric acid; deleted a category of explosive chemicals; exempted flammable substances in gasoline used as fuel and in naturally occurring hydrocarbon mixtures prior to initial processing; and excluded flammable substances used as a fuel or held for sale as a fuel at a retail facility. In fulfillment of the statute's five-year review requirement, EPA has conducted a thorough review of the list. Based on that review, EPA is proposing additions, deletions and modifications to the list of substances. Deletions are based on EPA's review of the chemical toxicity, physical property, production/use quantity and accident history of currently listed substances and new information or erroneous data that impacts the basis of the chemical's listing. Other toxic and flammable chemicals are proposed to be added because they meet the criteria for listing a toxic or flammable substance. In addition, EPA proposes to revise the reporting threshold and toxic endpoints of several toxic substances based on updated toxicity information. Facilities (such as chemical manufacturers, processors, and users), with more than the threshold quantity of a listed substance in a process, are required to develop a Risk Management Program and submit a Risk Management Plan to EPA. The proposed changes to the list will ensure that facilities are properly managing risks of the most acutely toxic and flammable chemicals that could have an adverse impact on the

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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

**3190. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER**

**Priority:** Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 7408; 42 USC 7409

**CFR Citation:** 40 CFR 50

**Legal Deadline:** NPRM, Judicial, March 31, 2005, -.

Final, Judicial, December 20, 2005, -.

**Abstract:** On July 18, 1997, the EPA published a final rule revising the national ambient air quality standards (NAAQS) for particulate matter (PM) (62 FR 38652). While retaining the PM10 standard levels, new standards were added for fine particles (PM2.5) to provide increased protection against both health and environmental effects of PM. On the same day, a Presidential Memorandum (62 FR 38421) was published that, among other things, anticipated that EPA would complete the next review of the PM NAAQS by July 2002. The EPA's plans and schedule for the next periodic review

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4255, EDocket No. OAR-2001-0017

<http://docket.epa.gov/edkpub/do/EDKStaffCollectionDetailView?objectId=0b0007d48006d9eb>;

**URL For More Information:**

[http://www.epa.gov/ttn/naaqs/standards/pm/s\\_pm\\_index.html](http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_index.html)

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**RIN:** 2060-AI44

**3191. EVALUATION OF UPDATED TEST PROCEDURES FOR THE CERTIFICATION OF GASOLINE DEPOSIT CONTROL ADDITIVES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 211

**CFR Citation:** 40 CFR 80

**Legal Deadline:** None

**Abstract:** All gasoline must contain additives to control the formation of deposits in the fuel supply system and engine of motor vehicles. If uncontrolled, such deposits can result in a significant increase in motor vehicle emissions. This action will propose that updated test procedures be adopted for the certification of gasoline deposit control additives regarding their ability to control fuel injector and intake valve deposits. The adoption of the updated procedures will ensure that the gasoline deposit control program continues to ensure an adequate level of deposit control, thereby preventing an increase in motor vehicle emissions. The updated test procedures require less time to perform and are less costly. Therefore, the adoption of the proposed procedures will reduce the burden on industry of complying with the gasoline deposit control program. The proposed action will not impact small businesses, or State, local, or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4531;

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**RIN:** 2060-AJ61

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**3192. 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

Action	Date	FR Cite
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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**RIN:** 2060-AA61**3193. 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
NPRM 4	08/29/00	65 FR 52319
NPRM 5	03/00/07	

**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

**3194. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS****Priority:** Other Significant**Legal Authority:** 42 USC 7670 to 7479 CAA 160-169**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

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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

### 3195. PHASE I (FIP) TO REDUCE THE REGIONAL TRANSPORT OF OZONE IN THE EASTERN UNITED STATES

**Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** 42 USC 7410

**CFR Citation:** 40 CFR 52; 40 CFR 97

**Legal Deadline:** NPRM, Statutory, January 25, 2003, EPA is required to promulgate FIPs by January 25, 2003, unless EPA approves the State submitted plans.

**Abstract:** This action would promulgate Federal Implementation Plans (FIPs) which require nitrogen oxides (NOx) emissions decreases. The intended effect is to reduce the transport of ozone (smog) pollution and one of its main precursors (NOx) across State boundaries in the eastern half of the United States. On October 27, 1998, EPA published a final rule (the NOx SIP Call) which allowed States 12 months to develop, adopt, and submit revisions to their State Implementation Plans (SIPs) to address the transport problem. The Administrator is required to promulgate a FIP within 2 years of: (1) Finding that a State has failed to make a required submittal or (2) finding that a submittal is not complete or (3)

disapproving a SIP submittal. On June 22, 2000, the D.C. Court of Appeals assigned a new SIP submittal date of October 30, 2000. Eleven States (Virginia, West Virginia, Alabama, Kentucky, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Michigan, and Ohio) and the District of Columbia had not submitted adequate SIPs, as announced in a findings rule published on December 26, 2000. All of these States have since submitted approvable plans. (Note: The FIPs discussed here would apply to all elements of the NOx SIP call that were not remanded to EPA by the court on March 3, 2000. The portions of the SIP call that were remanded to EPA will be covered under Phase 2 SIPs, and if necessary, separate FIP actions would be prepared for those.)

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/98	63 FR 56393
Findings Action	12/26/00	65 FR 81366
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4096;

**Sectors Affected:** 333415 Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 324199 All Other Petroleum and Coal Products Manufacturing; 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 32731 Cement Manufacturing; 331221 Cold-Rolled Steel Shape Manufacturing; 221121 Electric Bulk Power Transmission and Control; 221122 Electric Power Distribution; 327211 Flat Glass Manufacturing; 221112 Fossil Fuel Electric Power Generation; 327213 Glass Container Manufacturing; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 331111 Iron and Steel Mills; 322122 Newsprint Mills; 333618 Other Engine Equipment Manufacturing; 327212 Other Pressed and Blown Glass and Glassware

Manufacturing; 322121 Paper (except Newsprint) Mills; 32213 Paperboard Mills; 32511 Petrochemical Manufacturing; 48621 Pipeline Transportation of Natural Gas; 325211 Plastics Material and Resin Manufacturing; 32211 Pulp Mills; 22133 Steam and Air-Conditioning Supply

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**RIN:** 2060-AH87

### 3196. 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	01/00/07	
Final Action	01/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4653;

**Sectors Affected:** 33641 Aerospace Product and Parts Manufacturing

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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RIN: 2060-AK08

### 3197. 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	06/00/07	

**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

### 3198. 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	07/00/06	
Final Action	07/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4661;

**Sectors Affected:** 483 Water Transportation

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RIN: 2060-AK17

### 3199. 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	01/00/07	

**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

### 3200. 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.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart II. This source category covers air-toxic emissions from the painting, welding, and sandblasting of ships under construction or repair at major sources. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

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

**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

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**RIN:** 2060-AK20

### 3201. NESHAP: WOOD FURNITURE MANUFACTURING OPERATIONS—RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart JJ. This source category covers air-toxic emissions from wood-furniture

manufacturing, including wood finishing, gluing, and painting. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4667;

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

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**RIN:** 2060-AK21

### 3202. NESHAP: HALOGENATED SOLVENT CLEANING—RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, December 2, 2002.

**Abstract:** 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.

**Timetable:**

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

**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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**RIN:** 2060-AK22

### 3203. 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.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

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

Undetermined

**Additional Information:** SAN No. 4664;

**Sectors Affected:** 322221 Coated and Laminated Packaging Paper and Plastics Film Manufacturing; 322222 Coated and Laminated Paper Manufacturing; 323112 Commercial Flexographic Printing; 323111 Commercial Gravure Printing; 322212 Folding Paperboard Box Manufacturing; 322225 Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses; 323119 Other Commercial Printing; 322223 Plastics, Foil, and Coated Paper Bag Manufacturing

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**RIN:** 2060-AK24**3204. 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	07/00/06	
Final Action	01/00/08	

**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**3205. 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	04/00/06	

**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**3206. NESHAP: GROUP IV POLYMERS AND RESINS—RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, September 12, 2004.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart JJJ. This source category covers chemical process units used to manufacture thermoplastic products from raw materials. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4658;

**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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**RIN:** 2060-AK15

**3207. INTERSTATE OZONE TRANSPORT: RULEMAKING ON SECTION 126 PETITIONS FROM THE DISTRICT OF COLUMBIA, DELAWARE, MARYLAND, AND NEW JERSEY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7426

**CFR Citation:** 40 CFR 52; 40 CFR 97

**Legal Deadline:** Final, Statutory, December 14, 1999, The rulemaking includes action on 4 separate petitions. See Additional Information.

**Abstract:** In April through July 1999, 3 Northeastern States (New Jersey, Maryland, and Delaware) and the District of Columbia submitted individual petitions to EPA in accordance with section 126 of the Clean Air Act (CAA). Each petition specifically requests that EPA make a finding that nitrogen oxides (NOx) emissions from certain stationary sources in other States significantly contribute to ozone nonattainment and maintenance problems with respect to the 1-hour and 8-hour ozone standards in the petitioning State. If EPA makes such a finding of significant contribution, EPA is authorized to establish Federal emissions limits for the sources. The petitions rely on the analyses from EPA's NOx SIP call. The sources targeted by the petitions are large electricity generating units and large non-electricity generating units, as defined in EPA's NOx SIP call. The EPA took rulemaking action on similar petitions from 8 other Northeastern States that were submitted in 1997.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN 4383. There is a different statutory deadline associated with each petition based on the date of receipt by EPA: New Jersey - 12/14/99, Maryland - 01/01/00, Delaware - 02/10/00, District of Columbia - 03/07/00

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**RIN:** 2060-AI99

**3208. CONTROL OF METHYL TERTIARY BUTYL ETHER (MTBE)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** EPA is considering taking action to control the use of Methyl Tertiary Butyl Ether (MTBE), which is an organic compound that is primarily used as a fuel additive in gasoline. MTBE has been used to meet the oxygen requirement established by the Federal Reformulated Gasoline Program (RFG) established by the 1990 amendments to the Clean Air Act (CAA). Over 85 percent of reformulated gasoline contains MTBE. EPA is concerned that the widespread use of MTBE may have resulted in the contamination of groundwater and drinking water supplies, threatening their future use. While current detections levels are generally believed to be below levels that may cause public health concerns, low level MTBE contamination may render water unpotable due to offensive taste and odor. In November of 1998, EPA established a Blue Ribbon Panel to investigate air quality benefits and water quality concerns associated with oxygenates, including MTBE, in gasoline, and to provide independent advice and recommendations on ways to maintain air quality while protecting

water quality. In September, 1999, the panel recommended that the use of MTBE be substantially reduced. EPA is now evaluating the Blue Ribbon Panel's recommendations, and has conducted a preliminary review of authorities available to address risks associated with MTBE. EPA issued an Advance Notice of Proposed Rulemaking to inform the public of this preliminary inquiry, and to solicit public comment on possible regulatory action.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/24/00	65 FR 16094
NPRM	11/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 4393;

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**RIN:** 2060-AJ00

**3209. OPERATING PERMITS: REVISIONS (PART 70)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7661 et seq

**CFR Citation:** 40 CFR 51; 40 CFR 52; 40 CFR 70

**Legal Deadline:** None

**Abstract:** In response to litigation on the operating permits rule regulations, 40 CFR part 70, to provide more effective implementation of part 70, and to address comments provided in response to notices of proposed rulemaking, parts 70, 51 and 52 are being revised. The changes will streamline the procedures for revising stationary-source operating permits issued by State and local permitting authorities under title V of the Clean Air Act.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
Supplemental NPRM 2	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local**Additional Information:** SAN No. 3412;**Agency Contact:** Ray Vogel, Environmental Protection Agency, Air and Radiation, C304-03, Washington, DC 20460

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**RIN:** 2060-AF70**3210. REVISED PERMIT REVISION PROCEDURES FOR THE FEDERAL OPERATING PERMITS PROGRAM—PART 71****Priority:** Other Significant**Legal Authority:** 42 USC 7661(a)(d)(3)**CFR Citation:** 40 CFR 71.7**Legal Deadline:** None**Abstract:** The proposed regulatory change would streamline permit revisions procedures for stationary air sources that are subject to the Federal operating permits program.**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 3922;**Agency Contact:** Scott Voorhees, Environmental Protection Agency, Air and Radiation, C304-04, Washington, DC 20460

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**RIN:** 2060-AG92**3211. SELECTION OF SEQUENCE OF MANDATORY SANCTIONS TO BE APPLIED PURSUANT TO SECTION 502 OF THE CLEAN AIR ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7661a(d); 42 USC 7661a(g); 42 USC 7661a(i)**CFR Citation:** 40 CFR 70**Legal Deadline:** None**Abstract:** This rule would establish the order of sanctions for operating permits program deficiencies under the mandatory sanctions provisions of title V of the Clean Air Act. This rule would stipulate that an emission offset sanction applies first and a highway funding sanction six months later. Sanction application under section 502 of the Clean Air Act is automatic under the timeframes prescribed once EPA selects the sanction order; EPA's only discretion concerns the ordering of sanctions as 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;**Agency Contact:** Scott Voorhees, Environmental Protection Agency, Air and Radiation, C304-04, Washington, DC 20460

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**RIN:** 2060-AK46**3212. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7541; 42 USC 7601**CFR Citation:** 40 CFR 51; 40 CFR 85**Legal Deadline:** None**Abstract:** This action establishes a new short test procedure for use in I/M programs required by the Clean Air Act Amendments of 1990. Vehicles that are tested and failed using this procedure and that meet eligibility requirements established by the act would be eligible for free warranty repair from the manufacturers.**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 3263;**Agency Contact:** Buddy Polovick, Environmental Protection Agency, Air and Radiation, 6406, Washington, DC 20460

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**RIN:** 2060-AE20

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**3213. 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;**Agency Contact:** Angela Spickard, Environmental Protection Agency, Air and Radiation, NFEVL, Ann Arbor, MI 48105

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**RIN:** 2060-AH31**3214. INSPECTION/MAINTENANCE PROGRAM REQUIREMENTS FOR FEDERAL FACILITIES; AMENDMENT TO THE FINAL RULE****Priority:** Other Significant**Legal Authority:** 23 USC 101; 42 USC 7401 et seq**CFR Citation:** 40 CFR 51 (Revision); 40 CFR 93 (New)**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency (EPA) has had oversight and policy development

authority for Inspection and Maintenance (I/M) programs since the passage of the Clean Air Act (CAA) in 1970. The 1977 amendments to the CAA mandated I/M for certain areas with long-term air quality problems and the 1990 amendments set forth standards for implementation of I/M programs. EPA used the statutory requirements of the Act, including I/M requirements for Federal facilities, to promulgate regulations which states would use in the development of their I/M State Implementation Plans (SIPs). Those rule requirements effectively gave States certain authorities over the Federal government. The Department of Justice has now ruled that Federal sovereign immunity was not fully waived under the CAA for those requirements and EPA should amend its rule to remove the requirement that States include those elements in their SIPs. EPA is proposing to: (1) Amend the Federal facilities I/M requirements by removing that section; (2) correct existing I/M SIP approval actions which include these elements; (3) establish new Federal facilities I/M program requirements which Federal facilities in I/M program areas must meet in order to comply with the Act; and (4) designate for each State which section of the Act Federal agencies must comply with based on how that State promulgated its I/M regulations. These changes will have minimal to no impact on the States as no new requirements are being created. The States are under no obligation, legal or otherwise, to modify existing SIPs meeting the previously applicable requirements as a result of this action, nor will emissions reduction credit be affected. However, the changes will clarify for affected Federal facilities what they must do to meet the CAA requirements by establishing new regulations per those requirements.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4348;**Agency Contact:** Buddy Polovick, Environmental Protection Agency, Air

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**RIN:** 2060-AI97**3215. RESCINDING FINDING THAT PREEXISTING PM10 STANDARDS ARE NO LONGER APPLICABLE IN NORTHERN ADA COUNTY/BOISE, IDAHO****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 50.6(d); 40 CFR 52.676; 40 CFR 81.313**Legal Deadline:** None

**Abstract:** The EPA had previously taken action to revoke the PM-10 national ambient air quality standards (NAAQS) for the Boise/Ada County area in anticipation that a revised PM-10 NAAQS would soon be in place. However, the DC Circuit court subsequently vacated the revised PM-10 NAAQS, the effectiveness of which served as the underlying basis for EPA's decision to revoke the preexisting PM-10 NAAQS. Therefore, in order to protect public health in the Boise/Ada County area, EPA is proposing to reinstate the pre-existing PM-10 NAAQS. Without this action there would be no Federal PM-10 NAAQS applicable to this area. This action is tentatively subject to the terms of a settlement agreement that was signed by all parties in January 2001. A Federal Register notice of the proposed settlement requesting public comment was published January 30, 2001 in accordance with section 113(g) of the Act. No negative comments were received. EPA/DOJ signed the settlement agreement and the State is in the process of carrying out its obligations under the settlement agreement. The State submitted its maintenance plan for Boise on 9/27/2002. Under the settlement, EPA agreed to take final action on the State's submittal by 9/30/2003. On July 30, 2003 a Federal Register notice was

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published proposing to rescind the finding that the 1987 PM10 NAAQS are not applicable in the Ada County/Boise, Idaho area, and simultaneously, to approve a PM10 SIP maintenance plan for the Ada County/Boise Idaho area and to redesignate the area from nonattainment to attainment. There will be a 30-day comment period. Written comments must be received on or before August 29, 2003. Under the settlement agreement, we must sign and forward to the Federal Register office our final action by September 30, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM 1	06/26/00	65 FR 39321
Notice	07/26/00	65 FR 45953
NPRM	07/30/03	68 FR 44715
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Local, State

**Additional Information:** SAN 4391.

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**RIN:** 2060-AJ05

**3216. 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	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4633;

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

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**RIN:** 2060-AK03

**3217. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): CLEAN UNITS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** This proposed rule would revise the provisions for the clean unit test contained in the major New Source Review (NSR) requirements. This action proposes to revise the length of the clean unit designation period contained in the final NSR rules. The current rules allow for clean unit designation to be used for 10 years provided the source meets the requirements to maintain clean unit status. This proposed rule would recognize that the average life expectancy of control equipment is 15 years rather than the 10 years contained in the final rules. Permitting agencies and industry will benefit from this action by potentially reducing the number of future permit actions. As a result, this action reduces the compliance burden, including annual compliance costs, for all sources subject to the major NSR program requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/07	
Final Action	02/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4691;

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**RIN:** 2060-AK42

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**3218. 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 nonregulatory effort. Initially, the VSM project was designed to provide incentives to industry to induce them to conduct better or "superior" emissions monitoring than what is required through regulation and permitting. We had planned to revise the parts 60, 61, and 63 general provisions to allow sources an option to install and operate better emissions monitoring (than what is regulatorily required) in return for incentives. This approach was deemed unworkable, therefore we revised the goals of the VSM project to aim for identifying opportunities for better or superior monitoring in new rulemakings. Thus, the focus of VSM now is to work with OAQPS regulation writers to find rules that would benefit from voluntary upgrades of emissions monitoring. For example, we have inserted language in an upcoming rule that allows states to receive SIP credits for requiring sources to install better emissions monitors. This is a "win-win" situation. Sources install the superior monitors, find problems sooner, correct them quicker, and emit less pollutants. This measure can save sources money in maintenance of control devices while emitting less pollutants. Additionally, this measure is much less expensive, but just as effective, than other control measures.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, 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**3219. SECTION 126 RULE: LIFTING THE 8-HOUR STAY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7426**CFR Citation:** 40 CFR 52; 40 CFR 75; 40 CFR 97

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 4095.1; Split from RIN 2060-AH88.**Agency Contact:** Carla Oldham, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711

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**RIN:** 2060-AL79**3220. 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

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in the NOx SIP Call contained in 40 CFR section 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	01/00/06	
Final Action	08/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Additional Information:** SAN No. 4797;

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**RIN:** 2060-AL84

### 3221. 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
Next Action	Undetermined	

**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

### 3222. CONSIDERATION OF INDUSTRY PETITION TO REMOVE THE 2-PIECE CAN SUBCATEGORY FROM THE CLEAN AIR ACT HAZARDOUS AIR POLLUTANT SOURCE CATEGORY LIST

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 CFR 63

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The Agency has received a petition to remove the 2-piece can subcategory from the Metal Can Surface Coating source category, which is on the list of hazardous air pollutant source categories under section 112(c) of the Clean Air Act. The Agency must review the petition and either grant or deny the petition within 12 months of the date the complete petition is

received. If the Agency grants the petition, a notice of proposed rulemaking will be published in the FR, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the FR providing an explanation of the denial. The Can 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:** Undetermined

**Additional Information:** SAN No. 4799;

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**RIN:** 2060-AL86

### 3223. 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, -.

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4810;

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**RIN:** 2060-AL93

**3224. MINERAL WOOL PRODUCTION RESIDUAL RISK STANDARD**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 91-190, sec 203; 42 USC 7401

**CFR Citation:** 40 CFR 63.1175 to 63.1199

**Legal Deadline:** None

**Abstract:** Section 112(f)(2) of the Clean Air Act (CAA) directs us to assess the risk remaining (residual risk) after the application of control technology standards under section 112(d) (MACT). The EPA is to promulgate more stringent standards for a category or subcategory of sources subject to MACT standards under section 112(d) if promulgation of such standards is necessary to protect public health with an ample margin of safety or to prevent (taking into consideration various factors) adverse environmental effects. In particular, the CAA specifies the cancer risk of concern for setting more

stringent standards. The CAA states that if the MACT standards do not reduce lifetime excess cancer risk to the individual most exposed to emissions... to less than one in one million, the Administrator shall promulgate standards under this subsection for such source categories. The standards to be promulgated under this subsection must provide an ample margin of safety to protect public health in accordance with this section (as in effect before the date of enactment of the Clean Air Act Amendments of 1990), unless the Administrator determines that a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental impact. Section 112(f)(2)(B) expressly preserves EPA's interpretation of an ample margin of safety developed in the 1989 benzene NESHAP final rule. EPA will review the mineral wool production MACT standard and conduct analyses to determine whether the residual risk warrants further regulation. The CAA requires that the residual risk rules be promulgated (if necessary) within eight years [nine for the two-year bin standards] after the promulgation of the associated MACT standard. The MACT rule for the mineral wool production source category was promulgated on June 1, 1999. Therefore, the statutory deadline for promulgating a residual risk rule (if necessary) for this source category is 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

**3225. NESHAP FOR FLEXIBLE POLYURETHANE FOAM PRODUCTION: RESIDUAL RISK STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** EPA promulgated technology-based emission standards for this source category in 1998 under section 112(d) of the Clean Air Act. These standards are codified at 40 CFR part 63, subpart III. The current action, required by section 112(f) of the Clean Air Act, is to assess residual risks that remain once that standard becomes effective, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4831;

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**RIN:** 2060-AL99

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**3226. 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	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4832;**Agency Contact:** Randy McDonald, Environmental Protection Agency, Air and Radiation, C504-04, Research Triangle Park, NC 27711  
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**RIN:** 2060-AM00**3227. 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 one site. As part of that strategy, several area-source categories were listed for possible regulation. Paint stripping area sources was listed as one of those categories, and this rulemaking will address measures to control pollution from the paint-stripping category.**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4861;**Agency Contact:** Tony Wayne, Environmental Protection Agency, Air and Radiation, C439-04, Washington, DC 20460  
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Email: mckelvey.laura@epamail.epa.gov**RIN:** 2060-AM07**3228. NESHAP: AREA SOURCE STANDARDS—GLASS MANUFACTURING INDUSTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, November 15, 2000.**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. The OAQPS is currently working on the section 112(k) area source strategy to address area source contributions of air toxic substances. With the finalization of the Integrated Urban Air Toxics Strategy in July of 1999, the EPA introduced and outlined its risk based air toxics

program, which includes both regulatory and non-regulatory programs and actions. The Integrated Urban Air Toxics Strategy lists the goals of the EPA's air toxics program, which are as follows: (1) Reduce the incidence of cancer attributable to exposure to hazardous air pollutants by 75 percent nationally; (2) reduce national non-cancer risks substantially; and (3) address risks which are disproportionately posed on specific subpopulations 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. This component includes the development of MACT standards under section 112(d), generally available control technology (GACT) standards 112(k), residual risk standards under 112(f), and other standards to regulate emissions of air toxics from specific sources. The EPA will consider development of a NESHAP for glass manufacturing area sources under section 112(k). Section 112(k) requires the development of standards for area sources which account for 90 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 MACT or GACT, as defined in section 112. The processes involved in glass manufacturing are known to emit arsenic, hydrochloric acid, hydrogen fluoride, lead, and mercury. 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).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4873;

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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**RIN:** 2060-AM12

### 3229. NESHAP: AREA SOURCE STANDARDS—ACRYLIC/ MODACRYLIC FIBER (AMF) PRODUCTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory,  
September 15, 2005.  
Final, Statutory, September 15, 2006.

**Abstract:** This regulation is being pursued under the Clean Air Act, section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from "area" sources, which are sources consisting of several small pollution sources grouped within one site. As part of that strategy, several area-source categories were listed for possible regulation. Acrylic/modacrylic fiber production sources were 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

### 3230. NESHAP: AREA SOURCE STANDARDS—ETHYLENE OXIDE HOSPITAL STERILIZATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4859;

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**RIN:** 2060-AM14

### 3231. NESHAP: OIL AND NATURAL GAS PRODUCTION RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63.760 to 63.779

**Legal Deadline:** Final, Statutory, June  
17, 2007.

**Abstract:** EPA promulgated technology-based emission standards for this source category in 1999 under section 112(d) of the Clean Air Act. These standards are codified at 40 CFR part 63, subpart HH. The current action, required by section 112(f) and d(6) of the Clean Air Act, is to assess residual risk that remains once that rule becomes effective, and develop additional emission standards, as necessary, to provide an ample margin of safety; and to review the MACT standards promulgated in 1999 for developments in practices, processes and control technologies and revise, as necessary, existing standards.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** SAN No. 4847;

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**RIN:** 2060-AM18

### 3232. NESHAP: AREA SOURCE STANDARDS—INDUSTRIAL INORGANIC CHEMICALS MANUFACTURING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**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

### 3233. 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 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	01/00/08	
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

### 3234. NESHA: 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	07/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4886;

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**RIN:** 2060-AM37

### 3235. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHA) FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112(k) requires development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT). The Integrated Air Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**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**3236. NESHAP: AREA SOURCE STANDARDS—CLAY CERAMICS INDUSTRY****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** Section 112 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	05/00/06	
Final Action	05/00/07	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 4906;

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**RIN:** 2060-AM53**3237. • 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 percent 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.

**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**3238. • 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

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4888;

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**RIN:** 2060-AM70

### 3239. • 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	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4907;

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**RIN:** 2060-AM74

### 3240. • NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR RECIPROCATING INTERNAL COMBUSTION SPARK IGNITED ENGINES

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

**Legal Authority:** Clean Air Act sec 111

**CFR Citation:** None

**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, NOx, SO2, and CO. The project is on a litigated schedule that has been agreed on in principal to propose by May 06 and to promulgate by December 07. Information gathering beginning in early April 04 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:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4915;

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**RIN:** 2060-AM82

### 3241. • 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 Guard of any such state) or the National Aeronautics and Space Administration and the surface coating of military munitions manufactured by or for the Armed Forces of the United States (including the Coast Guard and the National Guard of any such state). Aerospace and shipbuilding surface coating operations at these installations

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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	12/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4926;

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**RIN:** 2060-AM84

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

## Completed Actions

**3242. NESHAP: RECIPROCATING INTERNAL COMBUSTION ENGINE**

**Priority:** Economically Significant.  
Major under 5 USC 801.

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	06/15/04	69 FR 33473

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Local, State

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**RIN:** 2060-AG63

**3243. NESHAP: INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL BOILERS AND PROCESS HEATERS**

**Priority:** Economically Significant.  
Major under 5 USC 801.

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	09/13/04	69 FR 55218

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

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**RIN:** 2060-AG69

**3244. PROTECTION OF STRATOSPHERIC OZONE: UPDATE OF THE SUBSTITUTES LIST UNDER (SNAP) PROGRAM**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 82; 40 CFR 9

**Completed:**

Reason	Date	FR Cite
Final Action 10 Foams (HCFC-141b)	09/30/04	69 FR 58269

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AG12

**3245. REVISION OF COMBUSTION TURBINES NSPS— PART 60, SUBPART GG**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 60 (Revision)

**Completed:**

Reason	Date	FR Cite
Final Action Amendments	07/08/04	69 FR 41345

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

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**RIN:** 2060-AK35

**3246. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS**

**Priority:** Economically Significant.  
Major under 5 USC 801.

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	07/30/04	69 FR 45944

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

## EPA—Clean Air Act (CAA)

## Completed Actions

**Government Levels Affected:** None

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**RIN:** 2060-AG52

**3247. PLASTIC PARTS AND PRODUCTS (SURFACE COATING) NESHAP**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	04/19/04	69 FR 20968

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 2060-AG57

**3248. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Rule Amendments	07/19/04	69 FR 42885

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2060-AH69

**3249. NESHAP: ASPHALT/COAL TAR APPLICATION ON METAL PIPES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	01/02/04	69 FR 130

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 2060-AH78

**3250. NESHAP: SOLVENT EXTRACTION FOR VEGETABLE OIL: AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
NPRM	09/01/04	69 FR 53380
Direct Final Rule	09/01/04	69 FR 53338

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2060-AK32

**3251. RULEMAKING ON SECTION 126 PETITIONS FROM NEW YORK AND CONNECTICUT REGARDING SOURCES IN MICHIGAN; REVISION OF DEFINITION OF APPLICABLE REQUIREMENT FOR TITLE V OPERATING PERMIT PROGRAMS**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Final Action	06/03/04	69 FR 31498

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2060-AJ36

**3252. TRANSPORTATION CONFORMITY AMENDMENTS: RESPONSE TO MARCH 2, 1999, COURT DECISION**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 93

**Completed:**

Reason	Date	FR Cite
Final Action	07/01/04	69 FR 40004

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

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**RIN:** 2060-AI56

**3253. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NONROAD DIESEL ENGINES AND FUEL**

**Priority:** Economically Significant. Major under 5 USC 801.

**CFR Citation:** 40 CFR 89

**Completed:**

Reason	Date	FR Cite
Final Action	06/29/04	69 FR 38958

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

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## EPA—Clean Air Act (CAA)

## Completed Actions

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RIN: 2060-AK27

**3254. REVISIONS TO THE APPEAL PROCEDURES AND THE FEDERAL NOX BUDGET TRADING PROGRAM, PARTS 78 AND 97**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 75 (Revision); 40 CFR 97 (Revision)

**Completed:**

Reason	Date	FR Cite
Final Action	04/21/04	69 FR 21603

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AK36

**3255. REVISIONS TO CLARIFY THE SCOPE OF CERTAIN MONITORING REQUIREMENTS FOR FEDERAL AND STATE OPERATING PERMITS PROGRAMS**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
Final Action	01/22/04	69 FR 3202

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AK29

**3256. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 82(F)

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/20/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2060-AL77

**3257. PROTECTION OF STRATOSPHERIC OZONE: QUANTITY ALLOCATION OF METHYL BROMIDE FOR CRITICAL USE EXEMPTIONS AFTER THE PHASEOUT**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 82

**Completed:**

Reason	Date	FR Cite
Merged with SAN 4535	10/05/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AL95

**3258. NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER; AMENDMENT TO REFLECT COURT ORDER VACATING CERTAIN RULES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 50, 53, 58

**Completed:**

Reason	Date	FR Cite
Direct Final Rule Amendment	07/30/04	69 FR 45592

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AM02

**3259. CLEAN AIR OZONE DESIGNATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 81

**Completed:**

Reason	Date	FR Cite
Final Action	04/30/04	69 FR 23858

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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RIN: 2060-AM03

**3260. ADDITION OF CO EMISSION LIMIT FOR LARGE MWC USING FLUID BED COMBUSTION TECHNOLOGY (SECTION 129)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 60 and 62

## EPA—Clean Air Act (CAA)

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Direct Final Rule Amendments	07/14/04	69 FR 42117

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Walt Stevenson

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**RIN:** 2060-AM11**3261. NESHAP: PRINTING, COATING, AND DYEING OF FABRICS AND OTHER TEXTILES— AMENDMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Direct Final Rule	08/04/04	69 FR 47001

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Paul Almodovar

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**RIN:** 2060-AM29**3262. FUELS AND FUEL ADDITIVES REGISTRATION REGULATIONS (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 79**Completed:**

Reason	Date	FR Cite
Begin Review	05/01/04	69 FR 38183
End Review	11/01/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Thomas Eagles

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**RIN:** 2060-AM38**3263. EMISSION STANDARDS FOR NEW NONROAD SPARK-IGNITION ENGINES AT OR BELOW 19 KILOWATTS (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 90**Completed:**

Reason	Date	FR Cite
Begin Review	06/28/04	69 FR 38183
End Review	11/01/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Thomas Eagles

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**RIN:** 2060-AM39**3264. NESHAP: SECONDARY LEAD SMELTING (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 63, subpart X**Completed:**

Reason	Date	FR Cite
Begin Review	06/28/04	69 FR 38183
End Review	11/01/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Thomas Eagles

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**RIN:** 2060-AM40**3265. NESHAP: PETROLEUM REFINERIES (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 63, subpart CC**Completed:**

Reason	Date	FR Cite
Begin Review	06/28/04	69 FR 38184
End Review	11/01/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Thomas Eagles

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**RIN:** 2060-AM41**3266. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT (RMRR) EQUIPMENT REPLACEMENT PROVISION (ERP); STAY NOTICE****Priority:** Substantive, Nonsignificant**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 action to SAN 4676, which is a rule to specify 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. SAN 4676’s final action — referred to as the “equipment replacement provision” (ERP) — was promulgated in the Federal Register on 10/27/03 and was stayed by the US Court of Appeals (DC Circuit) on 12/24/03. This regulatory action (SAN 4676.1) reflects that court action in the Code of Federal Regulations and also sets out EPA’s interpretation of the effect of the stay on the PSD Federal Implementation Plans in various state plans. In a separate action, EPA is reconsidering the 10/27/03 rule in response to petitions — see SAN 4676.2, RIN 2060-AM58, elsewhere in this Regulatory Agenda.

**Timetable:**

Action	Date	FR Cite
Final Action 1	12/24/03	68 FR 74483
Final Action – ERP Stay	07/01/04	69 FR 40274

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4676.1; Split from RIN 2060-AK28**Agency Contact:** Dave Svendsgaard, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27711

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## EPA—Clean Air Act (CAA)

## Completed Actions

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RIN: 2060-AM57

### 3267. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: HYDROCHLORIC ACID PRODUCTION: AMENDMENTS

#### Timetable:

Action	Date	FR Cite
Duplicate of RIN 2060-AM25, SAN 4867	11/05/04	

RIN: 2060-AM61

### 3268. • AIR QUALITY DESIGNATIONS AND CLASSIFICATIONS FOR THE 8-HOUR OZONE NAAQS; EARLY ACTION COMPACT AREAS WITH DEFERRED EFFECTIVE DATES (REINSTATEMENT OF CHATTANOOGA EAC)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7407, 7501 to 7515, 7601

**CFR Citation:** 40 CFR 81

**Legal Deadline:** None

**Abstract:** This action will reinstate the Chattanooga EAC after the area failed to meet all the requirements for the March 31, 2004, milestone and did not receive a deferred effective date of the 8-hour ozone NAAQS. This action, effective June 15, 2004, defers the nonattainment designations for Hamilton and Meigs Counties, TN, and Catoosa County, GA and reinstates the EAC for the Chattanooga TN-GA MSA by modifying the following Federal Register action published April 30, 2004, and effective June 15, 2004: Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates (69 FR 23857). The basis for this action is an updated modeling analysis that demonstrates attainment of the 8-hour ozone NAAQS by December 31, 2007. In addition, in a letter dated May 27, 2004 from the mayor of Chattanooga to

EPA, the area has fully committed to adopt and implement additional local measures on a schedule consistent with requirements for Early Action Compact (EAC) areas. These measures (vehicle inspection and maintenance and a seasonal open burning ban) are also included in the updated modeling analysis.

#### Timetable:

Action	Date	FR Cite
Direct Final Rule	06/18/04	69 FR 34080

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4839.1; Split from RIN 2060-AM03. Promulgation of SAN 4839 will include the material formerly proposed as SAN 4798. SAN 4798 has been merged into SAN 4839.

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RIN: 2060-AM64

### 3269. • CLEAN AIR OZONE DESIGNATIONS: 5 PERCENT RECLASSIFICATIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 81

**Legal Deadline:** Final, Statutory, September 15, 2004, The CAA allows 90 days for the Admin. to make reclassifications after the original classifications were made.

**Abstract:** According to section 181(a)(4), an ozone nonattainment area may be reclassified to a different category, if the design value were 5 percent greater or 5 percent less than the design value on which the designation/classification was made. Any requests for reclassification were

to be submitted by July 15, 2004. The Administrator has 90 days to make reclassifications after the original classifications were made, i.e., September 15, 2004. Signature date by the Administrator is to be no later than September 15, 2004. As of July 15, 2004, the Agency had received requests to bump down from moderate to marginal for Cass County, Detroit, & Muskegon, MI; Greensboro, NC; Memphis, TN-AR; LaPorte, IN; and Richmond, VA. A few other requests are expected. As of this update 8/6/04 in the interim, the Agency has received additional requests from Kent & Queen Anne's MD; Lancaster, PA. This rule was published on September 22, 2004 (69 FR 56697).

#### Timetable:

Action	Date	FR Cite
Final Action	09/22/04	69 FR 56697

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4839.2; Split from RIN 2060-AM03. Promulgation of SAN 4839 will include the material formerly proposed as SAN 4798. SAN 4798 has been merged into SAN 4839.

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RIN: 2060-AM66

### 3270. • AIR QUALITY DESIGNATIONS AND CLASSIFICATIONS FOR 8-HOUR OZONE NAAQS; LAS VEGAS, NEVADA NONATTAINMENT AREA

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 81

**Legal Deadline:** None

## EPA—Clean Air Act (CAA)

## Completed Actions

**Abstract:** In 1997, EPA promulgated the revised National Ambient Air Quality Standards (NAAQS) for ozone. This action is intended to promulgate designations and classifications for areas across the country as attainment/unclassifiable or nonattainment. The CAA defines a nonattainment area to include the area that is violating the NAAQS and any nearby areas that are contributing to the violation of the NAAQS. The process for designations following promulgation of a NAAQS is contained in section 107(d)(1) of the CAA. EPA requested States and tribes to make recommendations regarding attainment of their areas by July 15, 2003. EPA reviewed the recommended designations and made modifications as deemed necessary to these recommendations on December 3, 2003. EPA's December 3rd letters provided an opportunity for States and tribes to defend their recommended positions. In cases where the States or tribes do not submit recommendations, EPA will promulgate the designations for areas it deems appropriate. Inal ozone designations will be promulgated on April 15, 2004. At that time EPA will designate all areas either "attainment" or "nonattainment" for the 8-hour ozone NAAQS. This notice is also intended to take final action to defer on a rolling basis the effective date of nonattainment designations for certain areas of the country that do not meet the 8-hour ozone NAAQS. Early Action Compact areas (EACs) have agreed to reduce ground-level ozone pollution earlier than the CAA requires and to attain the standard by December 31, 2007. This final rule establishes the first of three dates by which EPA will

defer the effective date of nonattainment designation for compact areas or portions of compact areas, so long as these areas meet agreed-upon milestones. The impact of the nonattainment designation for these areas will be deferred first until September 30, 2005. Prior to the time the first deferral expires, EPA intends to take further action to propose and promulgate a second deferred effective date of nonattainment designation until December 31, 2006 for those areas that continue to fulfill all compact obligations. Prior to the time the second deferral expires, EPA intends to propose and promulgate a third and final deferral until April 15, 2008, for those areas that continue to meet all compact milestones. Chattanooga got EAC approval and deferral date of September 30, 2005. Clark Co., NV got deferred until September 13, 2004.

**Timetable:**

Action	Date	FR Cite
Final Action — Deferral	06/18/04	69 FR 34076
Final Action — Boundaries	09/17/04	69 FR 55956

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

**Additional Information:** SAN No. 4839.3; Split from RIN 2060-AM03. Promulgation of SAN 4839 will include the material formerly proposed as SAN 4798. SAN 4798 has been merged into SAN 4839.

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**RIN:** 2060-AM67

**3271. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SITE-SPECIFIC REGULATION FOR PACKAGING CORPORATION OF AMERICA IN TOMAHAWK, WISCONSIN**

**Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63.443; 40 CFR 63.457; 40 CFR 63.453**Completed:**

Reason	Date	FR Cite
Direct Final Rule	04/13/04	69 FR 19733

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

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**RIN:** 2090-AA33

**Environmental Protection Agency (EPA)  
Atomic Energy Act (AEA)**

**Proposed Rule Stage**

**3272. 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 No. 2. 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 26. 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

**EPA—Atomic Energy Act (AEA)****Proposed Rule Stage**

determining compliance with the levels of protection established in 1985.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4003;**Agency Contact:** Ray Clark, Environmental Protection Agency, Air

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**RIN:** 2060-AH90**Environmental Protection Agency (EPA)****Long-Term Actions****Atomic Energy Act (AEA)****3273. 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
Final Action	01/00/06	

**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**3274. APPROACHES TO AN INTEGRATED FRAMEWORK FOR MANAGEMENT AND DISPOSAL OF LOW-ACTIVITY 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 advance notice of proposed rulemaking (ANPRM) will solicit public comment on voluntary approaches that would allow additional options for the disposal of low-activity mixed wastes. The wastes intended to be disposed of in these cells are Federally regulated mixed wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources, but may also be generated by Federal Government activities. The intention of this effort is to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection

and radioactivity protection requirements while protecting public health and safety. It is envisioned that any rule that would be promulgated in this area would not mandate a disposal method, but rather permit an alternative to existing disposal methods. (See SAN 4054 elsewhere in today's Regulatory Agenda.) In this ANPRM, public comment will be solicited on application of such a rule to other low-activity radioactive wastes not currently regulated at the Federal level, and on possible nonregulatory approaches to improved management. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of any rule that would follow this ANPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/18/03	68 FR 65120
ANPRM Comment Period Extended	03/12/04	69 FR 11826

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN 4054.1. Split from RIN 2060-AH63.**Agency Contact:** Daniel Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060-AL78

**Environmental Protection Agency (EPA)**  
**Atomic Energy Act (AEA)**
**Completed Actions**
**3275. REVISION OF THE 40 CFR PART 194 WASTE ISOLATION PILOT PLANT COMPLIANCE CRITERIA**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 194.8(b)

**Completed:**

Reason	Date	FR Cite
Final Action	07/16/04	69 FR 42571

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 2060-AJ07

**Environmental Protection Agency (EPA)**
**Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**
**Prerule Stage**
**3276. ENDOCRINE DISRUPTOR SCREENING PROGRAM (EDSP); CHEMICAL SELECTION APPROACH FOR INITIAL ROUND OF SCREENING**

**Regulatory Plan:** This entry is Seq. No. 115 in part II of this issue of the *Federal Register*.

**RIN:** 2070-AD59

**3277. WPS; PESTICIDE WORKER PROTECTION STANDARD (WPS) RULE (SECTION 610 REVIEW)**

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

**Legal Authority:** 7 USC 135

**CFR Citation:** 40 CFR 156; 40 CFR 170

**Legal Deadline:** None

**Abstract:** On August 21, 1992, the Environmental Protection Agency (EPA) issued final revisions to the Worker Protection Standard (WPS) governing the protection of workers from agricultural pesticides. The revised regulations expanded the scope of the standards to include not only workers performing hand labor operations in fields treated with pesticides, but employees in forests, nurseries, and greenhouses and employees who handle (mix, load, apply, etc.) pesticides for use in these locations. EPA has reviewed this regulation

pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). The purpose of the review was to determine whether the rule should be continued without change, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). EPA solicited comment on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and the degree to which technology, economic conditions or other relevant factors have changed since the rule was promulgated. See EPA Docket ID number OPP-2003-0115 at [www.epa.gov/edocket](http://www.epa.gov/edocket). The Agency received no comment on the action and has concluded that the rule needs no revisions to minimize impacts on small entities while still complying with FIFRA. As a separate matter, EPA will continue to review, and as necessary propose changes to the WPS to better attain the goal of farm worker safety.

**Timetable:**

Action	Date	FR Cite
Final Action 1	08/21/92	57 FR 38102

Action	Date	FR Cite
Begin Review	05/27/03	68 FR 30942
Comment Period End	12/22/03	68 FR 73543
End Review	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4789, EDocket No. OPP-2003-0115;

**Sectors Affected:** 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 115 Support Activities for Agriculture and Forestry; 1131 Timber Tract Operations

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**RIN:** 2070-AD66

**Environmental Protection Agency (EPA)**
**Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**
**Proposed Rule Stage**
**3278. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS**

**Regulatory Plan:** This entry is Seq. No. 120 in part II of this issue of the *Federal Register*.

**RIN:** 2070-AC12

**3279. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136(a) to 136(y)

**CFR Citation:** 40 CFR 158

**Legal Deadline:** None

**Abstract:** EPA will update and revise its pesticide data requirements for antimicrobial products. The data requirements specify the data that are required for EPA to evaluate the registrability of a pesticide product. The revisions will also clarify the data requirements for all antimicrobials to reflect current practice.

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4173;**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32561 Soap and Cleaning Compound Manufacturing**Agency Contact:** Paul Parsons, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460

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**RIN:** 2070-AD30**3280. ACCEPTABILITY OF RESEARCH USING HUMAN SUBJECTS****Regulatory Plan:** This entry is Seq. No. 122 in part II of this issue of the **Federal Register**.**RIN:** 2070-AD57**3281. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS****Priority:** Info./Admin./Other**Legal Authority:** 7 USC 136a(c) to 136a(d); 7 USC 136b(d) to 136b(f); 7 USC 136d(b) to 7 USC 136d(e); 7 USC 136w(a)**CFR Citation:** 40 CFR 164 (Revision)**Legal Deadline:** None**Abstract:** EPA is preparing a comprehensive revision of the Rules of Practice governing the conduct of licensing adjudications under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The existing

Rules of Practice were originally promulgated by EPA in 1973. In the subsequent 30 years, Congress has substantially amended FIFRA, creating a number of additional types of licensing adjudications which are not expressly provided for in the existing Rules of Practice. In order to include provisions tailored to these new types of proceedings, and to incorporate the standard practices which have evolved and the precedents which have been established since these rules were first promulgated, EPA intends to comprehensively revise the FIFRA Rules of Practice.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4618;**Sectors Affected:** 112 Animal Production; 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing**Agency Contact:** Scott Garrison, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2333A, Washington, DC 20460

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**RIN:** 2020-AA44**3282. PESTICIDES; PROCEDURES FOR THE REGISTRATION REVIEW PROGRAM****Priority:** Info./Admin./Other**Legal Authority:** 7 USC 136a(g); 7 USC 136w**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Agency will establish procedures to implement section 3(g) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), which provides for periodic review of pesticide registrations. The goal of these regulations is to review a pesticide's registration every 15 years.**Timetable:**

Action	Date	FR Cite
ANPRM	04/26/00	65 FR 24586
NPRM	02/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN 4170.**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing**Agency Contact:** Vivian Prunier, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460

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**RIN:** 2070-AD29**3283. PESTICIDES; EMERGENCY EXEMPTION PROCESS REVISIONS****Regulatory Plan:** This entry is Seq. No. 121 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)

**3284. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update the data requirements necessary to register a biochemical or microbial pesticide product. The revisions will codify data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for biochemical and microbial pesticides, including product chemistry and residue chemistry, toxicology and environmental fate and effects. The revision will not include plant incorporated protectants.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal**Additional Information:** SAN No. 4596;**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD51**3285. 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	12/00/05	

**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:**

www.epa.gov/scipoly/oscpendo.htm

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**RIN:** 2070-AD61**3286. PESTICIDE TOLERANCE REASSESSMENT PROGRAM****Priority:** Routine and Frequent**Legal Authority:** 21 USC 346(a) to 346(q)**CFR Citation:** 40 CFR 180**Legal Deadline:** Other, Statutory, August 3, 2006, See additional information.

**Abstract:** EPA will reassess pesticide tolerances and exemptions for raw and processed foods established prior to August 3, 1996, to determine whether they meet the reasonable certainty of no harm standard of the Federal Food, Drug and Cosmetic Act (FFDCA). FFDCA sec. 408(q), as amended by the Food Quality Protection Act (FQPA). FQPA requires that EPA conduct this reassessment on a phased 10-year schedule. Based on its reassessment, EPA will take a series of regulatory actions to modify or revoke tolerances. Since such actions are issued on a chemical-by-chemical basis, this regulatory agenda entry does not list the individual actions that are likely to occur under this program. For status information about the individual chemicals, go to <http://www.epa.gov/pesticides>.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/06	

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

**Additional Information:** SAN No. 4175; LEGAL DEADLINE CONT: EPA is required to complete reassessments on a phased schedule of: 33 percent by August 3; 1999; 66 percent by August 3; 2002; and 100 percent by August 3; 2006. The Agency will continue to assess pesticide tolerances throughout each year.

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing**Agency Contact:** Robert McNally, Environmental Protection Agency,

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Long-Term Actions

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**RIN:** 2070-AD24

### 3287. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEINS

**Priority:** Other Significant

**Legal Authority:** 21 USC 346(a) et seq; 7 USC 136 et seq

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants based on viral coat proteins to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or mitigate any pest.” These substances are also “pesticide chemical residues” under 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
Supp NPRM 1	07/22/96	61 FR 37891
Supp NPRM 2	05/16/97	62 FR 27132
Supp NPRM-RCAN	04/23/99	64 FR 19958
Final Resubmittal	07/19/01	66 FR 37855
Final Action	02/00/06	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4602; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

**Sectors Affected:** 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

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**RIN:** 2070-AD49

### 3288. PLANT-INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS

**Priority:** Other Significant

**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants derived through genetic engineering from sexually compatible plants to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or

mitigate any pest.” These substances are also “pesticide chemical residues” under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants derived through genetic engineering from sexually compatible plants from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 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

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## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Long-Term Actions

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 RIN: 2070-AD55

### 3289. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT

**Priority:** Other Significant

**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants that act by primarily affecting the plant to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or mitigate any pest.” Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a recent Supplemental Proposal (66 FR 37855).

#### Timetable:

Action	Date	FR Cite
NPRM Original	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supp NPRM 1	05/16/97	62 FR 27132
Supp NPRM 2	04/23/99	64 FR 19958
Supp NPRM 3	07/19/01	66 FR 37855
NPRM	To Be	Determined
Final FFDCA	To Be	Determined
Final Action	To Be	Determined

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN 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 separately.

**Sectors Affected:** 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the

Physical Sciences and Engineering Sciences

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**RIN:** 2070-AD56

### 3290. PESTICIDE MANAGEMENT AND DISPOSAL; STANDARDS FOR PESTICIDE CONTAINERS AND CONTAINMENT

**Priority:** Other Significant

**Legal Authority:** 7 USC 136(q) FIFRA sec 19; 7 USC 136(a) FIFRA sec 3; 7 USC 136(w) FIFRA sec 25

**CFR Citation:** 40 CFR 156; 40 CFR 165

**Legal Deadline:** Final, Statutory, December 24, 1991.

**Abstract:** FIFRA sec. 19 gives EPA authority to regulate the management of pesticides and their containers, including storage, transportation and disposal. As proposed, this rule would establish standards for removal of pesticides from containers and for rinsing containers; facilitate the safe use, refill, reuse, and disposal of pesticide containers by establishing standards for container design, labeling and refilling; and establish requirements for containment of stationary bulk containers and for containment of pesticide dispensing areas.

#### Timetable:

Action	Date	FR Cite
NPRM Original	02/11/94	59 FR 6712
Supp NPRM 1	10/21/99	64 FR 56918
Supp NPRM 2	12/21/99	64 FR 71368
Notice: Partial Reopening of Comment Period	06/30/04	69 FR 39392
Notice: Extension of Comment Period	08/13/04	69 FR 00001
Final Action	01/00/06	

#### 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

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**RIN:** 2070-AB95

### 3291. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 7 USC 136(a) FIFRA sec 3; 7 USC 136(w)

**CFR Citation:** 40 CFR 152.170

**Legal Deadline:** None

**Abstract:** This regulation as proposed would establish Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority had an EPA-approved plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule are being reconsidered to determine whether the program can address water quality issues rather than ground-water only, and to determine

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Long-Term Actions

the best partnership approach to implementation.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
Notice	02/23/00	65 FR 8925
Supplemental NPRM	03/24/00	65 FR 15885
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3222;

**Sectors Affected:** 9241 Administration of Environmental Quality Programs

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**RIN:** 2070-AC46

### 3292. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136(a)(h); 7 USC 136(w)

**CFR Citation:** 40 CFR 152

**Legal Deadline:** Final, Statutory, September 15, 2000, The Final Rule is due 240 days after close of comment period.

**Abstract:** This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the

review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. In addition, the regulation will also include labeling standards for public health antimicrobial products.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/99	64 FR 50671
Notice	11/16/99	64 FR 62145
Final Original	12/14/01	66 FR 64759
Final Action	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; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

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**RIN:** 2070-AD14

### 3293. PESTICIDES; EXEMPTION OF MEDICAL DEVICES TREATED WITH ANTIMICROBIAL PESTICIDES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136a; 7 USC 136w

**CFR Citation:** 40 CFR 152.20

**Legal Deadline:** None

**Abstract:** This action would exempt from the requirements of FIFRA medical devices treated with antimicrobial pesticides. This would be based on an EPA determination that these treated medical devices are adequately regulated by the Food and Drug Administration. This action would eliminate dual regulation of these products by EPA and FDA. EPA would continue to regulate the antimicrobial pesticide used to treat the medical device.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4609;

**Sectors Affected:** 31499 All Other Textile Product Mills; 32619 Other Plastics Product Manufacturing

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**RIN:** 2070-AD54

## Environmental Protection Agency (EPA)

## Completed Actions

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

### 3294. PESTICIDES; TOLERANCE PROCESSING FEES

**Priority:** Other Significant

**CFR Citation:** 40 CFR 180

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/23/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 2070-AD23

### 3295. WPS; PESTICIDE WORKER PROTECTION STANDARD (WPS); GLOVE AMENDMENT

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 170

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	09/01/04	69 FR 53341

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Don Eckerman

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**RIN:** 2070-AC93

## Environmental Protection Agency (EPA)

## Prerule Stage

## Toxic Substances Control Act (TSCA)

**3296. FUTURE TESTING FOR EXISTING CHEMICALS (GENERIC ENTRY)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) A chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities that could result in significant or substantial human or environmental exposure, (2) the available data to evaluate the chemical are inadequate, and (3) testing is needed to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) 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 Agency decides to develop a test rule, ECA or VTA.

**Timetable:**

Action	Date	FR Cite
Notice/ANPRM	03/00/05	

**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**3297. LEAD; REQUIREMENTS FOR LEAD-BASED PAINT ACTIVITIES IN TARGET HOUSING AND CHILD-OCCUPIED FACILITIES (SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** TSCA 402 and 404; 15 USC 2682; 15 USC 2684**CFR Citation:** 40 CFR 745 subpart L; 40 CFR 745 subpart Q**Legal Deadline:** None

**Abstract:** In August, 1996, the Environmental Protection Agency (EPA) promulgated regulations under section 402 of the Toxic Substances Control Act (TSCA) to ensure that individuals conducting lead-based paint activities in target housing and child-occupied facilities are properly trained and certified, that training programs providing instruction in such activities are accredited and that these activities are conducted according to reliable, effective and safe work practice standards. EPA also finalized a Federal regulation under section 404 of TSCA that allows States and Indian tribes to seek authorization to administer and enforce the regulations developed under section 402 for the training and certification of individuals conducting LBP activities and the accreditation of training programs for LBP activities in 1996 (August 29, 1996, 61 FR 45778). EPA performed an analysis of the potential impacts on small entities and determined that this action is likely to have a modest adverse economic impact on a substantial number of small entities. The TSCA section 404 regulations became effective August 29, 1998. The final rule then provided for an additional phase-in period for the requirements for training program accreditation, individual and firm certification, and work practice standards. Regulations for accreditation of training programs became effective on March 1, 1999. Regulations for certification of individuals and firms

## EPA—Toxic Substances Control Act (TSCA)

Prerule Stage

became fully effective on March 1, 2000. EPA is reviewing the 1996 regulation pursuant to section 610 of the Regulatory Flexibility Act (5 USC 610). The purpose of this review is to determine whether the rule should be continued without change, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with the provisions of the Toxic Substances Control Act (TSCA). EPA has already solicited comment on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and the degree to which technology, economic conditions or other relevant factors have changed since the rule was promulgated. No comments were received, and has concluded that the rule needs no revisions at this time to minimize impacts on small entities. EPA is continuing to evaluate the effectiveness of this rule and its economic impacts in the context of other lead-based paint program initiatives the Agency is considering. See, for example, elsewhere in this Regulatory Agenda the entry for RIN: 2070-AJ01, Lead-based Paint Activities; Voluntary Program for Renovation and Remodeling. See EPA Docket ID number OPPT-2003-0015 at [www.epa.gov/edocket](http://www.epa.gov/edocket).

**Timetable:**

Action	Date	FR Cite
Final Action 1	08/29/96	61 FR 45778
Begin Review	05/27/03	68 FR 30942
Comment Period End	12/22/03	68 FR 73543
End Review	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4788, EDocket No. OPPT-2003-0015;

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**RIN:** 2070-AD65

### 3298. NOTIFICATION OF CHEMICAL EXPORTS UNDER TSCA SECTION 12(B)

**Regulatory Plan:** This entry is Seq. No. 116 in part II of this issue of the **Federal Register**.

**RIN:** 2070-AJ01

### 3299. LEAD-BASED PAINT ACTIVITIES; VOLUNTARY PROGRAM FOR RENOVATION AND REMODELING

**Regulatory Plan:** This entry is Seq. No. 117 in part II of this issue of the **Federal Register**.

**RIN:** 2070-AJ03

### 3300. TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720.45

**Legal Deadline:** None

**Abstract:** This notice will alert interested parties that EPA is considering new procedures and regulations for naming enzymes and proteins when listing such substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory (Inventory). More specifically, this notice outlines four identification elements that EPA currently believes are appropriate for use in developing unique TSCA Inventory nomenclature for proteinaceous enzymes. This notice also solicits public comment on several specific questions relating to this topic.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4878;

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**RIN:** 2070-AJ04

## Environmental Protection Agency (EPA) Toxic Substances Control Act (TSCA)

Proposed Rule Stage

### 3301. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR POLYMERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 723

**Legal Deadline:** None

**Abstract:** This regulatory action will eliminate exemptions under the Polymer Exemption Rule for certain polymers containing perfluoroalkyl sulfonate (PFAS), perfluoroalkyl carboxylates (PFAC), perfluoroalkyl-containing telomers, and other polymers containing perfluoroalkyl groups. Based on data on perfluorooctyl sulfonate (PFOS) and perfluorooctonic

acid (PFOA), and other chemical substances containing perfluoroalkyl groups, EPA believes that these substances may persist in the environment, bioaccumulate, and be toxic. Certain polymers which contain PFAS, PFAC, perfluoroalkyl-containing telomers, or other substances with perfluoroalkyl groups, would no longer

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## Proposed Rule Stage

qualify for exemption from TSCA section 5 reporting.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**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

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**RIN:** 2070-AD58

### 3302. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of eight chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at 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	06/00/05	

**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

### 3303. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2601 et seq (TSCA)

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This is a voluntary program to evaluate commercial chemicals to which children may have a high likelihood of exposure. Designed with extensive stakeholder participation, the purpose of this voluntary program is to obtain toxicity and exposure data needed to assess the risk of childhood exposure to commercial chemicals. EPA launched a pilot of this program on December 26, 2000. Manufacturers of 20 of the 23 pilot chemicals have volunteered to sponsor their chemicals in tier 1 in the pilot. A workshop was held in December 2001 to provide sponsors with additional guidance on the scope and content of the exposure assessments they will prepare. A peer consultation process is being used to evaluate the scientific merits of the hazard, exposure, and risk assessments submitted by sponsors. Assessments for six chemicals have been evaluated in the peer consultation process. Information on VCCEP and the chemical assessments submitted to date are available to the public at [www.epa.gov/chemrtk/vccep1](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 Announcing VCCEP & Pilot	12/26/00	65 FR 81700
Notice: Status of Pilot	01/00/05	
EPA's Data Needs Decision	To Be Determined	
Peer Consultation Process	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4876;

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

**URL For More Information:**

www.epa.gov/chemrtk/vccep

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**RIN:** 2070-AC27

**3304. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No.

3301.1; Split from RIN 2070-AC61.

**Sectors Affected:** 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

**URL For More Information:**

www.epa.gov/oppt/iur

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**RIN:** 2070-AD63

**3305. FOLLOW-UP RULES ON EXISTING CHEMICALS**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 TSCA 5; 15 USC 2607 TSCA 8

**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA has established a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

**Timetable:**

Action	Date	FR Cite
NPRM-2-4 Original	09/27/89	54 FR 39548
NPRM-Chloranil	05/12/93	58 FR 27980
NPRM-Heavy	01/15/02	67 FR 1937
NPRM-2-4	06/00/05	

Action	Date	FR Cite
NPRM- Benzidine-amend	06/00/05	
NPRM-Certain	09/00/05	
NPRM-o-Tolodine	09/00/05	
NPRM-p- Aminophenol	09/00/05	
NPRM-Methylcyclo	12/00/05	
Final- Benzidine-amend	06/00/06	
Final-Chloranil	12/00/06	
Final-Heavy	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 1923;

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2070-AA58

**3306. SIGNIFICANT NEW USE RULE (SNUR); SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604 TSCA 5

**CFR Citation:** 40 CFR 704; 40 CFR 721; 40 CFR 707; 40 CFR 710

**Legal Deadline:** None

**Abstract:** 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

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

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	06/00/05	

**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**Agency Contact:** John Bowser, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AD48**3307. SIGNIFICANT NEW USE RULE (SNUR); CERTAIN POLYBROMINATED DIPHENYL ETHERS (PBDES)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2604 TSCA section 5**CFR Citation:** 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721**Legal Deadline:** None**Abstract:** EPA is proposing a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain

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 produced, released, and built up in the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Federalism:** Undetermined**Additional Information:** SAN No. 4870;**Agency Contact:** Kenneth Moss, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AJ02**3308. 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 has been prevented by a temporary restraining order issued by the U.S. District Court for D.C.. A hearing will be held in October 2004 to determine if the export of these 9 vessels can proceed and the Able UK facility must reapply for various national and local permits before it can proceed with scrapping of any MARAD vessels. 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	03/00/05	

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

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

**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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**RIN:** 2070-AJ05

**3309. • SIGNIFICANT NEW USE RULE FOR GLYCOL ETHERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604, 2607, 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	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4942, EDocket No. OPPT-2004-0111;

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**RIN:** 2070-AJ12

**3310. • LEAD-BASED PAINT: PRE-RENOVATION LEAD EDUCATION**

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

**Legal Authority:** 15 USC 2686(b)

**CFR Citation:** 40 CFR 745.83

**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 authorize the use of a new information pamphlet, "Protect Your Family From Lead During Renovation & Remodeling."

There is an increase in risk to lead-based paint poisoning during renovation activities, particularly to children under six years of age. To ensure greater public health and safety during renovation activities in target housing, EPA has developed a lucid 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. EPA is also proposing to remove a portion of the regulation which provides sample acknowledgment and certification statements. In the interest of streamlining the regulatory text, the sample acknowledgment and certification statements will be removed and will be placed in a compliance guidance and on the EPA lead website, www.epa.gov/lead.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2070-AJ14

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**

Final Rule Stage

**3311. LEAD; MANAGEMENT AND  
DISPOSAL OF LEAD-BASED PAINT  
DEBRIS**
**Priority:** Other Significant

**Legal Authority:** 15 USC 2682; 15 USC 2684; 42 USC 6901 to 6992

**CFR Citation:** 40 CFR 745

**Legal Deadline:** None

**Abstract:** Currently, waste derived from lead-based paint (LBP) abatements is managed under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Other Federal agencies (Department of Housing and Urban Development, Department of Health and Human Services) and several States and advocacy groups expressed concern that the costs associated with the disposal of large volume architectural components (e.g., doors and windows) may interfere with abatement activities. EPA's Office of Prevention, Pesticides and Toxic Substances and the Office of Solid Waste initiated a joint rulemaking to address the disposal of these architectural components. The proposed rule developed disposal standards for these components under the Toxic Substances Control Act (TSCA) title IV, (the definition of abatement under TSCA title IV, section 401(1)(B), includes disposal). The TSCA proposal established appropriate disposal standards for LBP architectural components and identified recycling and incineration activities that would be controlled or prohibited. To minimize duplication of waste management requirements, EPA is developed a companion RCRA rule to suspend temporarily hazardous waste management regulations applicable to lead-based paint debris which will be subject to the new TSCA standards. On July 31, 2000, the Office of Solid Waste clarified that any LBP waste generated from LBP abatements or renovation and remodeling activities in households, including single and multiple residences and hotels, qualifies for the household waste exemption from the RCRA hazardous waste requirements of Subtitle C. The primary purpose of these amendments was to create less expensive disposal options for LBP waste. The proposal also indicated that EPA had no plans to finalize the 1998 proposal as it pertained to the RCRA program. On June 18, 2003, OSW issued its final rule entitled "Criteria for Classification of Solid Waste Disposal Facilities." EPA plans to issue

a new proposal that will address remaining issues affecting disposal, reuse, and transportation and containerization of LBP debris.

**Timetable:**

Action	Date	FR Cite
NPRM	12/18/98	63 FR 70189
Comment Extension	02/12/99	64 FR 7159
NPRM (OSW)	10/23/01	66 FR 53566
Final Action (OSW)	06/18/03	68 FR 36487
Final Action	10/00/05	
New NPRM	06/00/06	

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

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3508; See also RCRA companion rule: Temporary Suspension of Toxicity Characteristic Rule for Specified Lead-Based Paint Debris (SAN 14263; RIN 2050-AE68)., NPRM-<http://www.epa.gov/fedrgstr/EPA-TRI/1998/December/Day-18/tri33326.htm>

**Sectors Affected:** 233 Building, Developing and General Contracting; 23332 Commercial and Institutional Building Construction; 23542 Drywall, Plastering, Acoustical and Insulation Contractors; 23592 Glass and Glazing Contractors; 23521 Painting and Wall Covering Contractors; 23511 Plumbing, Heating and Air-Conditioning Contractors; 23321 Single Family Housing Construction; 562111 Solid Waste Collection; 54138 Testing Laboratories; 23594 Wrecking and Demolition Contractors

**URL For More Information:**
[www.epa.gov/lead](http://www.epa.gov/lead)

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**RIN:** 2070-AC72

**3312. SIGNIFICANT NEW USE RULES  
(SNURS); FOLLOW-UP RULES ON  
NON-5(E) NEW CHEMICAL  
SUBSTANCES**
**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 TSCA 5

**CFR Citation:** 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

**Timetable:**

Action	Date	FR Cite
NPRM: 84-1056	06/11/86	51 FR 21199
NPRM: 86-566	12/08/87	52 FR 46496
NPRM	06/11/93	58 FR 32628
Final	12/00/04	
Final: 84-1056	12/00/04	
Final: 86-566	12/00/04	

**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

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## EPA—Toxic Substances Control Act (TSCA)

## Final Rule Stage

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RIN: 2070-AA59

### 3313. 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 (930458)	12/19/94	59 FR 65289
NPRM: Certain Chemical Substances (91-1299/95-1667; 91-1298; 91-1297)	09/09/98	63 FR 48157

Action	Date	FR Cite
Final: Alkenyl Ether of Alkanetriol Polymer (93-458)	12/00/04	
Final: Aromatic Amino Ether (P90-1840)	12/00/04	
Final: Certain Chemical Substances (91-1299/95-1667; 91-1298; 91-1297)	12/00/04	

#### 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

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RIN: 2070-AB27

### 3314. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS

**Regulatory Plan:** This entry is Seq. No. 130 in part II of this issue of the Federal Register.

RIN: 2070-AD16

### 3315. 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. These data will also support risk assessment and test rule decisions.

#### Timetable:

Action	Date	FR Cite
Final 37th ITC List	02/28/96	61 FR 7421
Final 38th ITC List	10/29/96	61 FR 55871
Final 38th ITC List-Stay	12/11/96	61 FR 65186
Final 38th-Tech Stay	01/07/98	63 FR 684
Final 38th ITC-Rev	01/11/00	65 FR 1548
Final 39th ITC List	01/11/00	65 FR 1548
Final 41st ITC List	07/05/00	65 FR 41371
Final 42nd ITC List	07/24/00	65 FR 45535
Final 47th ITC List	07/26/01	66 FR 38955
Final 51st ITC List	06/11/03	68 FR 34832
Final 53rd ITC List	11/00/04	
Final 54th ITC List	06/00/05	

#### 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

## EPA—Toxic Substances Control Act (TSCA)

## Final Rule Stage

**3316. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(d) TSCA 8(d)**CFR Citation:** 40 CFR 716**Legal Deadline:** None

**Abstract:** These rules require manufacturers, importers and processors to submit unpublished health and safety data on chemicals added to the requirements of the Toxic Substances Control Act section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee.

**Timetable:**

Action	Date	FR Cite
Final: 38th ITC List	10/29/96	61 FR 55871
Final: 38th ITC List – Stay	12/11/96	61 FR 65186
Final: ITC List – Stay/ Technical Amentment	01/07/98	63 FR 684
Final: 38th ITC List – Revocation	01/11/00	65 FR 1548
Final: 51st ITC List (Actions From Lists 43, 47, and 50)	05/04/04	69 FR 24517
Final: 55th ITC List	06/00/05	

**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](http://www.epa.gov/oppt/chemtest)

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Email: [harris.john@epa.gov](mailto:harris.john@epa.gov)**RIN:** 2070–AB11**3317. TESTING AGREEMENT FOR PERFLUOROOCCTANOIC ACID (PFOA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA 4**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** PFOA is a synthetic (manmade) chemical that does not occur naturally in the environment. EPA identified data gaps regarding the sources and exposure pathways of PFOA and is seeking additional data concerning the potential relationship between fluoropolymer and fluorotelomer based polymer chemicals and PFOA. EPA has invited interested parties to monitor or participate in negotiations for developing several industry sponsored testing programs concerning fluoropolymers and fluorotelomer based polymers which may metabolize or degrade to PFOA. These testing programs would be set in place preferably as publicly negotiated enforceable consent agreements (ECAs) under section 4 of 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
Notice	12/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.1; Split from RIN 2070-AB94.**URL For More Information:**[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**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

## EPA—Toxic Substances Control Act (TSCA)

## Final Rule Stage

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 two update letters, one in April 1999 and one in May of 2003. Under this action, EPA will continue negotiations to develop an ECA that will provide health effects testing sufficient to meet the data needs specified in the proposed HAPs Section 4 test rule, as amended.

**Timetable:**

Action	Date	FR Cite
Final Action—ECA	09/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.4; Split from RIN 2070-AB94.**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AJ09**3319. • TESTING AGREEMENT FOR HYDROGEN FLUORIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (HAPs), including hydrogen fluoride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Hydrogen Fluoride (HF) Panel submitted a proposal for alternative testing involving PK studies for HF on November 27, 1996. EPA responded to this proposal by letter on June 26, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs Section 4 test rule, as amended.

**Timetable:**

Action	Date	FR Cite
Final Action—ECA	07/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.5; Split from RIN 2070-AB94.**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AJ10

**3320. • TESTING AGREEMENT FOR PHTHALIC ANHYDRIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities 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

## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

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 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	07/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.7; Split from RIN 2070-AB94**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AJ11

**3321. • TESTING AGREEMENT FOR MALEIC ANHYDRIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (HAPs), including maleic anhydride (61 FR

33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2)). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Maleic Anhydride (MA) Panel submitted a proposal for alternative testing involving PK studies for MA on November 8, 1996. EPA responded to Panel's proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

**Timetable:**

Action	Date	FR Cite
Final Action – ECA	07/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493.6; Split from RIN 2070-AB94.**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AJ13

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**
**Long-Term Actions**
**3322. ASBESTOS MODEL  
ACCREDITATION PLAN REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2646 TSCA 206

**CFR Citation:** 40 CFR 763

**Legal Deadline:** Final, Statutory, November 28, 1992.

**Abstract:** The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend training and accreditation requirements to include persons performing certain asbestos-related work in public or commercial buildings, to increase the minimum number of training hours required for accreditation purposes and to effect other changes necessary to implement the amendments.

**Timetable:**

Action	Date	FR Cite
Model Plan	05/13/92	57 FR 20438
Interim Final Rule	02/03/94	59 FR 5236
Final Action	05/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3148;

**Sectors Affected:** 611519 Other Technical and Trade Schools

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**RIN:** 2070-AC51

**3323. LEAD FISHING SINKERS;  
RESPONSE TO CITIZENS PETITION  
AND PROPOSED BAN**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2605 TSCA 6

**CFR Citation:** 40 CFR 745

**Legal Deadline:** None

**Abstract:** On October 20, 1992, the Environmental Defense Fund (EDF), Federation of Fly Fishers, Trumpeter Swan Society, and North American Loon Fund petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA), and the Administrative Procedure Act (APA), to initiate rulemaking proceedings under section 6 of TSCA to require that the sale of lead fishing sinkers be accompanied by an appropriate label or notice warning that such products are toxic to wildlife. EPA granted the petition, however, the Agency believes that a labeling provision would not adequately address the risk of injury to waterfowl and other birds (waterbirds), from ingestion of lead fishing sinkers. In addition, EPA also believes that zinc fishing sinkers adversely affect waterbirds, and can cause mortality. Therefore, EPA has proposed a rule under section 6(a) of TSCA to prohibit the manufacturing, processing, and distribution in commerce in the United States, of certain smaller size fishing sinkers containing lead and zinc, and mixed with other substances, including those made of brass.

**Timetable:**

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM	03/09/94	59 FR 11122
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3252;

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**RIN:** 2070-AC21

**3324. LEAD-BASED PAINT  
ACTIVITIES; TRAINING,  
ACCREDITATION, AND  
CERTIFICATION RULE AND MODEL  
STATE PLAN RULE—BRIDGES AND  
STRUCTURES**

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

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

**Legal Authority:** 15 USC 2603; 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	06/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4376;

**Sectors Affected:** 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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**RIN:** 2070-AC64

### 3325. LEAD-BASED PAINT ACTIVITIES; ABATEMENT AMENDMENTS FOR RENOVATION AND REMODELING

**Priority:** Other Significant. Major under  
5 USC 801.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 15 USC 2682 TSCA  
4 402; PL 102-550 sec 402(c)(3)

**CFR Citation:** 40 CFR 745

**Legal Deadline:** Final, Statutory,  
October 28, 1996.

**Abstract:** In accordance with section 402(c)(3) of the Toxic Substances Control Act (TSCA), EPA may consider introducing regulatory requirements for renovation and remodeling contractors who work in target housing and child-occupied facilities where, as a result of their work, lead hazards are created. In anticipation of these requirements, the Agency is reviewing the existing training and certification requirements for abatement contractors codified at 40 CFR part 745, subpart L. The modifications to the abatement requirements will ensure compatibility between the existing requirements and any future renovation requirements. This is necessary because there is considerable overlap between the workforce and techniques associated with the two regulated activities. These revisions will also provide an opportunity for the Agency to address minor technical and procedural amendments that correct long-standing errors in the existing requirements or update them based on program experiences to date.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

#### Regulatory Flexibility Analysis Required: Yes

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3557;

**Sectors Affected:** 23599 All Other  
Special Trade Contractors; 23551  
Carpentry Contractors; 53111 Lessors of  
Residential Buildings and Dwellings;  
23322 Multifamily Housing  
Construction; 23521 Painting and Wall  
Covering Contractors; 531311  
Residential Property Managers; 23321  
Single Family Housing Construction;  
54138 Testing Laboratories

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**RIN:** 2070-AC83

### 3326. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTIONS FROM THE PROHIBITIONS AGAINST MANUFACTURING, PROCESSING, AND DISTRIBUTION IN COMMERCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2605 TSCA  
6(e)(3)(B)

**CFR Citation:** 40 CFR 761

**Legal Deadline:** None

**Abstract:** Section 6(e)(3)(B) of the  
Toxic Substances Control Act (TSCA)  
provides that the Administrator may  
grant, by rule, exemptions from the  
prohibitions against manufacturing,  
processing and distribution in  
commerce of PCBs upon finding that  
1) no unreasonable risk to health or the  
environment will occur, and 2) good

faith efforts have been made by the  
petitioner to develop a substitute for  
PCB which does not pose an  
unreasonable risk of injury to health or  
the environment.

#### Timetable:

Action	Date	FR Cite
NPRM	12/06/94	59 FR 62875
NPRM 1	09/17/02	67 FR 58567
Final 1	01/31/03	68 FR 4934
Final Action	12/00/07	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 2150,  
EDocket No. OPPT-2001-0013;

**Sectors Affected:** 2211 Electric Power  
Generation, Transmission and  
Distribution; 31-33 Manufacturing; 5133  
Telecommunications

#### URL For More Information:

[www.epa.gov/pcb](http://www.epa.gov/pcb)

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**RIN:** 2070-AB20

### 3327. 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

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4597;

**Sectors Affected:** 31-33 Manufacturing; 81 Other Services (except Public Administration); 54 Professional, Scientific and Technical Services; 92 Public Administration; 53 Real Estate and Rental and Leasing; 48-49 Transportation; 22 Utilities; 562 Waste Management and Remediation Services

**URL For More Information:**

www.epa.gov/pcb

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**RIN:** 2070-AD52

**3328. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA is proposing health effects testing under TSCA section 4 in

support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environmental 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	06/00/06	

**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

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**RIN:** 2070-AC76

**3329. TEST RULE; CERTAIN METALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12; 15 USC 2625 TSCA 26

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA is coordinating an evaluation of the data needs for assessing potential adverse effects that exposures to metals pose for health and the environment with the Agencies efforts to develop a framework for assessing potential risks from exposures to metals. This activity is intended to lead to EPA proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP) and EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(I), the Clean Air Act (CAA) section 112 and other statutes requiring risk assessments, health assessments, permits, standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific communities. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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)

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**RIN:** 2070-AD10

**3330. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12; 15 USC 2625 TSCA 26

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

**Abstract:** EPA's Office of Air and Radiation (OAR), in the administration of section 211 of the Clean Air Act (CAA), has requested that OPPT use its TSCA section 4 testing authority to obtain health effects data on a number of Oxygenated Fuel Additives (OFAs). These data are needed by EPA and others to increase understanding of the toxicity of these substances individually and in comparison to each

other as well as to other OFAs such as methyl t-butyl ether (MTBE). EPA will be soliciting interested parties to work on an Enforceable Consent Agreement (ECA) under TSCA section 4, through which responsible parties can agree to provide data to EPA. Although not currently a rulemaking, EPA is including this in the Regulatory Agenda to inform the public of this activity which will have a regulatory impact once an ECA is finalized.

**Timetable:**

Action	Date	FR Cite
Notice Soliciting Participation	12/00/05	
Notice ECA	12/00/07	

**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

**3331. TEST RULE; MULTIPLE SUBSTANCE RULE FOR THE TESTING OF DEVELOPMENTAL AND REPRODUCTIVE TOXICITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2607(a) TSCA 8; 15 USC 2611 TSCA 12; 15 USC 2625 TSCA 26

**CFR Citation:** 40 CFR 790 to 799; 40 CFR 704

**Legal Deadline:** None

**Abstract:** EPA is reproposing a test rule under section 4 of the Toxic Substances Control Act (TSCA) that would require manufacturers, defined by statute to include importers, and processors of seven (7) substances to conduct testing for developmental and/or reproductive toxicity. EPA is also proposing reporting rules for two of the seven substances. These rules would require the reporting of production volumes so it will be possible to determine when the testing program can be triggered for the two substances without causing a significant impact on revenues. This is a reproposal of a test rule announced March 4, 1991 (56 FR 9092).

**Timetable:**

Action	Date	FR Cite
NPRM Original	03/04/91	56 FR 9092
NPRM - Reproposal	12/00/05	

**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

**3332. 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

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**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 Original	03/21/94	59 FR 13294
Final Action	09/00/08	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3528;**Sectors Affected:** 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing**Agency Contact:** Robert Courtneage, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7404T, Washington, DC 20460

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**RIN:** 2070-AC37**3333. VOLUNTARY HIGH PRODUCTION VOLUME (HPV) CHEMICAL CHALLENGE PROGRAM****Priority:** Other Significant**Legal Authority:** 15 USC 2601 et seq (TSCA)**CFR Citation:** None**Legal Deadline:** None

**Abstract:** One of the key components of the Chemical Right-to-Know (ChemRTK) Initiative is the HPV Challenge Program. The goal of this program is to ensure that a baseline set of health and environmental effects data on approximately 2,800 high

production volume (HPV) chemicals is made available to EPA and the public. U.S. HPV chemicals are industrial chemicals that are manufactured or imported into the United States in volumes of 1 million pounds or more per year. U.S. manufacturers and importers of HPV chemicals were invited to voluntarily sponsor chemicals in the HPV Challenge Program. Sponsorship entails the identification and initial assessment of the adequacy of existing information, the conduct of new testing only if adequate information does not exist, and making the new and existing test results available to the public. Any needed testing on the HPV chemicals in the HPV Challenge Program should be completed by 2004 with all data available to the public by 2005. The Agency intends to consider specific chemicals which are not voluntarily sponsored in the HPV Challenge Program as candidates for test rules under section 4 of the Toxic Substances Control Act (TSCA). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public.

**Timetable:**

Action	Date	FR Cite
Notice	12/26/00	65 FR 81686
Notice: Initiative Complete	12/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN 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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**RIN:** 2070-AD25**3334. 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**Government Levels Affected:** Federal**Additional Information:** SAN No. 4598;**Agency Contact:** Flora Chow, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

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**RIN:** 2070-AD53

### 3335. LEAD; AMENDMENTS TO REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD-BASED PAINT OR LEAD-BASED PAINT HAZARDS IN TARGET HOUSING

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

**Legal Authority:** 42 USC 4852d

**CFR Citation:** 40 CFR 745.100; 40 CFR 745.101; 40 CFR 745.102; 40 CFR 745.103; 40 CFR 745.107; 40 CFR 745.110; 40 CFR 745.113; 40 CFR 745.115; 40 CFR 745.118; 40 CFR 745.119

**Legal Deadline:** None

**Abstract:** Amendments will clarify to which target housing transactions the rule applies; add or clarify definitions of important terms; clarify the disclosure responsibilities of agents; clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and will amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. Small businesses and State/local/tribal governments that sell or lease target housing will be affected in that they will need to become familiar with new/revised requirements that apply to these transactions. Overall burden is not expected to increase significantly.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**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

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**RIN:** 2070-AD64

### 3336. • TESTING AGREEMENT FOR ARYL PHOSPHATES (ITC LIST 2)

**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:** 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 Action—ECA	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493.2; Split from RIN 2070-AB94.

**URL For More Information:** [www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AJ07

### 3337. • TEST RULE; BROMINATED FLAME RETARDANTS (BFRS)

**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:** On June 25, 1991 (56 FR 29140), EPA issued a proposed TSCA Section 4 Test Rule for health and

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

environmental effects and chemical fate testing of 5 brominated flame retardants. Since issuing that proposed rule, all of the subject chemical substances have been "adopted" 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 Final Action	06/25/91 To Be Determined	56 FR 29140

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3493.3; Split from RIN 2070-AB94.

**URL For More Information:**

www.epa.gov/oppt/chemtest

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**RIN:** 2070-AJ08

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Emergency Planning and Community Right-to-Know Act (EPCRA)

**3338. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: MODIFICATION TO THE THRESHOLD PLANNING QUANTITY METHODOLOGY FOR THE EXTREMELY HAZARDOUS SUBSTANCES THAT ARE SOLIDS IN SOLUTION**

**Priority:** Other Significant

**Legal Authority:** 42 USC 11001

**CFR Citation:** 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on a very conservative assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule to revise the TPQ for solids in solution and seek comment on an alternative approach based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). Use of this experimental data would likely raise the TPQ for solids in solution and result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under Section 302-304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA will

evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4753;

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**RIN:** 2050-AF08

**3339. TRI; RESPONSES TO PETITIONS RECEIVED TO ADD OR DELETE OR MODIFY CHEMICAL LISTINGS ON THE TOXIC RELEASE INVENTORY**

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

**Legal Authority:** 42 USC 11013 EPCRA 313

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** This is an ongoing action to cover all chemical petitions received by the TRI Program. These actions grant or deny petitions received to add or delete or modify chemicals on the list of toxic chemicals under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA) that are subject to reporting under the Toxic Chemical Release Reporting Rule. The actions cover individual chemicals or groups of chemicals for which petitions have been received.

**Timetable:**

Action	Date	FR Cite
Notice-DBNPA	10/27/95	60 FR 54949
NPRM-Diisononyl Phthalate	09/05/00	65 FR 53681
Report-Alloys	08/22/01	66 FR 44107
Response-Acetonitrile	05/00/05	
Response-Chromium Antimony Titanate	06/00/05	
Final-Diisononyl Phthalate	12/00/05	
Final-DBNPA	To Be Determined	

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Proposed Rule Stage

Action	Date	FR Cite
Response—19 Volatile Corrosion Inhibitor Chemicals	To Be Determined	
Response—Nitrogen Tetroxide	To Be Determined	

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

**Additional Information:** SAN No. 2425; Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

**URL For More Information:**

www.epa.gov/tri

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**RIN:** 2025-AA00

### 3340. 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	01/00/05	
Final Action	11/00/05	

**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).

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**RIN:** 2025-AA12

### 3341. TOXICS RELEASE INVENTORY REPORTING BURDEN REDUCTION RULE

**Regulatory Plan:** This entry is Seq. No. 125 in part II of this issue of the Federal Register.

**RIN:** 2025-AA14

### 3342. • TRI REPORTING FORMS MODIFICATION

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 11023 et seq**CFR Citation:** 40 CFR 372**Legal Deadline:** None

**Abstract:** EPA is simultaneously undertaking two rulemakings with the aim of reducing burden on the Toxics Release Inventory (TRI) reporting community while maintaining the practical utility of TRI data consistent with the goals and statutory requirements of the TRI program. This Agency action is intended to propose and enact several relatively noncontroversial modifications to TRI's reporting forms (Form R and Form A).

**Timetable:**

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

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

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

Proposed Rule Stage

**Government Levels Affected:** None  
**Additional Information:** SAN 4938  
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**RIN:** 2025-AA15

## Environmental Protection Agency (EPA)

Final Rule Stage

## Emergency Planning and Community Right-to-Know Act (EPCRA)

### 3343. RESPONSE TO A PETITION REQUESTING DELETION OF PHOSMET FROM THE EXTREMELY HAZARDOUS SUBSTANCES (EHS) LIST

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048

**CFR Citation:** 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA has received a petition requesting that phosmet be removed from the list of Extremely Hazardous Substances (EHS) under the Emergency Planning and Community Right-to-Know Act (EPCRA). The petitioner claims that phosmet does not meet the acute toxicity criteria for listing. The proposed rule was published on November 12, 2003. EPA received nine comments, eight of those were from organizations which supported the delisting of phosmet. EPA is in the process of finalizing this action.

**Timetable:**

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64041
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3994;

**Sectors Affected:** 42291 Farm Supplies Wholesalers; 11133 Noncitrus Fruit and Tree Nut Farming; 111421 Nursery and Tree Production

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**RIN:** 2050-AE42

### 3344. 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	05/00/05	

**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

**Environmental Protection Agency (EPA)  
Emergency Planning and Community Right-to-Know Act (EPCRA)**
**Long-Term Actions**
**3345. 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

**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

**3346. TRI; REVIEW OF CHEMICALS ON THE ORIGINAL TRI LIST**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1101 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** When TRI was established by Congress in 1986, the statutory language placed 309 chemicals and 20 categories of chemicals on the TRI list; that is referred to as the original TRI list. The chemicals on the original list were taken from two existing lists of toxic substances: the Maryland Chemical Inventory Report List of Toxic or Hazardous Substances, and the New Jersey Environmental Hazardous Substances list. This action constitutes the first systematic review of toxicology and environmental data for all the chemicals on the original TRI list to determine whether data for those chemicals conform with the statutory criteria for listing of chemicals on TRI. Chemicals for which data do not meet the statutory criteria will be delisted.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4015; Formerly listed as RIN 2070-AD18.

**AFFECTED SECTORS:** Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169) Petroleum Bulk Terminals and Plants (SIC code 5171); and Solvent Recovery Services (SIC code 7389).

**URL For More Information:**

www.epa.gov/tri

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**RIN:** 2025-AA03

**3347. TRI; REVISIONS TO THE OTHERWISE USE ACTIVITY EXEMPTIONS AND THE COAL EXTRACTION ACTIVITIES EXEMPTION**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The Toxics Release Inventory (TRI) requires reporting from facilities that manufacture or process at least 25,000 pounds of a listed non-PBT chemical, or otherwise use 10,000 pounds of a listed non-PBT chemical. The activity thresholds are lower for listed PBT chemicals. In determining amounts of listed chemicals that are manufactured, processed or otherwise used, facilities may consider specific exemptions from reporting. EPA is presently reviewing a group of these

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exemptions. The categories of exemptions presently being reconsidered by EPA are the personal use exemption and the motor vehicle maintenance exemption. Also known as otherwise use exemptions because they are limited to otherwise use activities, these exemptions are expressly provided for at 40 CFR 372.38(c). EPA is also considering changes to the coal mining extraction activities exemption provided for at 40 CFR 372.38(g).

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4265;

Formerly listed as RIN 2070-AD39. By Statute and Regulation, this rule will affect SIC codes 20-39, 10 (except SIC codes 1011, 1081, 1094), 12 (except SIC code 1241), 4911, 4931, 4939, 4953, 5169, 5171, and 7389.

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**RIN:** 2025-AA06

**3348. TRI; POLLUTION PREVENTION ACT INFORMATION REQUIREMENTS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013  
Pollution Prevention Act

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** Section 6607(b) of the Pollution Prevention Act of 1990 (PPA) (Pub. L. 101-508) requires the addition of several data elements to the Toxic

Chemical Release Inventory (TRI) reporting requirements as promulgated under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (Pub. L. 99-499). Section 313 of EPCRA requires owners or operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals to annually report their releases of these chemicals to each environmental medium. The PPA mandates that section 313 covered facilities also report on source reduction and recycling activities relating to the toxic chemicals beginning with the 1991 reporting year. Since 1991 covered facilities have been providing this information to EPA in section 8, Source Reduction and Recycling Activities, of EPA Form R. On September 25, 1991 (56 FR 48475), EPA proposed regulations which would provide definitions and instructions for reporting the PPA data elements on the EPA Form R. In this action, EPA will amend certain aspects of the September 25, 1991, proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/91	56 FR 48475
Notice of Receipt Response	03/31/99	64 FR 15324
	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2847; Formerly listed as RIN 2070-AC24.

**Affected Sectors Include:**

Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

**URL For More Information:**

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**RIN:** 2025-AA09

**3349. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION**

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

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores can not be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	
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:**

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## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Long-Term Actions

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RIN: 2025-AA11

**Environmental Protection Agency (EPA)  
Resource Conservation and Recovery Act (RCRA)**

## Proposed Rule Stage

**3350. REVISIONS TO SOLID WASTE  
LANDFILL CRITERIA—LEACHATE  
RECIRCULATION ON ALTERNATIVE  
LINERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a

**CFR Citation:** 40 CFR 258

**Legal Deadline:** None

**Abstract:** EPA plans to propose a rule amending the Federal criteria for municipal solid waste landfills (MSWLF) to allow leachate recirculation over alternative liner systems which meet the performance standard specified by the MSWLF criteria. The performance determination would be made by the state director of an approved MSWLF program. EPA also plans to propose a new section to the MSWLF criteria that will allow the alternative of clean closure of landfills rather than require the installation of a landfill cap. This would allow the solid waste in the MSWLF to be totally removed from the site and be properly disposed of at another site. Finally, EPA plans to propose an additional factor for determining the frequency of groundwater 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	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4230;

**Sectors Affected:** 562 Waste Management and Remediation Services

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**RIN:** 2050-AE67

**3351. INCREASE METALS  
RECLAMATION FROM F006 WASTE  
STREAMS**

**Regulatory Plan:** This entry is Seq. No. 123 in part II of this issue of the Federal Register.

**RIN:** 2050-AE97

**3352. 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	01/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4743; Action is of equivalent regulatory stringency. States and Tribes will not be required to adopt rule.

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## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

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RIN: 2050-AF12

### 3353. REGULATORY AMENDMENTS TO THE F019 HAZARDOUS WASTE LISTING TO EXCLUDE WASTEWATER TREATMENT SLUDGES FROM CHEMICAL CONVERSION COATING PROCESS (ZINC PHOSPHATING) OF AUTOMOBILE BODIES OF ALUMINUM

**Regulatory Plan:** This entry is Seq. No. 124 in part II of this issue of the Federal Register.

RIN: 2050-AG15

### 3354. RCRA INCENTIVES FOR PERFORMANCE TRACK MEMBERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 279

**Legal Deadline:** None

**Abstract:** The Performance Track program provides recognition and incentives for facilities that demonstrate to the Agency that they are top environmental performers. Performance Track is a voluntary, facility based program that reviews applicants twice a year for conformance to four core criteria. These criteria are: a commitment to continuous improvement, a well-functioning Environmental Management system in place for at least one year, a solid record of compliance, and a commitment to community outreach and annual public reporting. Currently there are 344 members in Performance Track. In this action, EPA plans to propose permit modifications, performance based standards for tanks and generator standards, and reduced duplication between RCRA and CAA standards. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. Performance Track facilities commit to environmental improvements that reach beyond regulatory compliance, and as such

benefits are quantifiable via each member facilities' annual report, and in aggregate through EPA's progress reports on the program. In EPA's first Performance Track progress report, member facilities collectively reduced: energy use by 1.1 million mmBtus, water use by 475 million gallons, hazardous materials use by 908 tons, emissions of volatile organic compounds (VOCs) by 329 tons, emissions of air toxics by 57 tons, emission of nitrogen oxides (NOx) by 152 tons, discharges to water of biochemical oxygen demand (BOD), chemical oxygen demand (COD), and total suspended solids (TSS) by 1,227 tons, toxic discharges to water 5,543 tons, solid waste by 150,000 tons, and hazardous waste by 692 tons.

**Timetable:**

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

**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

### 3355. • REGULATORY INCENTIVES FOR THE NATIONAL ENVIRONMENTAL PERFORMANCE TRACK PROGRAM; DIRECT FINAL RULE

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 262.34

**Legal Deadline:** None

**Abstract:** EPA is taking direct final action to revise and correct certain

provisions in the Resource Conservation and Recovery Act (RCRA) program applicable only to members of the National Environmental Performance Track Program. The revisions concern the proposed rule published on August 13, 2002 (67 FR 52674), and the subsequent final rule published on April 22, 2004 (69 FR 21737). Both the proposal and the final rule contained an inconsistency between the preamble language and regulatory language. The final rule also inadvertently omitted three references to applicable regulatory provisions that were properly referenced in the proposed rule. The proposed and final rules cover provisions under both the Clean Air Act and RCRA. The direct final rule applies only to the RCRA provisions. The Clean Air Act provisions are unchanged.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4944;

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RIN: 2090-AA36

### 3356. • REGULATORY INCENTIVES FOR THE NATIONAL ENVIRONMENTAL PERFORMANCE TRACK PROGRAM; DIRECT FINAL RULE

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 262.34

**Legal Deadline:** None

**Abstract:** EPA is taking direct final action to revise and correct certain provisions in the Resource Conservation and Recovery Act (RCRA) program applicable only to members of the National Environmental Performance Track Program. The revisions concern the proposed rule published on August 13, 2002 (67 FR 52674), and the subsequent final rule

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published on April 22, 2004 (69 FR 21737). Both the proposal and the final rule contained an inconsistency between the preamble language and regulatory language. The final rule also inadvertently omitted three references to applicable regulatory provisions that were properly referenced in the proposed rule. The proposed and final rules cover provisions under both the Clean Air Act and RCRA. The direct final rule applies only to the RCRA

provisions. The Clean Air Act provisions are unchanged.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4944;

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**RIN:** 2090-AA37

## Environmental Protection Agency (EPA)

Final Rule Stage

## Resource Conservation and Recovery Act (RCRA)

**3357. STANDARDIZED PERMIT FOR RCRA HAZARDOUS WASTE MANAGEMENT FACILITIES**

**Regulatory Plan:** This entry is Seq. No. 133 in part II of this issue of the Federal Register.

**RIN:** 2050-AE44

**3358. 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
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	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3545, EDocket No. [www.epa.gov/edocket](http://www.epa.gov/edocket);

**Sectors Affected:** 92119 All Other General Government; 92111 Executive Offices

**URL For More Information:**

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**RIN:** 2050-AE23

**3359. METHODS INNOVATION RULE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6936; 42 USC 6937; 42 USC

6938; 42 USC 6939; 42 USC 6974; 42 USC 9601; 42 USC 9614(c)

**CFR Citation:** 40 CFR 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

**Legal Deadline:** None

**Abstract:** The Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (also known as SW-846) ensures the availability of established, validated methods for the measurements and monitoring needed for the Resource Conservation and Recovery Act (RCRA) program. EPA's process for releasing analytical methods through the SW-846 methods compendium, which support the RCRA program, has been through publishing FR notices and taking public comment. SW-846 methods are widely used, but the majority of the methods are not required by any particular regulation. Therefore, EPA has proposed a streamlined process for releasing analytical methodologies to the public, while also promoting the Performance Base Measurement Approach in the Methods Innovation Proposed Rule (MIR). The comment period was extended until February 28, 2003. In addition EPA has been working to break down the barriers that the environmental monitoring community faces when trying to use new monitoring techniques. As a first step, EA has accelerated its review process for new methods by eliminating several unnecessary internal review steps. However, there are currently 32 citations in title 40 of the Code of Federal Regulations (CFR) where the use of SW-846 methods is required. As a second step for speeding up the approval process, EPA proposed to remove the requirements to use SW-846

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methods for other than method defined parameters (i.e., where the method defines the regulations, such as the Toxicity Characteristic Leaching Procedure) from 40 CFR. This action will likely lead to an even more streamlined approval process since SW-846 will then be able to be handled strictly as guidance and not need the regulatory process for approval. This additional streamlining will permit new, more cost-effective methods to attain public and regulatory authority acceptance in much less time, allowing required monitoring to be done more cheaply, faster and, in some cases, more accurately.

Since many advances have occurred in waste sampling strategies since initial guidance was published in 1984, along with the proposal EPA has announced the availability of a new guidance document for public comment entitled, "RCRA Waste Sampling Draft Technical Guidance." One main advantage to releasing the guidance is that the document provides new approaches to waste sampling, with real life examples which we expect will lead to improved ability to characterize waste streams. We believe that the release of this MIR and Waste Sampling Guidance will be widely accepted by the regulated, scientific, and academic community because they provide state of the art approaches for determining hazardous waste and sampling characteristic techniques.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	10/30/02 01/00/05	67 FR 66252

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3989;

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RIN: 2050-AE41

**3360. HAZARDOUS WASTE MANIFEST REGULATION**

**Regulatory Plan:** This entry is Seq. No. 132 in part II of this issue of the **Federal Register**.

RIN: 2050-AE21

**3361. RCRA BURDEN REDUCTION INITIATIVE**

**Regulatory Plan:** This entry is Seq. No. 134 in part II of this issue of the **Federal Register**.

RIN: 2050-AE50

**3362. LOADING-BASED LISTING OF NON-WASTEWATERS FROM THE PRODUCTION OF SELECTED ORGANIC DYES, PIGMENTS, AND FOOD, DRUG, AND COSMETIC COLORANTS**

Priority: Other Significant

**Legal Authority:** 42 USC 6921 RCRA 3001; 42 USC 9602 CERCLA 102

**CFR Citation:** 40 CFR 148; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 271; 40 CFR 302

**Legal Deadline:** NPRM, Judicial, November 10, 2003.  
Final, Judicial, February 16, 2005.

**Abstract:** This action is mandated by the 1984 Hazardous and Solid Waste Amendments and a consent decree (EDF v. Browner, Civil Action No. 89-0598, D.D.C.). This action addresses the potential human health and environmental risks posed by wastes from the manufacture of dyes and pigments, and determines whether these wastes should be listed as hazardous wastes under the Resource Conservation and Recovery Act (RCRA) to control any potentially unacceptable risks. If listed under RCRA, these wastes would also be added to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On November 25, 2003, we proposed to list nonwastewaters from the production of dyes and/or pigments when those wastes contain mass loadings of any of eight specific organic constituents of concern above proposed listing levels on an annual basis. We proposed a contingency that would exempt these wastes if they are managed in landfills meeting appropriate design criteria (so long as a mass loading level for toluene-2,4-

diamine is not exceeded). This proposal will provide the benefit of protecting human health and the environment. At the same time, we are providing specific risk-reduction goals for industry, which, if met, will significantly reduce the regulatory burden associated with the listing determination. The estimated incremental compliance costs for the proposal to the dyes and/or pigments industries are in the range of \$0.5 to \$4.3 million per year, depending on total waste quantity manage, nonconditional mass loading levels, and the number of affected facilities. We expect impacts on small businesses to be minimal.

The current action is a re-proposal of prior actions. We proposed listing decisions for most of the targeted wastes in 1994, and several other wastes in 1999. The 1994 and 1999 proposals were incomplete because they did not contain information claimed to be confidential by industry (the data are subject to an injunction prohibiting their release). The current action does not rely on the contested data and replaces the 1994 and 1999 proposals. The re-proposal also identifies land disposal restrictions for the wastes of concern.

The current action is targeted on wastes from the manufacture of dyes and pigments, with specific emphasis on certain product classes (azos, anthraquinones, triarylmethanes). Manufacturers of these products will need to assess their wastes to determine whether they meet the final listing definitions.

**Timetable:**

Action	Date	FR Cite
NPRM-Dyes1	12/22/94	59 FR 66072
NPRM- Dyes 2	07/23/99	64 FR 40192
NPRM3 Final Action	11/25/03 02/00/05	68 FR 66164

**Regulatory Flexibility Analysis**

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 3066;

Sectors Affected: 325132 Organic Dye and Pigment Manufacturing

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## EPA—Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

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**RIN:** 2050-AD80

### 3363. RECYCLING OF CATHODE RAY TUBES (CRTS): CHANGES TO HAZARDOUS WASTE REGULATIONS

**Regulatory Plan:** This entry is Seq. No. 135 in part II of this issue of the Federal Register.

**RIN:** 2050-AE52

### 3364. REVISION OF WASTEWATER TREATMENT EXEMPTIONS FOR HAZARDOUS WASTE MIXTURES

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924; 42 USC 6926

**CFR Citation:** 40 CFR 261.3(a)(2)(iv)(A)-(G)(Revision)

**Legal Deadline:** None

**Abstract:** This revision to the wastewater treatment exemptions for hazardous waste mixtures has been proposed to address inconsistencies in the regulations, as well as provide regulatory relief. Current EPA mixture rule exemptions have not kept up with more recent additions to solvent listings, Clean Air Act regulations, wastewater treatment technology, and policies affecting other hazardous wastes. Therefore, the need exists for a Federal deregulatory solution to resolve these inconsistencies. It is estimated that this rule, if finalized, will save \$11 to 49 million in compliance costs. EPA proposed to add two solvents (benzene and 2-ethoxyethanol) to the hazardous waste exemptions for mixtures of spent solvents in wastewater treatment plants (headworks rule) at 40 CFR 261.3(a)(2)(iv)(A) - (B). EPA proposed not to take action on two other solvents, 2-nitropropane and 1,1,2-trichloroethane. In addition, EPA has proposed (1) changing the implementation of the rule from using mass balance only, to choice of using

direct monitoring; (2) revising the types of facilities and the types of wastes eligible for the de minimis exemption under Sec 261.3(a)(2)(iv)(D); and clarifying the applicability of the exemption to scrubber waters from the incineration of spent solvents. Facilities affected by this action include industrial facilities with on-site wastewater treatment plants, commercial wastewater treatment facilities, and certain Federal facilities.

#### Timetable:

Action	Date	FR Cite
NPRM	04/08/03	68 FR 17234
Final Action	08/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4501; This rule has been nominated for reform in OMB's Report to Congress on the Costs and Benefits of Regulation, Appendix A. OMB has given it a high priority level.

**Sectors Affected:** 31-33 Manufacturing; 562 Waste Management and Remediation Services

**URL For Public Comments:** [www.epa.gov/edocket](http://www.epa.gov/edocket)

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**RIN:** 2050-AE84

### 3365. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS (PHASE I FINAL REPLACEMENT STANDARDS AND PHASE II)

**Regulatory Plan:** This entry is Seq. No. 131 in part II of this issue of the Federal Register.

**RIN:** 2050-AE01

### 3366. ● HAZARDOUS WASTE MANAGEMENT SYSTEM; MODIFICATION OF THE HAZARDOUS WASTE PROGRAM; MERCURY-CONTAINING EQUIPMENT

**Regulatory Plan:** This entry is Seq. No. 136 in part II of this issue of the Federal Register.

**RIN:** 2050-AG21

### 3367. PROJECT XL—ORTHO-MCNEIL PILOT PROJECT ALLOWING ON-SITE TREATMENT OF LOW-LEVEL MIXED WASTES WITHOUT RCRA PERMIT

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

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** This site-specific rulemaking would allow Ortho-McNeil Pharmaceutical (OMP) to treat small volumes of low-level mixed wastes on-site using a bench-scale catalytic oxidizing treatment unit as an alternative to long-term storage and off-site transportation and land disposal at a Nuclear Regulatory Commission (NRC)-licensed, Resource Conservation and Recovery Act permitted Treatment, Storage and Disposal Facility. This treatment effectively destroys the organic component of the wastestream, yielding a residual that is only a low-level radioactive waste and can be disposed at an NRC-licensed low-level radioactive waste disposal facility. OMP is also working with various companies to develop and test recovery technologies that could be used in lieu of disposal.

#### Timetable:

Action	Date	FR Cite
NPRM	07/24/01	66 FR 38395
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4439;

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## EPA—Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

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**RIN:** 2090-AA14

**3368. 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	05/00/05	

**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)

**3369. MANAGEMENT OF CEMENT KILN DUST (CKD)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a) RCRA 2002(a); 42 USC 6921(a) RCRA 3001(a)

**CFR Citation:** 40 CFR 256; 40 CFR 259; 40 CFR 261; 40 CFR 264

**Legal Deadline:** None

**Abstract:** In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with cement kiln dust (CKD). In 1995, EPA determined that some additional control of CKD was needed and published a regulatory determination (60 FR 7366, 2/7/95). On August 20, 1999, EPA issued a proposed rule (64 FR 45632) outlining the Agency's preferred regulatory approach (i.e., an exemption from hazardous waste listing for properly managed CKD) and several optional approaches including requirements solely under RCRA subtitle D. On July 25, 2002, the Agency published a notice (67 FR 48648) to announce the availability for public inspection and comment of recently acquired data on CKD.

The Agency is now considering an approach whereby it would finalize the proposed option of issuing the

protective CKD management standards as described in the August 20, 1999 proposal as a RCRA subtitle D rule. The Agency would temporarily suspend its active consideration of the proposed listing of mismanaged CKD as a hazardous waste, and assess how CKD management practices and state regulatory programs evolve over the next three to five years. Based on this assessment, EPA will then proceed to either formally withdraw or promulgate the portion of the 1999 proposal that classifies as a RCRA hazardous waste CKD that has been egregiously mismanaged.

EPA will be promoting pollution prevention, recycling, and safer disposal of CKD by considering finalization of protective management standards for this waste. The Agency believes that these management standards are a creative, affordable, and common sense approach that can protect human health and the environment without imposing unnecessary regulatory burdens on the cement kiln industry. These standards provide a new, tailored framework that safeguards ground water and limits risk from releases of dust to air.

**Timetable:**

Action	Date	FR Cite
Regulatory Determination	02/07/95	60 FR 7366
NPRM	08/20/99	64 FR 45632
Notice - Extend Comment Period	10/28/99	64 FR 58022
NODA 1	07/25/02	67 FR 48648
Notice-Extend Comment Period	11/08/02	67 FR 68130
Final Action	10/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3856;

**Sectors Affected:** 32731 Cement Manufacturing

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**RIN:** 2050-AE34

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

**3370. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS**

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

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

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944(a)

**CFR Citation:** 40 CFR 257

**Legal Deadline:** None

**Abstract:** This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), which concluded that waste management regulations 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	04/00/06	

**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

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**RIN:** 2050-AE81

**3371. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES—NON-POWER PRODUCERS AND MINEFILLING**

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

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

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944

**CFR Citation:** 40 CFR 257

**Legal Deadline:** None

**Abstract:** This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by non-utility combustors. Non-utility combustors are commercial, industrial, and institutional facilities that burn coal in boilers to generate steam. The regulations will also apply to mine facilities where any coal combustion wastes are managed, (i.e., backfilled into mined areas). This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), in which the Agency concluded that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. As described in the regulatory determination, there is sufficient evidence that adequate controls may not be in place. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency has completed information collection efforts and is currently analyzing this information. The Agency will also analyze the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulations. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, 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

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

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 by 18 months 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

**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

**3372. 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	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4411; This is an extension of a previous notice that contained the following RIN 2050-AD88.

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**RIN:** 2050-AE78

**3373. RCRA BURDEN REDUCTION INITIATIVE, PHASE 2**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104-13

**CFR Citation:** 40 CFR 260.31; 40 CFR 261.4; 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 268.7; 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

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

**3374. 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—78763
Direct Final Rule	12/26/02	67 FR 78718
Withdrawal of Direct Final Rule	02/24/03	68 FR 8553
Final Action	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4701;

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**RIN:** 2003-AA00**3375. 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	12/00/08	

**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**3376. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT-CONTAMINATED INDUSTRIAL WIPES****Priority:** Other Significant**Legal Authority:** 42 USC 6921**CFR Citation:** 40 CFR 261**Legal Deadline:** None

**Abstract:** EPA proposed to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. Industrial wipes are used with solvents across industry in various ways; EPA estimates that there are approximately 471,000 users of industrial wipes in 13 economic subsectors, but many users use small numbers of wipes with small amounts of solvents on them.

If finalized, this regulation would provide regulatory relief for two types of solvent-contaminated industrial wipes: (1) disposable wipes, which are disposed of in a landfill or by combustion after use, and (2) reusable wipes, which are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposable industrial wipes from the definition of hazardous waste and to conditionally exclude reusable industrial wipes from the definition of solid waste.

The regulation, if finalized, is estimated to result in \$34 million of savings throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/03	68 FR 65586
Final Action	10/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4091;

**Sectors Affected:** 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

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

### 3377. REVISIONS TO THE DEFINITION OF SOLID WASTE

**Priority:** Other Significant

**Legal Authority:** 42 USC 6903 RCRA section 1004

**CFR Citation:** 40 CFR 261.2

**Legal Deadline:** None

**Abstract:** Under RCRA, to be a hazardous waste, a material must also be a solid waste. EPA's framework for determining whether a material is a solid waste is based on what the material is, and how it's managed (e.g., how it is used, reused, etc.). For materials being recycled, RCRA jurisdiction is complex and the history of legal decisions related to the definition of solid waste is extensive. Primarily, in response to American Mining Congress v. EPA, 824 F. 2d 1177 (D.C. Cir. 1987) (AMC I) and one of the most recent decisions, the Association of Battery Recyclers, v. EPA 208 F. 3d 1047 (2000) (ABR), EPA has proposed to revise the definition of solid waste. We specifically address materials undergoing reclamation. In the context of reclamation, we discuss options for how to identify materials that remain in use in a continuous process in the generating industry and thus are not solid wastes. In addition, we proposed criteria for determining whether or not hazardous secondary materials are recycled legitimately.

#### Timetable:

Action	Date	FR Cite
NPRM	10/28/03	68 FR 61558
Final Action	12/00/06	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Additional Information:** SAN No. 4670; Nominated for reform in OMB's Report to Congress on the Costs and Benefits of Regulations, Appendix A to revise the definition of solid waste rule to grant an exemption from RCRA for materials destined for recycling or reuse. OMB has given it a medium priority level.

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**RIN:** 2050-AE98

### 3378. REVISIONS FOR TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

**Priority:** Other Significant

**Legal Authority:** 42 USC 6901 et seq

**CFR Citation:** 40 CFR 262 subpart H (Revision)

**Legal Deadline:** None

**Abstract:** The Agency is considering changing the existing regulation 40 CFR 262 subpart H, which regulates transboundary movement of hazardous waste within all countries that are members of the Organization for Economic Cooperation and Development (OECD). This is in response to the fact that there is now approximately \$30 to \$40 billion in annual trade among developed

countries in waste recyclables, with the United States having a positive trade balance. Because each of the developed countries (the 30 OECD countries) had a different system for controlling the exports and imports of waste, including recyclables, the international recycling market was not as efficient as it could be. A more streamlined, uniform system for exports and imports will also increase recycling and lessen disposal. The United States was actively involved in the negotiation of a legally binding OECD multilateral agreement to create a more streamlined system. OECD member countries are then obligated to transfer the terms of the multilateral agreement to their domestic regulations in order for the multilateral agreement to have legal authority. This regulation would be amended to comply with changes passed by the OECD Council. Existing waste lists may be restructured to comply with the new OECD waste lists. As such, previously existing waste lists may be renamed according to adopted OECD terminology. Shipments of small waste amounts destined for laboratory analysis may be exempted from filing certain paperwork requirements that are otherwise required. A certificate of recovery may be required upon final recovery of wastes and timeframes for recovery operations may be changed to reflect the decisions made by the OECD Council. This needs to have a Federal solution because international exports and imports are overseen at the Federal level due to the foreign powers authority clause.

Many alternatives were considered by government and industry during the intensive negotiations on the legally binding multilateral agreement, with the United States having a great deal of influence over which alternatives were in the final agreement. The Agency plans to codify the streamlining provisions of the OECD multilateral agreement, regulating exporters and importers of waste recyclables.

Exporters and importers of waste recyclables will need to implement the international uniform procedures of the OECD multilateral agreement. However these costs will be less than would be needed to deal with 30 different national export and import systems. In addition, some common existing export and import procedures were streamlined so that the new procedures are even more efficient than was common in the past. The benefits are

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greater administrative efficiency for U.S. exporters and importers in the international recycling market, and a lower level of waste disposal in the United States since there is more efficient access to other recycling markets.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4606;

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**RIN:** 2050-AE93

**3379. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6912(a) RCRA 2002(a); 42 USC 6924 RCRA 3004; 42 USC 6925 RCRA 3005; 42 USC 6926 RCRA 3006

**CFR Citation:** 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

**Legal Deadline:** None

**Abstract:** EPA's regulations require companies to provide financial assurance for environmental obligations, and allow companies that meet certain requirements to self insure their environmental obligations for closure, post-closure care and third party liability. EPA proposed a revised financial test because the revised test would be better at predicting which firms will enter bankruptcy and not be able to cover their financial assurance obligations at hazardous waste treatment, storage and disposal facilities. If such a firm were to enter

bankruptcy, the government could incur the clean up liability.

EPA's regulations set the minimum national standards for State hazardous waste programs, and so a change in Federal requirements would be necessary to ensure consistent improvements in the test. Without rulemaking, States would have the option of not adopting these changes, and so the improvement in the test would not be implemented in States that cannot have regulations that are more stringent than Federal standards.

The proposal considered several alternative financial tests, and the analysis supporting the original proposal found that the savings from the proposed alternative would be \$19 million in public and private costs. If EPA promulgates a revised financial test, it may affect companies that treat, store or dispose of hazardous waste.

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 Final	10/12/94	59 FR 51523
	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**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

**3380. 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

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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	06/00/06	

**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

**3381. RULEMAKING TO STREAMLINE LABORATORY WASTE MANAGEMENT IN ACADEMIC AND RESEARCH LABORATORIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6922

**CFR Citation:** 40 CFR 262

**Legal Deadline:** None

**Abstract:** The 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	02/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4920; No legal deadline.

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**RIN:** 2050-AG18

**3382. ● HAZARDOUS WASTE MANIFEST REVISIONS—STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6922 RCRA 3002; 42 USC 6923 RCRA 3003; 42 USC 6924 RCRA 3004; 42 USC 6926 RCRA 3006; PL 105-277; Government Paperwork Elimination Act 17

**CFR Citation:** 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

**Legal Deadline:** None

**Abstract:** 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 is scheduled to be published in FY 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	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3147.1; Split from RIN 2050-AE21.

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**RIN:** 2050-AG20

**Environmental Protection Agency (EPA)**  
**Resource Conservation and Recovery Act (RCRA)**
**Completed Actions**
**3383. LAND DISPOSAL RESTRICTIONS PHASE III: DECHARACTERIZED WASTEWATERS, CARBAMATE WASTES, AND SPENT POTLINERS (COMPLETION OF A SECTION 610 REVIEW)**

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

**Legal Authority:** 5 USC 610

**CFR Citation:** 40 CFR 148; 40 CFR 268; 40 CFR 271; 40 CFR 403

**Legal Deadline:** None

**Abstract:** In April 1996, the Environmental Protection Agency (EPA) promulgated regulations establishing land disposal restrictions (LDR) treatment standards for certain hazardous wastes (61 FR 15566 and 61 FR 15660, April 8, 1996). EPA issued the LDR regulations under the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act. They became effective on April 5, 1996. EPA did not perform a regulatory flexibility analysis for this rule because, at that time, no data on potentially affected small entities were available. Also, due to the statutory requirements of the LDR program, no legal avenues existed for the Agency to provide relief from the LDR's for small entities. In the June 28, 2004 Regulatory Agenda, we indicated that we would perform a review of this rule in accordance with section 610 of the Regulatory Flexibility Act. We are now announcing the completion of that review and our decisions based on that review. We received no comments on our analysis that was placed in the docket under Docket ID number RCRA-2004-0004. We have, therefore, concluded that this rule should remain in effect with no modification.

**Timetable:**

Action	Date	FR Cite
Begin Review	06/29/04	69 FR 38282
End Review	11/02/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4898;

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**RIN:** 2050-AG17

**3384. LAND DISPOSAL RESTRICTIONS PHASE II: UNIVERSAL TREATMENT STANDARDS, AND TREATMENT STANDARDS FOR ORGANIC TOXICITY CHARACTERISTIC WASTES AND NEWLY LISTED WASTES (COMPLETION OF A SECTION 610 REVIEW)**

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

**Legal Authority:** 5 USC 610

**CFR Citation:** 40 CFR 148; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 268; 40 CFR 271

**Legal Deadline:** None

**Abstract:** In September 1994, the Environmental Protection Agency (EPA) promulgated regulations establishing land disposal restrictions (LDR) treatment standards for certain hazardous wastes (59 FR 47982, September 19, 1994). EPA issued the

LDR regulations under the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act. They became effective on December 19, 1994. EPA did not perform a regulatory flexibility analysis for this rule because, at that time, no data on potentially affected small entities were available. Also, due to the statutory requirements of the LDR program, no legal avenues existed for the Agency to provide relief from the LDR's for small entities. In the June 28, 2004 Regulatory Agenda, we indicated that we would perform a review of this rule in accordance with section 610 of the Regulatory Flexibility Act. We are now announcing the completion of that review and our decisions based on that review. We received no comments on our analysis that was placed in the docket under Docket ID number RCRA-2004-0003. We have, therefore, concluded that this rule should remain in effect with no modification.

**Timetable:**

Action	Date	FR Cite
Begin Review	06/28/04	69 FR 38282
End Review	11/02/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4897;

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**RIN:** 2050-AG19

**Environmental Protection Agency (EPA)**  
**Oil Pollution Act (OPA)**
**Long-Term Actions**
**3385. REVISIONS TO SPILL PREVENTION, CONTROL, AND COUNTERMEASURES (SPCC) RULE**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1321 CWA sec 311(j)(1)(C)

**CFR Citation:** 40 CFR 112

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency issued a "Notice

Concerning Certain Issues Pertaining to the July 2002 Spill Prevention, Control, and Countermeasure (SPCC) Rule" to publish clarifications developed by the Agency during the course of settlement proceedings regarding the SPCC regulation. These clarifications to the SPCC regulation were the result of legal challenges to certain aspects of the July 17, 2002 final regulation.

EPA issued a rule to extend the compliance deadline for regulated facilities to amend (or in some cases, prepare) and implement their SPCC Plans. This extension provides sufficient time for the regulated community to undertake the actions necessary to update (or prepare) their plans in accordance with recent clarifications EPA has made to certain provision of the SPCC regulations. The extension also avoids a potentially

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overwhelming number of individual extension requests. EPA is considering additional measures to ease the compliance burden of smaller facilities, and for oil-filled and motive power equipment.

EPA is considering a proposal to amend 40 CFR part 112, which includes the SPCC rule promulgated under the authority of the Clean Water Act. The proposal may also include advanced notices of proposed rulemaking on secondary containment for small electrical equipment and on secondary containment requirements for loading racks. Part 112 includes requirements for SPCC Plans, and for Facility Response Plans (FRPs). The proposed rule includes changes stemming from the litigation over the SPCC rule, as well as other changes, that have not been fully defined. These may include potential differentiation of requirements for non-petroleum oils, and policy statements associated with the July 2002 SPCC final rule. Among these are

the following possible areas: (1) Applicability of the rule to motive power; (2) secondary containment and consideration of costs; (3) wastewater and the applicability of the rule to oil-water separators; (4) loading/unloading areas vs. rack; (5) wastewater exemption at production facilities; (6) applicability of the rule to mobile/potable containers; (7) applicability of the rule to various forms of piping; (8) scope and definition of operational equipment vs. process vessels; (9) distinction between the various secondary containment requirements; and (10) Integrity testing for small bulk containers. Specific decisions on the scope of the rulemaking will follow analysis of flexibility available under the July 2002 rule to support pending policy clarifications.

**Timetable:**

Action	Date	FR Cite
Notice of Settlement Terms	05/25/04	69 FR 29728

Action	Date	FR Cite
1 Year Compliance Extension NPRM	06/17/04	69 FR 34014
18 Months Compliance Extension Final	08/11/04	69 FR 48794
NODA <sub>1</sub>	09/20/04	69 FR 56184
NODA <sub>2</sub>	09/20/04	69 FR 56182
NPRM	02/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2634.2; Split from RIN 2050-AC62.

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**RIN:** 2050-AG16

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Comprehensive Environmental Response, Compensation and Liability Act

### 3386. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 9605 CERCLA 105

**CFR Citation:** 40 CFR 300.425

**Legal Deadline:** None

**Abstract:** This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

**Timetable:**

Action	Date	FR Cite
Final 20	03/06/98	63 FR 11332
NPRM 24	03/06/98	63 FR 11340
Final 21	07/28/98	63 FR 40182
NPRM 25	07/28/98	63 FR 40247
Final Tex-Tin	09/18/98	63 FR 49855
Final 22	09/29/98	63 FR 51848
NPRM 26	09/29/98	63 FR 51882

Action	Date	FR Cite
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	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	07/23/04	69 FR 43755
NPRM Vieques	08/13/04	69 FR 50115
NPRM 41	09/23/04	69 FR 56949
Final	09/23/04	69 FR 56949
NPRM	04/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3439;

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**EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage**

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RIN: 2050-AD75

**3387. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES**

Priority: Other Significant

Legal Authority: 42 USC 9602-9603

CFR Citation: 40 CFR 302 (Revision)

Legal Deadline: None

**Abstract:** The Agency is considering proposing corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the

correction of entries for individual substances, entries for F-and K- waste streams and entries in Appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in Table 302.4, Appendix A to Section 302.4, and the table in Section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in Table 302.4.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4737; The Agency is considering additional corrections not covered in a prior Error Correction Rulemaking (67 FR 45314, 7/9/02) and expected to generate comment from the public.

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RIN: 2050-AF03

**Environmental Protection Agency (EPA)****Final Rule Stage****Comprehensive Environmental Response, Compensation and Liability Act****3388. 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).

**Timetable:**

Action	Date	FR Cite
NPRM	12/04/03	68 FR 67916
Final Action	03/00/05	

**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

**3389. REVISE 40 CFR PART 35 SUBPART O: COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS**

Priority: Other Significant

Legal Authority: 42 USC 9601 to 9675

CFR Citation: 40 CFR 35 subpart O

Legal Deadline: None

**Abstract:** 40 CFR part 35 subpart O is the Superfund Administrative Regulation that governs awarding of Superfund cooperative agreements (CAs) to States, Indian tribes, and territories of the United States. Subpart O covers State-lead, site-specific cooperative agreements for non-time-critical removal, 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 closeout are provided in subpart O.

Subpart O was promulgated 6/5/1990, and became effective on 7/5/1990. Many changes in the Superfund program have occurred over the past almost ten years and these need to be reflected in subpart O. The six categories of CAs presently used in subpart O need greater flexibility to accommodate the new types of CAs that have developed. For example, the number of Block Funding Reform pilots, begun in 1997, to consolidate several of the cooperative agreements offered in subpart O, has grown to about 16 for fiscal year 2000, and have generated at least 60 approved deviation requests from subpart O and

## EPA—Comprehensive Environmental Response, Compensation and Liability Act

Final Rule Stage

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 Rule	09/00/05	

**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)

Long-Term Actions

## Comprehensive Environmental Response, Compensation and Liability Act

**3390. 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;

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**RIN:** 2050-AE63

**3391. ADMINISTRATIVE REPORTING EXEMPTION FOR CERTAIN AIR RELEASES OF NOX**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9603

**CFR Citation:** 40 CFR 302.6(c)

**Legal Deadline:** None

**Abstract:** The Agency is considering proposing to administratively exempt from reporting requirements the releases of certain NOx emissions to air. This would eliminate reports from facilities emitting NOx where the Agency has determined that the releases pose little or no risk or to which a Federal response is infeasible or inappropriate. Requiring reports of

such releases would serve little or no useful purpose and could, instead, impose a significant burden on the Federal response system and on the persons responsible for notifying the Federal government of the release.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4736;

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**RIN:** 2050-AF02

**3392. STANDARDS AND PRACTICES FOR CONDUCTING ALL APPROPRIATE INQUIRIES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9601 et seq

**CFR Citation:** 40 CFR 312

**Legal Deadline:** Final, Statutory, January 11, 2004, Small Business Liability Protection Act section 223, CERCLA 101(35)(B)(2)(ii).

**Abstract:** The Small Business Liability Relief and Brownfields Revitalization

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Act (the “Brownfields Amendments”) amended a number of provisions in CERCLA including section 101(35)(B) and includes, among other things, new provisions regarding CERCLA liability protections for certain landowners. As part of these provisions, the Brownfields Amendments require bona fide prospective purchasers, contiguous property owners, and innocent landowners to conduct “all appropriate inquiries” into prior ownership and use of the property at the time the party acquires the property. In the Brownfields Amendments, Congress directed EPA to promulgate regulations establishing standards and practices for conducting “all appropriate inquiries.” Section 101 (35)(B)(iii) of CERCLA, as amended, includes criteria that EPA is required to address in setting these standards and practices. This regulation, when finalized, will establish the federal standards for

conducting “all appropriate inquiries,” pursuant to the statute. Recipients of Brownfields Assessment Grants awarded under section 104(k)(2)(B) of CERCLA also will be regulated by the final action. Purchasers of contaminated properties seeking any of the protections from CERCLA liability will be required to follow the promulgated procedures and standards. EPA developed the proposed federal standard for all appropriate inquiries under a negotiated rulemaking process. EPA established a FACA Committee charged with negotiating a federal standard in accordance with the statutory criteria.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52542
Final Action	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4739; State, local and Tribal governments affected if they are grant recipients.

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**RIN:** 2050-AF04

**Environmental Protection Agency (EPA)**  
**Clean Water Act (CWA)****Proposed Rule Stage****3393. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES—PHASE II**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1322; 33 USC 1361

**CFR Citation:** 40 CFR 1700

**Legal Deadline:** Final, Statutory, May 10, 2001.

**Abstract:** This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I

rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as fire main); 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	01/00/05	
Final Action	09/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Additional Information:** SAN No. 4357;

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**RIN:** 2040-AD39

**3394. 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

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## Proposed Rule Stage

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	11/00/05	
Final Action	10/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

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

**Additional Information:** SAN 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

**3395. 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	02/00/05	
Final Action	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4822;

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**RIN:** 2040-AE61

**3396. • EFFLUENT GUIDELINES FOR THE TRANSPORTATION EQUIPMENT CLEANING POINT SOURCE CATEGORY**

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

**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1342; 33 USC 1361

**CFR Citation:** 40 CFR 442.16

**Legal Deadline:** None

**Abstract:** On August 14, 2000, EPA published at 40 CFR 442 final effluent limitations and standards for the transportation equipment cleaning point source category. These guidelines apply to the discharge of wastewater from facilities that clean the interiors of various tank trucks, rail cars, barges and ocean/sea tankers. The final rule contained a typographical error. The rule used the word "existing" instead of "new" in defining pretreatment standards for new sources (PSNS) at 40 CFR 442.16. This action corrects this typographical error. There will be no changes to the pollutant limits. OW plans to issue the corrections as a direct final rule because we anticipate no adverse comments.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4932

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**RIN:** 2040-AE65

**Environmental Protection Agency (EPA)**  
**Clean Water Act (CWA)**

Final Rule Stage

**3397. TEST PROCEDURES: NEW AND UPDATED TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314; 33 USC 1361(a); 42 USC 300f; 42 USC 300g-1; 42 USC 300j-4; 42 USC 300j-9(a)

**CFR Citation:** 40 CFR 136; 40 CFR 141

**Legal Deadline:** None

**Abstract:** This regulatory action would amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR Part 136 and the National Primary Drinking Water Regulations under 40 CFR part 141 to approve new and updated EPA methods for wastewater, ambient water quality, and drinking water, including new and updated versions of methods from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater, ambient water quality and/or drinking water programs, as authorized under the Clean Water Act (CWA) and Safe Drinking Water Act. 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 (VCSBs), and from other external organizations submitted under EPA's alternate test procedure program. The new and updated methods include methods from organizations such as the American Society for Testing and Materials (ASTM), Standard Methods, and the Association of Official Analytical Methods-International.

**Timetable:**

Action	Date	FR Cite
NPRM	04/06/04	69 FR 18166
Final Action	04/00/05	

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

**Small Entities Affected:** No

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

**3398. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3**

**Regulatory Plan:** This entry is Seq. No. 140 in part II of this issue of the **Federal Register**.

**RIN:** 2040-AD70

**3399. STREAMLINING THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION**
**Priority:** Other Significant

**Legal Authority:** 33 USC 1314 CWA 304; 33 USC 1317 CWA 307; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 403

**Legal Deadline:** None

**Abstract:** The final rule will be promulgated as a program streamlining activity. The rule will revise certain provisions in the General Pretreatment Regulations (40 CFR Part 403) that address restrictions on and oversight of industrial discharges into Publicly Owned Treatment Works (POTWs). The final rule would include exclusions or variable requirements for smaller facilities that contribute insignificant

amounts of pollutants, clarify requirements for implementing Pretreatment Standards, and provide more flexible reporting, inspection and sampling requirements. The revisions should provide greater flexibility, reduce burden, and achieve improved environmental results at less cost for regulatory authorities and the regulated community.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/99	64 FR 39564
Final Action	02/00/05	

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

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3663;

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**RIN:** 2040-AC58

**3400. POLICY REGARDING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR MUNICIPAL WASTEWATER TREATMENT DURING WET WEATHER CONDITIONS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq

**CFR Citation:** 40 CFR 122.41(m)

**Legal Deadline:** None

**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

## EPA—Clean Water Act (CWA)

## Final Rule Stage

engineering practice that some facilities use to protect biological treatment units from damage and to prevent overflows and backups elsewhere in the system is referred to as wet weather blending. Wet weather blending occurs during peak wet weather flow events when flows that exceed the capacity of the biological units are routed around the biological units and blended with effluent from the biological units prior to discharge. Regulatory agencies, sewage treatment plant operators, and representatives of environmental advocacy groups have expressed uncertainty about National Pollutant Discharge Elimination System (NPDES) requirements addressing such situations. EPA requested public comment on a proposed policy published on November 7, 2003. EPA's intention is to develop a policy that will provide criteria for authorizing or approving blended discharges that meet permit limitations in NPDES permits. When implemented, EPA intends that the policy will ensure that NPDES requirements be applied in a nationally-consistent manner that improves the capacity, management, operation and maintenance of sewage treatment plants and collection systems and protects human health and the environment.

**Timetable:**

Action	Date	FR Cite
Draft Policy	11/07/03	68 FR 63042
Final Policy	01/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** SAN No. 4690;**Sectors Affected:** 22132 Sewage Treatment Facilities**URL For More Information:**

www.epa.gov/npdes

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**RIN:** 2040-AD87

### 3401. WATER QUALITY STANDARDS FOR PATHOGENS AND PATHOGEN INDICATORS FOR COASTAL RECREATION WATERS

**Priority:** Other Significant**Legal Authority:** 33 USC 1313, CWA 303**CFR Citation:** 40 CFR 131D**Legal Deadline:** Final, Statutory, October 8, 2004, 90 days after 7/9/04 (303(c)(4)).

**Abstract:** The October 2000 Beaches Environmental and Coastal Health Act (BEACH Act) amended the Clean Water Act to require coastal and Great Lake states to adopt criteria: "as protective of human health as" EPA's criteria for pathogen and pathogen indicators for their coastal recreation waters by April 2004. The BEACH Act defines "coastal recreation waters" as marine coastal waters that are designated under section 303 (c) of the Clean Water Act by a State for swimming, bathing,

surfing or similar water contact activities and the Great Lakes. The Act further requires EPA to promptly propose new or revised water quality criteria for coastal or Great Lake States that do not adopt criteria for pathogens or pathogen indicators "as protective of human health as" EPA's criteria. On July 9, 2004, EPA published a proposed rule establishing water quality standards for pathogens and pathogen indicators for states (with coastal recreation waters) that fail to adopt water quality criteria and standards for pathogens for which EPA has developed criteria. This action is a final rule. Publication of the final rule is expected in November 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/04	69 FR 41719
Final Action	11/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Federal, State**Federalism:** This action may have federalism implications as defined in EO 13132.**Additional Information:** SAN No. 4852, EDocket No. OW-2004-0010;**URL For More Information:**

http://www.epa.gov/waterscience/beaches/bacteria-rule-fs.htm

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**RIN:** 2040-AE63

## Environmental Protection Agency (EPA) Clean Water Act (CWA)

## Long-Term Actions

### 3402. 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

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belonging to or under the exclusive management authority of the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4526;

**Sectors Affected:** 3251 Basic Chemical Manufacturing; 325 Chemical Manufacturing; 3259 Other Chemical Product Manufacturing; 54 Professional, Scientific and Technical Services

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**RIN:** 2050-AE87

### 3403. 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 planning 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

### 3404. WATER QUALITY STANDARDS FOR INDIAN COUNTRY WATERS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1251 et seq

**CFR Citation:** 40 CFR 131; 40 CFR 121.17 (New); 40 CFR 122.4 (Amended); 40 CFR 123.1 (Amended); 40 CFR 131.4 (Amended); 40 CFR 131.40 (New); 40 CFR 230.10 (Amended); 40 CFR 233.1 (Amended); 40 CFR 233.51 (Amended)

**Legal Deadline:** None

**Abstract:** EPA is considering preparing an Advanced Notice of Proposed Rulemaking (ANPRM) for Federal water quality standards for waters in Indian country. EPA is currently reviewing detailed comments from fourteen tribes, two Tribal organizations, four States, and two Federal agencies to the November 2003 staff draft ANPRM, and will be conducting further outreach, dialogue, and government-to-government consultation with tribes, and will be consulting with other stakeholders. A Federal promulgation would not prevent tribes from developing and adopting their own

federally approved water quality standards where possible.

**Timetable:**

Action	Date	FR Cite
ANPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4344;

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**RIN:** 2040-AD46

### 3405. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1314 CWA 304; 33 USC 1361(a) CWA 501 (a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This 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

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## Long-Term Actions

needs, and because these technology-based levels are as much as 280 times higher than water quality-based criteria for metals. EPA is pursuing approval of new test procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3702;

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**RIN:** 2040-AC75

### 3406. 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 the 600 and 1600 series of EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. These methods typically contain a statement that, in recognition of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate

extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits. Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA's position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) increase consistency between methods, (2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3714;

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**RIN:** 2040-AC92

### 3407. TEST PROCEDURES: PERFORMANCE-BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314 CWA 304; 33 USC 1361(a) CWA 501(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This 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 a clearinghouse, technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3713;

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**RIN:** 2040-AC93

### 3408. TEST PROCEDURES FOR THE ANALYSIS OF CO-PLANAR AND MONO-ORTHO-SUBSTITUTED POLYCHLORINATED BIPHENYLS (PCBS) UNDER THE CLEAN WATER ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314; 33 USC 1361(a)

**CFR Citation:** 40 CFR 136; 40 CFR 503

**Legal Deadline:** None

## EPA—Clean Water Act (CWA)

## Long-Term Actions

**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**3409. 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 issue a rulemaking package to revise NPDES

requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include 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	11/00/06	
Final Action	08/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 3786;

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**RIN:** 2040-AC84**3410. WATERSHED RULE: TOTAL MAXIMUM DAILY LOAD (TMDL) PROGRAM REVISIONS****Priority:** Other Significant

**Legal Authority:** 33 USC 1313; 33 USC 1329; 33 USC 1342; 33 USC 1256

**CFR Citation:** 40 CFR 9; 40 CFR 122; 40 CFR 124; 40 CFR 130**Legal Deadline:** None

**Abstract:** This action amends regulations governing the TMDL program to ensure that it is effective allowing for active participation by all stakeholders including local governments and communities. The amendments will address: the scope and content of the list of impaired waters required by section 303(d) of the

Clean Water Act, the scope and content of TMDLs, EPA's role in helping States establish 303(d) lists and TMDLs so that impaired waters are restored, and the framework for implementing TMDLs provided by State CPPs and watershed plans. EPA is also proposing revision to the NPDES permitting regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 4623;

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**RIN:** 2040-AD82**3411. 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

## EPA—Clean Water Act (CWA)

## Long-Term Actions

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

**Environmental Protection Agency (EPA)  
Clean Water Act (CWA)**

## Completed Actions

**3412. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT INDUSTRY**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 450; 40 CFR 122

**Completed:**

Reason	Date	FR Cite
Final Action	04/26/04	69 FR 22472

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 2040-AD42

**3413. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONCENTRATED AQUATIC ANIMAL PRODUCTION INDUSTRY**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 451

**Completed:**

Reason	Date	FR Cite
Final Action	08/23/04	69 FR 51891

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

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**RIN:** 2040-AD55

**3414. EFFLUENT GUIDELINES AND STANDARDS FOR THE MEAT AND POULTRY PRODUCTS POINT SOURCE CATEGORY (REVISIONS)**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 432 (Revision)

**Completed:**

Reason	Date	FR Cite
Final Action	09/08/04	69 FR 54475

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

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**RIN:** 2040-AD56

**3415. EFFLUENT GUIDELINES PROGRAM PLAN FOR 2004**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Plan	09/02/04	69 FR 53705

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2040-AD92

**3416. TEST PROCEDURES: REVISIONS TO METHOD DETECTION AND QUANTITATION FOR THE CLEAN WATER ACT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 136

**Completed:**

Reason	Date	FR Cite
Withdrawn	11/08/04	69 FR 64707

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 2040-AD53

## EPA—Clean Water Act (CWA)

## Completed Actions

**3417. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 2**

**Priority:** Economically Significant. Major under 5 USC 801.

**CFR Citation:** 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

**Completed:**

Reason	Date	FR Cite
Final Action	07/09/04	69 FR 47210

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

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**RIN:** 2040-AD62

**3418. COMPARISON OF DREDGED MATERIAL TO REFERENCE SEDIMENT**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 230

**Completed:**

Reason	Date	FR Cite
Withdrawn	10/07/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 2040-AC14

**3419. CLEAN WATER STATE REVOLVING FUND REGULATION REVISIONS RE: USE AS MATCHING FUNDS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 35.3125(b)(1)

**Completed:**

Reason	Date	FR Cite
Withdrawn	11/15/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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**RIN:** 2040-AD68

**3420. UNIFORM NATIONAL DISCHARGE STANDARDS FOR ARMED FORCES VESSELS—PHASE II**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 1700 (New)

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/22/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

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

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**RIN:** 2040-AE64

**3421. • WITHDRAWAL OF CERTAIN FEDERAL WATER QUALITY CRITERIA APPLICABLE TO ALASKA, ARKANSAS, AND PUERTO RICO**

**Priority:** Routine and Frequent

**Legal Authority:** Not Yet Determined

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** EPA is publishing a rule to withdraw certain Federal Water Quality criteria applicable to Alaska, Arkansas, and Puerto Rico because each has developed its own State/U.S. territory standards.

**Timetable:**

Action	Date	FR Cite
Final Action	10/29/04	69 FR 63079

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4945;

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**RIN:** 2040-AE67

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Safe Drinking Water Act (SDWA)

**3422. UNREGULATED CONTAMINANT MONITORING REGULATION FOR PUBLIC WATER SYSTEMS REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141.40

**Legal Deadline:** Other, Statutory, August 6, 2004, This statute (SDWA)

requires EPA to publish a list. SDWA does not require a regulation.

**Abstract:** The 1996 amendments to the Safe Drinking Water Act require the Agency to publish, every 5 years, a revised listing of the contaminants to be monitored under the UCMR. The purpose of this proposed action is to meet that requirement by revising the

National Primary Drinking Water Regulations for the UCMR by making minor modifications to the current UCMR program to improve its implementation, to revise the lists of analytes to permit a second round of monitoring, and to approve the analytical methods needed to perform this monitoring.

## EPA—Safe Drinking Water Act (SDWA)

## Proposed Rule Stage

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4770;

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**RIN:** 2040-AD93**3423. 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 systems (PWSs). The first Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10247). The second CCL will be published in 2004. In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the second CCL and determine, by August 2006, whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). In order to make a determination of 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	08/00/05	
Final Notice	08/00/06	

**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**Environmental Protection Agency (EPA)  
Safe Drinking Water Act (SDWA)****Final Rule Stage****3424. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUNDWATER RULE****Regulatory Plan:** This entry is Seq. No. 137 in part II of this issue of the Federal Register.**RIN:** 2040-AA97**3425. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE****Regulatory Plan:** This entry is Seq. No. 138 in part II of this issue of the Federal Register.**RIN:** 2040-AD37**3426. NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 2 DISINFECTION BYPRODUCTS RULE****Regulatory Plan:** This entry is Seq. No. 139 in part II of this issue of the Federal Register.**RIN:** 2040-AD38**3427. DRINKING WATER CONTAMINANT CANDIDATE LIST 2****Priority:** Routine and Frequent**Legal Authority:** 42 USC 300f et seq**CFR Citation:** None**Legal Deadline:** Other, Statutory, February 6, 2003, Publication of list.**Abstract:** The Safe Drinking Water Act (SDWA), as amended in 1996, requires

the EPA to publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulations (NPDWRs), that are known or anticipated to occur in public water systems, and which may require regulations under SDWA (section 1412(b)(1)). SDWA, as amended, specifies that EPA must publish the first list of drinking water contaminants no later than 18 months after the date of enactment, i.e., by February, 1998 (henceforth referred to as the 1998 Contaminant Candidate List or the 1998 CCL), and every five years thereafter. The Federal Register notice informs interested parties of EPA's Final CCL 2 as well as EPA's efforts to improve

## EPA—Safe Drinking Water Act (SDWA)

## Final Rule Stage

the containment selection process for future CCLs.

**Timetable:**

Action	Date	FR Cite
Preliminary Notice	04/02/04	69 FR 17406
Final Notice	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4703, EDocket No. OW-2003-0028;

**URL For More Information:** [epa.gov/safewater/ccl/cclfs.html](http://epa.gov/safewater/ccl/cclfs.html)

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**RIN:** 2060-AD86

## Environmental Protection Agency (EPA)

## Long-Term Actions

## Safe Drinking Water Act (SDWA)

**3428. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON**

**Priority:** Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:** This action may affect State, local or tribal governments.

**Legal Authority:** 42 USC 300f et seq SDWA1412

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** Other, Statutory, February 6, 1999, Publish radon health risk reduction and cost analysis. NPRM, Statutory, August 6, 1999. Final, Statutory, November 2, 2000.

**Abstract:** The Radon rule complies with the Safe Drinking Water Act (SDWA) requirement to reduce exposure to radon in homes. In 1999, EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL. Systems would also be able to develop a State approved MMM program in the absence of a State program.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM Original Notice99	07/18/91	56 FR 33050
NPRM	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

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

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

**Additional Information:** SAN No. 2281;

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AA94

**3429. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative

stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3238;

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC13

**3430. 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

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

(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 August 2005.

**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

### 3431. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND ADDITIONAL DISTRIBUTION SYSTEM REQUIREMENTS

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

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

**Legal Authority:** 42 USC 300f et seq**CFR Citation:** 40 CFR 141; 40 CFR 142**Legal Deadline:** None

**Abstract:** EPA is revising the Total Coliform Rule (TCR), which was published in the July 18, 2003 Federal Register (68 FR 42907)(Notice of Intent to revise the TCR). EPA intends revisions to the TCR to maintain or provide for greater human health protection than under the existing TCR while improving system efficiency. A Federal Advisory Committee recommended that EPA, as part of the TCR 6-year review process, "initiate a process for addressing cross-connection control and backflow prevention requirements and consider additional distribution system requirements related to significant health risks." The original TCR, promulgated in 1989, protects human health by requiring microbial monitoring in drinking water distribution systems. The TCR does not include distribution system corrective or protective requirements to reduce contamination from coliforms and other contaminants. Since then, EPA has gained a better understanding of distribution system impacts on human health and, therefore, intends 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, stakeholder meetings, and proposed and final rules.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Local, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4775;

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**RIN:** 2040-AD94

### 3432. 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

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

**3433. UNDERGROUND INJECTION CONTROL: UPDATE OF STATE PROGRAMS****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 300h–1 SDWA 1422; 42 USC 300h–4 SDWA 1425**CFR Citation:** 40 CFR 147 (Revision)**Legal Deadline:** None

**Abstract:** EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason, more importantly, is to allow

EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many States. This update is necessary to ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are federally enforceable if necessary. EPA Regional Offices will be submitting State revision packages as they are completed. Part 147 will then be updated in several stages. This is the first stage. This effort should have no impact on the regulated community because we will merely be incorporating by reference elements of already effective State programs.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4236;

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**RIN:** 2040–AD40

## Environmental Protection Agency (EPA)

## Completed Actions

## Safe Drinking Water Act (SDWA)

**3434. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MINOR CORRECTIONS AND CLARIFICATION TO DRINKING WATER REGULATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 140 and 141**Completed:**

Reason	Date	FR Cite
Final Action	06/29/04	69 FR 38850

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

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**RIN:** 2040–AE58**3435. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ANALYTICAL METHOD FOR URANIUM****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 141.25**Completed:**

Reason	Date	FR Cite
NPRM	06/02/04	69 FR 31068

Reason	Date	FR Cite
Direct Final Action	06/02/04	69 FR 31008
Withdrawal of Direct Final Rule	08/25/04	69 FR 52181
Final Action	08/25/04	69 FR 52176

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

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**RIN:** 2040–AE62

## Environmental Protection Agency (EPA)

## Long-Term Actions

## Shore Protection Act (SPA)

**3436. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 2601 Shore Protection Act of 1988; PL 100–688 sec 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

## EPA—Shore Protection Act (SPA)

## Long-Term Actions

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	08/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, Local

**Additional Information:** SAN No. 2820;

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**RIN:** 2040-AB85

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