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Environmental Protection Agency

Semiannual Regulatory Agenda

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ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY (EPA)

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Spring 2005 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory agenda.

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

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- 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, or call 800-490-9198. There is no charge for single copies of the agenda.

FOR FURTHER INFORMATION CONTACT:

If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about or suggestions for improving the agenda or questions about EPA's decisionmaking process, please contact: Phil Schwartz (1803A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone: (202)564__6564; e__mail: schwartz.philip@epa.gov.

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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 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 decisionmakers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches. It is also important that we continue to apply new and improved methods to protect the environment, such as: building flexibility into regulations from the very beginning, creating strong partnerships with the regulated community, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. Research, testing and adoption of new environmental protection methods are also central tenets 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 Statement of Priorities in the FY 2005 Regulatory Plan (epa.gov/regagenda).

Besides the fundamental environmental laws authorizing EPA actions such as the Clean Air Act and Clean Water Act, there are legal requirements that apply to the issuance of regulations that are generally contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act.

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

You can find information on these laws and Executive Orders through links from www.epa.gov/regagenda.

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

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. We urge you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the **Federal Register**. To be most effective, comments should contain information and data that support your position, and you also should explain why we should incorporate your suggestion in the rule or nonregulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

We believe our actions will be more cost-effective and protective if our development process includes stakeholders working with us to identify the most practical and effective solutions to problems and we stress this point strongly in all of our training programs for rule and policy developers. We urge you to become involved in EPA's rule- and policymaking process.

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

EPA includes regulations and certain major policy documents in the Agenda. We generally do not include minor amendments or the following categories of actions:

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- 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 to 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 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.

D. How Is the Agenda Organized?

We have organized the agenda first into fourteen divisions based on the statute that would authorize a particular action. These divisions are:

1. General 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), which includes related actions under the Federal Food, Drug, and Cosmetic Act (FFDCA)
5. The Toxic Substances Control Act (TSCA)
6. The Emergency Planning and Community Right-to-Know Act (EPCRA)
7. Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRRA)
8. The Resource Conservation and Recovery Act (RCRA)
9. The Oil Pollution Act (OPA)
10. The Comprehensive Environmental Response, Compensation, and Liability Act Superfund (CERCLA)
11. The Clean Water Act (CWA)
12. The Safe Drinking Water Act (SDWA)
13. The Shore Protection Act (SPA)

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

1. Prerulemaking – Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.
2. Proposed Rule – This section includes EPA rulemaking actions that are within a year of proposal (publication of notices of proposed rulemakings (NPRMs)).
3. Final Rule – This section includes rules that will be issued as final rules within a year.
4. Long-Term Action – This section includes rulemakings for which the next scheduled regulatory action is after May 2006.
5. Completed Action – This section contains actions that have been promulgated and published in the **Federal Register** since publication of the Fall 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.

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 included in 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 environment, public health or safety, or State, local, or tribal governments or communities.

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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 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. Once there, to get into the edocket for a particular rule you can use one of the edocket search functions. You can locate a particular docket if you know the edocket identification number. Some edocket identification numbers are included 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 nonrulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other nonrule activities. In 2002, EPA released its online electronic docket

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and comment system, EDOCKET at www.epa.gov/edocket.

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. RISC's searchable databases are at http://ciir.cs.umass.edu/ua/.
4. **Appendices to the Agenda** There are five appendices that provide:

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

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

5. **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 http://www.epa.gov/history/collection/aid41.htm.
6. **Listservers** If you want to receive automatic e-mails about areas of particular interest, we maintain 12 collections including:

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

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

For each of our rulemakings we consider whether there will be any adverse impact on small entities. We attempt to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation. Under RFA/SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit the RFA/SBREFA website at 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). In this agenda, we report on two completed reviews:

SAN No. 4788 Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities (RIN 2070-AD65)

SAN No. 4789 WPS; Pesticide Worker Protection Standard (WPS) Rule (RIN 2070-AD66)

Dated: April 21, 2005.

Stephanie N. Daigle,

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

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2882	SAN No. 4292 Proposed Revision to EPA's Implementing NEPA Regulations	2020–AA42
2883	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest	2030–AA67
2884	SAN No. 4904 Security Requirements for Toxic Substances Control Act Confidential Business Information Access for Contractors	2030–AA88
2885	SAN No. 4903 Award Term Contracting	2030–AA89
2886	SAN No. 4931 Accessibility Standards for Contract Deliverables (508)	2030–AA90
2887	SAN No. 4964 Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada	2060–AN15
2888	SAN No. 4836 Project XL Site Specific Rulemaking for the NASA White Sands Test Facility in Las Cruces, New Mexico (Phases III-VI)	2090–AA35

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GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2889	SAN No. 3580 Incorporation of Class Deviations Into EPAAR	2030–AA37
2890	SAN No. 4270 Cross-Media Electronic Reporting (ER) and Recordkeeping Rule (CROMERRR)	2025–AA07
2891	SAN No. 4693 Privacy Act Regulations (Revised)	2025–AA13
2892	SAN No. 4813 Miscellaneous Revisions to EPAAR Clauses	2030–AA84
2893	SAN No. 3671 Guidelines for Carcinogen Risk Assessment	2080–AA06
2894	SAN No. 4925 Technical Amendments to the Federal Policy for the Protection of Human Subjects	2080–AA11
2895	SAN No. 4536 Project XL Site Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico (Phases I - II)	2090–AA27

GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2896	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements	2020–AA39
2897	SAN No. 3240 Public Information and Confidentiality Regulations	2025–AA02

GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2898	SAN No. 4902 Waste Isolation Pilot Plant (WIPP) FY 2003 Report to Congress	2060–AM73
2899	SAN No. 4463 Persistent, Bioaccumulative, and Toxic (PBT) Pollutants Strategy	2070–AD45

CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2900	SAN No. 4759 Revision to Policy on Control of Volatile Organic Compounds (VOC)	2060–AK75
2901	SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations	2060–AM09

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2902	SAN No. 4695 NESHAP: Off-Site Waste and Recovery Operations Residual Risk Standard	2060–AK68
2903	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter	2060–AI44
2904	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives	2060–AJ61
2905	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings)	2060–AF72
2906	SAN No. 4070 General Conformity Regulations; Revisions	2060–AH93
2907	SAN No. 3975 Review of New Sources and Modifications in Indian Country	2060–AH37
2908	SAN No. 4752 Clean Air Fine Particle Implementation Rule	2060–AK74
2909	SAN No. 4119 Performance Specification 16—Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources	2060–AH84
2910	SAN No. 4478 Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills: Amendment	2060–AJ41
2911	SAN No. 4310 NESHAP: Printing and Publishing Industry; Amendments	2060–AI66
2912	SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment to Implement Court Remand	2060–AJ78
2913	SAN No. 4654 NESHAP: Ethylene Oxide for Sterilization Facilities—Residual Risk Standards	2060–AK09
2914	SAN No. 4655 NESHAP: Gasoline Distribution (Stage I) Residual Risk Standards	2060–AK10
2915	SAN No. 4660 NESHAP: Industrial Process Cooling Towers Residual Risk Standards	2060–AK16

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

Sequence Number	Title	Regulation Identifier Number
2916	SAN No. 4662 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards	2060–AK18
2917	SAN No. 4666 NESHAP: Shipbuilding and Ship Repair Surface Coating—Residual Risk Standards	2060–AK20
2918	SAN No. 4668 NESHAP: Halogenated Solvent Cleaning—Residual Risk Standards	2060–AK22
2919	SAN No. 4669 NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard	2060–AK23
2920	SAN No. 4782 Petition to Delist Hazardous Air Pollutant : 4,4'-Methylene Diphenyl Diisocyanate	2060–AK84
2921	SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards	2060–AK14
2922	SAN No. 4309 National VOC Emission Standards for Consumer Products; Proposed Amendments	2060–AI62
2923	SAN No. 4748 Control of Hazardous Air Pollutants From Mobile Sources	2060–AK70
2924	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	2060–AK26
2925	SAN No. 4697 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries	2060–AK45
2926	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO2) Area	2008–AA00
2927	SAN No. 4421 Ambient Air Quality Monitoring Regulations: Revisions	2060–AJ25
2928	SAN No. 4570 Control of Air Pollution From Motor Vehicles and Engines: Alternative Low-Sulfur Highway Diesel Fuel Transition Program for Alaska	2060–AJ72
2929	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems	2060–AJ86
2930	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
2931	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
2932	SAN No. 4793 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Allowables Plantwide Applicability Limit (PAL), Aggregation, and Debottlenecking	2060–AL75
2933	SAN No. 4796 Section 126 Rule: Withdrawal of Findings for Sources in Michigan	2060–AL83
2934	SAN No. 4797 Lifting the Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport (NOx SIP Call)	2060–AL84
2935	SAN No. 4804 Protection of Stratospheric Ozone; Allowance System for Controlling HCFC Production, Import and Export; Correction	2060–AL90
2936	SAN No. 4808 Amendments to the NESHAP for Cellulose Products Manufacturing	2060–AL91
2937	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
2938	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	2060–AL94
2939	SAN No. 4829 5-Year Review of MACT Standards for Large MWC	2060–AL97
2940	SAN No. 4830 Alternative Work Practice for Leak Detection and Repair	2060–AL98
2941	SAN No. 4871 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder	2060–AM06
2942	SAN No. 4861 NESHAP: Area Source Standards — Paint Stripping	2060–AM07
2943	SAN No. 4846 NESHAP: Municipal Solid Waste Landfills—Amendments	2060–AM08
2944	SAN No. 4859 NESHAP: Area Source Standards — Ethylene Oxide Hospital Sterilization	2060–AM14
2945	SAN No. 4875 NESHAP: Area Source Standards — Oil and Natural Gas Production	2060–AM16
2946	SAN No. 4848 NESHAP: Total Facility Low Risk Determination (TFLRD) for Residual Risk	2060–AM22
2947	SAN No. 4867 NESHAP: Hydrochloric Acid Production Amendments	2060–AM25
2948	SAN No. 4865 Strategy for Addressing Air Emissions from Animal Feeding Operations	2060–AM26
2949	SAN No. 4853 Requirements for Transmix Processing and Blending Under the Reformulated Gasoline and Gasoline Sulfur Rules	2060–AM27
2950	SAN No. 4864 NESHAP: Surface Coating of Metal Cans—Technical Amendments	2060–AM28
2951	SAN No. 4866 NESHAP: Site Remediation: Amendments	2060–AM30
2952	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
2953	SAN No. 4882 Control of Emissions From Spark-Ignition Engines and Fuel Systems From Marine Vessels and Small Equipment	2060–AM34
2954	SAN No. 4891 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing; Amendments	2060–AM43
2955	SAN No. 4885 Flexible Air Permit Rule	2060–AM45
2956	SAN No. 4905 National Volatile Organic Compound Emission Standards for Architectural Coatings—Amendments	2060–AM47
2957	SAN No. 4899 Control of Ultra Low Sulfur Diesel Fuel Lubricity	2060–AM48
2958	SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use with Substitute Refrigerants	2060–AM49

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

Sequence Number	Title	Regulation Identifier Number
2959	SAN No. 4892 National Emission Standards for Pharmaceuticals Production; Amendments	2060–AM52
2960	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	2060–AM55
2961	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
2962	SAN No. 4888 Area Source NESHAP for Secondary Nonferrous Metals	2060–AM70
2963	SAN No. 4889 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing	2060–AM71
2964	SAN No. 4908 NESHAP: General Provisions—Amendments	2060–AM75
2965	SAN No. 4909 NESHAP: Integrated Iron and Steel; Amendments	2060–AM76
2966	SAN No. 4911 NESHAP: Plywood and Composite Wood Products; Amendments	2060–AM78
2967	SAN No. 4914 NSPS for Reciprocating Internal Combustion Compression Ignition Engines	2060–AM82
2968	SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment	2060–AM84
2969	SAN No. 4927 NESHAP: Iron and Steel Foundries; Amendments	2060–AM85
2970	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments	2060–AM87
2971	SAN No. 4934 Part 63 General Provisions—Response to Petition to Reconsider	2060–AM89
2972	SAN No. 4940 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions	2060–AM91
2973	SAN No. 4933 Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone	2060–AM93
2974	SAN No. 4325 NESHAP: Brick and Structural Clay Products Manufacturing; Reconsideration	2060–AM94
2975	SAN No. 4794 Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule	2060–AM95
2976	SAN No. 3837 NESHAP: Industrial, Commercial, and Institutional Boilers and Process Heaters; Reconsideration Notice	2060–AM97
2977	SAN No. 4956 Rulemaking on Section 126 Petition From North Carolina To Reduce Interstate Transport of Fine Particulate Matter and Ozone	2060–AM99
2978	SAN No. 4699 Implementing Periodic Monitoring in Federal and State Operating Permit Programs	2060–AN00
2979	SAN No. 4757 Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks, and Heavy Duty Vehicles	2060–AN01
2980	SAN No. 4839 Second Deferral of Effective Date of Nonattainment Designations for 8-Hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas	2060–AN04
2981	SAN No. 4911 NESHAP: Plywood and Composite Wood Products; List of Hazardous Air Pollutants, Lesser Quantity Designations, Source Category List; Reconsideration	2060–AN05
2982	SAN No. 4958 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Amendments	2060–AN10
2983	SAN No. 4959 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances in Foam Blowing	2060–AN11
2984	SAN No. 4960 Response to Petition of Reconsideration for Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport	2060–AN12
2985	SAN No. 4962 Fuel Economy Labeling of Motor Vehicles: Revisions To Improve Calculation of Fuel Economy Estimates	2060–AN14
2986	SAN No. 4969 Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program and the NOx Budget Trading Program	2060–AN16
2987	SAN No. 4972 Protection of Stratospheric Ozone: The 2006 Critical Use Exemption Rule From the Phaseout of Methyl Bromide	2060–AN18
2988	SAN No. 4973 Control of Emissions of Air Pollution From Diesel Engines and Fuels; Amendments to the Nonroad and Highway Diesel Fuel Regulations	2060–AN19
2989	SAN No. 4951 Revisions to Air Emissions Reporting Requirements	2060–AN20

CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2990	SAN No. 4768 Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon from DOE Facilities	2060–AK81
2991	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
2992	SAN No. 3751 NSPS and Emission Guidelines for Other Solid Waste Incinerators	2060–AG31

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

Sequence Number	Title	Regulation Identifier Number
2993	SAN No. 2915 Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51	2060–AF83
2994	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
2995	SAN No. 4625 Implementation Rule for 8-Hour Ozone NAAQS—Phase 1 and Phase 2	2060–AJ99
2996	SAN No. 3380 NSPS: SOCMI—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60	2060–AE94
2997	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements (40 CFR Part 60, Appendix F, Procedure 3)	2060–AH23
2998	SAN No. 4161 Update of Continuous Instrumental Test Methods	2060–AK61
2999	SAN No. 4313 Petitions to Delist Hazardous Air Pollutants: MEK	2060–AI72
3000	SAN No. 4571 Clean Air Mercury Rule—Electric Utility Steam Generating Unit MACT	2060–AJ65
3001	SAN No. 4713 NESHAP for Primary Aluminum Reduction Plants; Amendments	2060–AK50
3002	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	2060–AK54
3003	SAN No. 4763 NESHAP: Ethylene Processes; Amendments	2060–AK80
3004	SAN No. 4689 Section 126 Rule Withdrawal Provision	2060–AK41
3005	SAN No. 3910 Streamlined Evaporative Test Procedures	2060–AH34
3006	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline	2060–AJ82
3007	SAN No. 4757 Emissions Durability Procedures for New Light-Duty Vehicles and Light-Duty Trucks	2060–AK76
3008	SAN No. 4450 Clean Air Visibility Rule	2060–AJ31
3009	SAN No. 4621 Control of Hazardous Air Pollutants From Mobile Sources: Default Baseline Revision	2060–AJ97
3010	SAN No. 4631 Adoption of the Amended International NOx Standard for Aircraft Engines	2060–AK01
3011	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
3012	SAN No. 4634 Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline	2060–AK04
3013	SAN No. 4722 California Gasoline Technical Correction	2060–AK56
3014	SAN No. 4557 Amendments to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program	2060–AK62
3015	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition	2060–AK69
3016	SAN No. 4794 Clean Air Interstate Rule (Formerly Titled: Interstate Air Quality Rule)	2060–AL76
3017	SAN No. 4840 Clean Air Fine Particle Designations	2060–AM04
3018	SAN No. 4855 NESHAP: Asphalt Processing and Asphalt Roofing Manufacturing—Amendments	2060–AM10
3019	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
3020	SAN No. 4854 Amendments to Vehicle Inspection and Maintenance Program Requirements To Address New 8-Hour Ozone Standard	2060–AM21
3021	SAN No. 4863 NESHAP: Reinforced Plastic Composites—Amendments	2060–AM23
3022	SAN No. 4857 Fire Suppression and Explosion Protection Listing Under SNAP	2060–AM24
3023	SAN No. 4868 Exemption of Certain Area Sources From Federal and State Operating Permit Programs	2060–AM31
3024	SAN No. 4881 Prevention of Significant Deterioration for Nitrogen Oxides	2060–AM33
3025	SAN No. 4883 Test Procedures for Highway and Nonroad Engines	2060–AM35
3026	SAN No. 4895 Regulation of Fuel and Fuel Additives: Gasoline and Diesel Test Methods	2060–AM42
3027	SAN No. 4900 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels	2060–AM46
3028	SAN No. 4893 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2005	2060–AM50
3029	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
3030	SAN No. 4894 Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone Depleting Substances	2060–AM56
3031	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
3032	SAN No. 3259 Nonattainment Major New Source Review (NSR): Final Rules	2060–AM59
3033	SAN No. 4890 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing; Amendment	2060–AM72
3034	SAN No. 4910 NESHAP: Organic Liquid Distribution—Amendments	2060–AM77
3035	SAN No. 4912 New Source Performance Standards (NSPS) for Stationary Combustion Turbines	2060–AM79

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

Sequence Number	Title	Regulation Identifier Number
3036	SAN No. 4913 New Source Performance Standards (NSPS) for Electric Utility Steam Generating Units and Industrial and Commercial Boilers	2060–AM80
3037	SAN No. 4919 NESHAP: Coke Ovens: Pushing, Quenching, and Battery Stacks; Amendments	2060–AM83
3038	SAN No. 4930 Regulation of Fuels and Fuel Additives: Refiner and Importer Quality Assurance Requirements for Downstream Oxygenate Blending	2060–AM88
3039	SAN No. 4937 NESHAP for Refractory Products Manufacturing—Amendments	2060–AM90
3040	SAN No. 4941 Amendments to Compliance Certification Requirements for State and Federal Operating Permits Programs; Correction	2060–AM92
3041	SAN No. 4943 Revision to the Definition of Volatile Organic Compounds—Removal of VOC Exemptions for California's Aerosol Coatings Reactivity-Based Regulation	2060–AM98
3042	SAN No. 4811 PM 2.5 and PM10 Hot-Spot Analyses in Transportation Conformity Rule Amendments	2060–AN02
3043	SAN No. 4811 Transportation Conformity Amendments for the New PM2.5 NAAQS Standards and PM2.5 Precursors	2060–AN03
3044	SAN No. 4952 Stay of the Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport	2060–AN06
3045	SAN No. 4954 Finding of Failure To Submit Section 110(a) SIP Requirements	2060–AN07
3046	SAN No. 4957 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing— Amendments	2060–AN09
3047	SAN No. 4961 Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide for the 2005 Supplemental Request	2060–AN13
3048	SAN No. 4970 Small Municipal Waste Combustor New Source Performance Standards and Emission Guidelines Amendments	2060–AN17

CLEAN AIR ACT (CAA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3049	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	2009–AA00
3050	SAN No. 3569 Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant	2009–AA01
3051	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
3052	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
3053	SAN No. 4266 Review National Ambient Air Quality Standards for Carbon Monoxide	2060–AI43
3054	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand)	2060–AA61
3055	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins-Amendments	2060–AH47
3056	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas	2060–AH01
3057	SAN No. 4653 NESHAP: Aerospace Manufacturing and Rework Facilities Residual Risk Standards	2060–AK08
3058	SAN No. 4657 NESHAP: Group II Polymers and Resins—Residual Risk Standards	2060–AK13
3059	SAN No. 4661 NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations—Residual Risk Standard	2060–AK17
3060	SAN No. 4665 NESHAP: Secondary Lead Smelting Residual Risk Standards	2060–AK19
3061	SAN No. 4667 NESHAP: Wood Furniture Manufacturing Operations—Residual Risk Standards	2060–AK21
3062	SAN No. 4664 NESHAP: Printing and Publishing Industry—Residual Risk Standards	2060–AK24
3063	SAN No. 4663 NESHAP: Petroleum Refineries — Residual Risk Standards	2060–AK25
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. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines—Petition to Delist	2060–AK73
3066	SAN No. 4656 NESHAP: Group I Polymers and Resins—Residual Risk Standards	2060–AK12
3067	SAN No. 4658 NESHAP: Group IV Polymers and Resins—Residual Risk Standards	2060–AK15
3068	SAN 4383. Interstate Ozone Transport: Rulemaking on Section 126 Petitions From the District of Columbia, Delaware, Maryland, and New Jersey	2060–AI99
3069	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations	2060–AI03

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

Sequence Number	Title	Regulation Identifier Number
3070	SAN No. 4700 Selection of Sequence of Mandatory Sanctions To Be Applied Pursuant to Section 502 of the Clean Air Act	2060–AK46
3071	SAN No. 3263 Performance Warranty and Inspection/Maintenance Test Procedures	2060–AE20
3072	SAN No. 3262 Inspection/Maintenance Recall Requirements	2060–AE22
3073	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions	2060–AH31
3074	SAN No. 4348 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule	2060–AI97
3075	SAN 4391. Rescinding Finding That Preexisting PM10 Standards Are No Longer Applicable in Northern Ada County/Boise, Idaho	2060–AJ05
3076	SAN No. 4783 Voluntary Superior Monitoring	2060–AK85
3077	SAN 4798. Deferral of Effective Date of Nonattainment Designations for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas	2060–AL85
3078	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
3079	SAN No. 4810 NESHAP: Ferroalloys Production: Ferromanganese and Silicomanganese Residual Risk Standards	2060–AL93
3080	SAN No. 4825 Mineral Wool Production Residual Risk Standard	2060–AL96
3081	SAN No. 4831 NESHAP for Flexible Polyurethane Foam Production: Residual Risk Standards	2060–AL99
3082	SAN No. 4832 NESHAP: Pharmaceuticals Production: Residual Risk Standards	2060–AM00
3083	SAN No. 4873 NESHAP: Area Source Standards—Glass Manufacturing Industry	2060–AM12
3084	SAN No. 4860 NESHAP: Area Source Standards— Acrylic/ Modacrylic Fiber (AMF) Production	2060–AM13
3085	SAN No. 4851 Protection of Stratospheric Ozone: Restriction on the Sales of Pre-Charged Split Systems	2060–AM15
3086	SAN No. 4847 NESHAP: Oil and Natural Gas Production Residual Risk Standards	2060–AM18
3087	SAN No. 4874 NESHAP: Area Source Standards — Industrial Inorganic Chemicals Manufacturing	2060–AM19
3088	SAN No. 4849 Petition To Delist a Hazardous Air Pollutant from Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)	2060–AM20
3089	SAN No. 4879 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries	2060–AM36
3090	SAN No. 4886 NESHAP: Area Source Standards—Plating and Polishing	2060–AM37
3091	SAN No. 4884 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers	2060–AM44
3092	SAN No. 4906 NESHAP: Area Source Standards—Clay Ceramics Industry	2060–AM53
3093	SAN No. 4699 Request for Comments on Potentially Inadequate Monitoring in Clean Air Applicable Requirements and on Methods To Improve Such Monitoring	2060–AM63
3094	SAN No. 4887 Area Source NESHAP for Primary Nonferrous Metals—Zn, Cd, Be	2060–AM69
3095	SAN No. 4907 NESHAP: Gasoline Distribution Stage I—Area Source Standards	2060–AM74
3096	SAN No. 4915 NSPS for Reciprocating Internal Combustion Spark Ignited Engines	2060–AM81
3097	SAN No. 4955 NESHAP: Plastic Parts and Products (Surface Coating)—Area Source Rule	2060–AN08
3098	SAN No. 4978 NESHAP: Autobody Refinishing—Area Source Rule	2060–AN21

CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3099	SAN No. 4683 Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of 4 Compounds	2060–AK37
3100	SAN No. 4096 Phase I (FIP) To Reduce the Regional Transport of Ozone in the Eastern United States	2060–AH87
3101	SAN No. 4555 Electric Arc Furnace NSPS Amendment	2060–AJ68
3102	SAN No. 4620 National Emission Standards for Coke Oven Batteries—Residual Risk Standards	2060–AJ96
3103	SAN No. 4712 NESHAP: Hazardous Organic NESHAP (HON) Amendments	2060–AK49
3104	SAN No. 4714 NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units; Amendments	2060–AK51
3105	SAN No. 4030 Expanded Definitions for Alternative-Fueled Vehicles and Engines Meeting Low-Emission Vehicle Exhaust Emission Standards	2060–AH52
3106	SAN No. 4393 Control of Methyl Tertiary Butyl Ether (MTBE)	2060–AJ00
3107	SAN No. 3412 Operating Permits: Revisions (Part 70)	2060–AF70
3108	SAN No. 3922 Revised Permit Revision Procedures for the Federal Operating Permits Program-Part 71	2060–AG92
3109	SAN No. 4535 Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide	2060–AJ63
3110	SAN No. 4487 Federal Implementation Plans for Indian Reservations in Idaho, Oregon and Washington	2012–AA01

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

Sequence Number	Title	Regulation Identifier Number
3111	SAN No. 4254 Revision to the Definition of Volatile Organic Compound (VOC) to Exclude Tertiary Butyl Acetate	2060–AI45
3112	SAN No. 4547 Modification of Authority To Grant Alternative Method Approvals	2060–AJ83
3113	SAN No. 4691 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Clean Units	2060–AK42
3114	SAN No. 4811 Transportation Conformity Rule Amendments for New 8-Hour Ozone and PM2.5 National Ambient Air Quality Standards	2060–AL73
3115	SAN No. 4095 Section 126 Rule: Lifting the 8-hour Stay	2060–AL79
3116	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
3117	SAN No. 4802 Amendments to Leather Finishing NESHAP	2060–AL89
3118	SAN No. 3560 Protection of Stratospheric Ozone; Refrigerant Recycling; Substitute Refrigerants; Leak Repair Requirements for Refrigeration and Air-Conditioning Equipment	2060–AM05
3119	SAN No. 4917 Protection of Stratospheric Ozone: Substitute Refrigerant Recycling; Amendment to the Definition of Refrigerant	2060–AM51
3120	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide (Coatings)	2060–AM65
3121	SAN No. 4928 NESHAP: Secondary Aluminum Production Amendments	2060–AM86
3122	SAN No. 4571 Revision of December 2000 Regulatory Finding on the Emissions of Haz. Air Pollutants From Electric Utility Steam Generating Units & Removal of Coal & Oil-Fired Electric Utility Steam Generating Units	2060–AM96

ATOMIC ENERGY ACT (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3123	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste	2060–AH63
3124	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)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3125	SAN 4054.1. Approaches to an Integrated Framework for Management and Disposal of Low-Activity Radioactive Waste	2060–AL78

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

Sequence Number	Title	Regulation Identifier Number
3126	SAN No. 4596 Pesticides; Data Requirements for Biochemical and Microbial Products	2070–AD51
3127	SAN No. 4610 Acceptability of Research Using Human Subjects	2070–AD57
3128	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	2020–AA44
3129	SAN No. 4170 Pesticides; Procedures for the Registration Review Program	2070–AD29

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

Sequence Number	Title	Regulation Identifier Number
3130	SAN No. 4727 Endocrine Disruptor Screening Program (EDSP); Chemical Selection Approach for Initial Round of Screening	2070–AD59
3131	SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment	2070–AB95
3132	SAN No. 3222 Groundwater and Pesticide Management Plan Rule	2070–AC46
3133	SAN No. 4216 Pesticides; Emergency Exemption Process Revisions	2070–AD36

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

Sequence Number	Title	Regulation Identifier Number
3134	SAN No. 2687 Pesticides; Data Requirements for Conventional Chemicals	2070–AC12
3135	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials	2070–AD30
3136	SAN No. 4728 Endocrine Disrupter Screening Program (EDSP); Implementing the Screening and Testing Phase	2070–AD61
3137	SAN No. 4175 Pesticide Tolerance Reassessment Program	2070–AD24
3138	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Proteins	2070–AD49
3139	SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants	2070–AD55
3140	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	2070–AD56
3141	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products	2070–AD14

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

Sequence Number	Title	Regulation Identifier Number
3142	SAN No. 4609 Pesticides; Exemption of Medical Devices Treated With Antimicrobial Pesticides	2070–AD54
3143	SAN No. 4789 WPS; Pesticide Worker Protection Standard (WPS) Rule **(Completion of a Section 610 Review)**	2070–AD66

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3144	SAN No. 3493 Future Testing for Existing Chemicals (Overview Entry)	2070–AB94
3145	SAN No. 4858 Notification of Chemical Exports Under TSCA Section 12(b)	2070–AJ01

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3146	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers	2070–AD58
3147	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	2070–AB79
3148	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives	2070–AD28
3149	SAN No. 4512 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture	2070–AD48
3150	SAN No. 4878 TSCA Inventory Nomenclature for Enzymes and Proteins	2070–AJ04
3151	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemption Request From U.S. Maritime Administration (MARAD)	2070–AJ05
3152	SAN No. 4953 Pre-Renovation Lead Education Rule	2070–AJ14
3153	SAN No. 4975 Transfering Rights to Manufacture Chemical Substances Under TSCA	2070–AJ15
3154	SAN No. 4974 Significant New Use Rule, Perfluoroalkyl Sulfonates (PFAS)	2070–AJ18

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TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3155	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals	2070–AD16
3156	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules	2070–AB08
3157	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules	2070–AB11
3158	SAN No. 3301 TSCA Inventory Update Rule Revisions	2070–AD63
3159	SAN No. 4870 Significant New Use Rule (SNUR); Certain Polybrominated Diphenyl Ethers (PBDEs)	2070–AJ02
3160	SAN No. 3493 Testing Agreement for Perfluorooctanoic Acid (PFOA)	2070–AJ06
3161	SAN No. 3493 Testing Agreement for Diethanolamine	2070–AJ09
3162	SAN No. 3493 Testing Agreement for Hydrogen Fluoride	2070–AJ10
3163	SAN No. 3493 Testing Agreement for Phthalic Anhydride	2070–AJ11
3164	SAN No. 4942 Significant New Use Rule for Glycol Ethers (2-Ethoxyethanol, 2-Ethoxyethanol Acetate, 2-Methoxyethanol, or 2-Methoxyethanol Acetate)	2070–AJ12
3165	SAN No. 3493 Testing Agreement for Maleic Anhydride	2070–AJ13

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

Sequence Number	Title	Regulation Identifier Number
3166	SAN No. 3148 Asbestos Model Accreditation Plan Revisions	2070–AC51
3167	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban	2070–AC21
3168	SAN No. 4376 Lead-Based Paint Activities; Training, Accreditation, and Certification Rule and Model State Plan Rule—Bridges and Structures	2070–AC64
3169	SAN No. 3557 Lead-Based Paint Activities; Abatement Amendments for Renovation and Remodeling	2070–AC83
3170	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce	2070–AB20
3171	SAN No. 4597 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues	2070–AD52
3172	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances	2070–AA59
3173	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders	2070–AB27
3174	SAN No. 4876 Voluntary Children's Chemical Evaluation Program (VCCEP)	2070–AC27
3175	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs)	2070–AC76
3176	SAN No. 3882 Test Rule; Certain Metals	2070–AD10
3177	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity	2070–AD44
3178	SAN No. 1923 Follow-Up Rules on Existing Chemicals	2070–AA58
3179	SAN No. 3528 Significant New Use Rule (SNUR); Refractory Ceramic Fibers (RCFs)	2070–AC37
3180	SAN No. 4176 Voluntary High Production Volume (HPV) Chemical Challenge Program	2070–AD25
3181	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	2070–AD53
3182	SAN No. 4777 Lead; Amendments to Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing	2070–AD64
3183	SAN No. 3493 Testing Agreement for Aryl Phosphates (ITC List 2)	2070–AJ07
3184	SAN No. 3493 Test Rule; Brominated Flame Retardants (BFRs)	2070–AJ08

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3185	SAN No. 3508 Lead; Management and Disposal of Lead-Based Paint Debris	2070–AC72
3186	SAN No. 4788 Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities **(Completion of a Section 610 Review)**	2070–AD65
3187	SAN No. 3557 Lead-Based Paint Activities; Voluntary Program for Renovation and Remodeling	2070–AJ03
3188	SAN No. 3118 TSCA Section 8(e) Reporting Guidance; Correction, Clarification of Applicability, and Announcement Regarding the Issuance Questions and Answers	2070–AJ16

EPA

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

Sequence Number	Title	Regulation Identifier Number
3189	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
3190	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
3191	SAN No. 4896 Toxics Release Inventory Reporting Burden Reduction Rule	2025–AA14
3192	SAN No. 2425 TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory	2025–AA16
3193	SAN No. 2425 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals	2025–AA17
3194	SAN No. 2425 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals	2025–AA19

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

Sequence Number	Title	Regulation Identifier Number
3195	SAN No. 4595 Change of Toxic Release Inventory (TRI) Reporting Requirements From Standard Industrial Classification (SIC) Codes to North American Industrial Classification System (NAICS) Codes	2025–AA10
3196	SAN No. 4938 TRI Reporting Forms Modification Rule	2025–AA15

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

Sequence Number	Title	Regulation Identifier Number
3197	SAN No. 3215 Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule	2050–AE17
3198	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation	2025–AA11

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

Sequence Number	Title	Regulation Identifier Number
3199	SAN No. 3994 Response to a Petition Requesting Deletion of Phosmet From the Extremely Hazardous Substances (EHS) List	2050–AE42
3200	SAN No. 4015 TRI; Review of Chemicals on the Original TRI List	2025–AA03
3201	SAN No. 2425 TRI; Response to Petition to Delete DBNPA from the Toxics Release Inventory List of Toxic Chemicals	2025–AA00
3202	SAN No. 4265 TRI; Revisions to the Otherwise Use Activity Exemptions and the Coal Extraction Activities Exemption	2025–AA06
3203	SAN No. 2847 TRI; Pollution Prevention Act Information Requirements	2025–AA09
3204	SAN No. 2425 TRI; Response to Petition To Modify Reporting for Chrominum, Nickel, and Copper Alloys for Toxics Release Inventory Metal Compound Categories	2025–AA18

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3205	SAN No. 4824 Hazardous Waste Generator Program Evaluation	2050–AG25
3206	SAN No. 4743 Land Disposal Restrictions: Determination of Equivalent Treatment for Macroencapsulation of Radioactive Lead Solids; Definition of Macroencapsulation	2050–AF12

EPA

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

Sequence Number	Title	Regulation Identifier Number
3207	SAN No. 4651 Increase Metals Reclamation From F006 Waste Streams	2050–AE97
3208	SAN No. 4606 Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development	2050–AE93
3209	SAN No. 4834 Hazardous Waste Management System: Identification and Listing of Hazardous Waste (F019 Listing Amendment in Wastewater Treatment Sludges From Zinc Phosphating Processes in Automotive Assembly Plants)	2050–AG15
3210	SAN No. 4920 Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories	2050–AG18

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

Sequence Number	Title	Regulation Identifier Number
3211	SAN No. 4028 Standardized Permit for RCRA Hazardous Waste Management Facilities	2050–AE44
3212	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials	2050–AE23
3213	SAN No. 3989 Methods Innovation Rule	2050–AE41
3214	SAN No. 3147 Hazardous Waste Manifest Regulation	2050–AE21
3215	SAN No. 4084 RCRA Burden Reduction Initiative	2050–AE50
3216	SAN No. 4092 Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations	2050–AE52
3217	SAN No. 4501 Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures.	2050–AE84
3218	SAN No. 3333 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II)	2050–AE01
3219	SAN No. 4092 Hazardous Waste Management System; Modification of the Hazardous Waste Program: Mercury-Containing Equipment	2050–AG21
3220	SAN No. 4439 Project XL—Ortho-McNeil Pilot Project Allowing On-Site Treatment of Low-Level Mixed Wastes Without RCRA Permit	2090–AA14
3221	SAN No. 4565 Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York	2090–AA29

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

Sequence Number	Title	Regulation Identifier Number
3222	SAN No. 3856 Management of Cement Kiln Dust (CKD)	2050–AE34
3223	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers	2050–AE81
3224	SAN No. 4469 Standards for the Management of Coal Combustion Wastes—Non-Power Producers and Minefilling	2050–AE83
3225	SAN No. 4230 Revisions to Solid Waste Landfill Criteria—Leachate Recirculation on Alternative Liners	2050–AE67
3226	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
3227	SAN No. 4735 RCRA Burden Reduction Initiative, Phase 2	2050–AF01
3228	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
3229	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
3230	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	2050–AE51
3231	SAN No. 4670 Revisions to the Definition of Solid Waste	2050–AE98
3232	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision)	2050–AC71
3233	SAN No. 4778 Revisions of the Lead-Acid Battery Export Notification and Consent Requirements	2050–AF06
3234	SAN No. 3147 Hazardous Waste Manifest Revisions—Standards and Procedures for Electronic Manifests	2050–AG20
3235	SAN No. 4977 Expanding the Comparable Fuels Exclusion Under RCRA	2050–AG24
3236	SAN No. 4828 RCRA Incentives for Performance Track Members	2090–AA34

EPA

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3237	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
3238	SAN No. 4944 Regulatory Incentives for the National Environmental Performance Track Program	2090–AA36

OIL POLLUTION ACT (OPA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3239	SAN No. 2634 Regulatory Actions Associated With the Notices of Data Availability on the Spill Prevention, Control, and Countermeasures (SPCC) Rule	2050–AG23

OIL POLLUTION ACT (OPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3240	SAN No. 2634 Revisions to the 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
3241	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules	2050–AD75
3242	SAN No. 4736 Administrative Reporting Exemption for Certain Air Releases of NOx	2050–AF02
3243	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities	2050–AF03
3244	SAN No. 4971 National Contingency Plan Revisions To Align With the National Response Plan	2050–AG22

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

Sequence Number	Title	Regulation Identifier Number
3245	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
3246	SAN No. 4739 Standards and Practices for Conducting All Appropriate Inquiries	2050–AF04
3247	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
3248	SAN No. 4201 Criteria for the Designation of Hazardous Substances under CERCLA Section 102(a)	2050–AE63

EPA

CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3249	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	2050–AE87
3250	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II	2040–AD39
3251	SAN No. 4950 Test Procedures for the Analysis of E. Coli, Enterococci, Fecal Coliforms, and Salmonella Under the Clean Water Act	2040–AE68
3252	SAN No. 4965 2006 Effluent Guidelines Program Plan	2040–AE76
3253	SAN No. 4947 Effluent Guidelines for the Iron and Steel Manufacturing Point Source Category (Revision)	2040–AE78

CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3254	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
3255	SAN No. 3663 Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution	2040–AC58
3256	SAN No. 4690 Policy Regarding National Pollutant Discharge Elimination System Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions	2040–AD87

CLEAN WATER ACT (CWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3257	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
3258	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act	2040–AC75
3259	SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring	2040–AC92
3260	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures	2040–AC93
3261	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
3262	SAN No. 4543 Minimizing Adverse Environmental Impact from Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 3	2040–AD70
3263	SAN No. 3786 NPDES Applications Revisions	2040–AC84
3264	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
3265	SAN No. 4746 Regulations for Gray and Black Water Discharges from Cruise Ships Operating in Certain Alaskan Waters	2040–AD89
3266	SAN No. 4822 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines	2040–AE61
3267	SAN No. 4948 Effluent Limitations Guidelines and Standards for Airport Deicing Operations	2040–AE69
3268	SAN No. 4949 Effluent Limitations Guidelines and Standards for Drinking Water Supply and Treatment	2040–AE74
3269	SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters	2040–AE77

CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3270	SAN No. 4344 Water Quality Standards for Indian Country Waters	2040–AD46
3271	SAN No. 4623 Watershed Rule: Total Maximum Daily Load (TMDL) Program Revisions	2040–AD82
3272	SAN No. 4852 Water Quality Standards for Pathogens and Pathogen Indicators for Coastal Recreation Waters	2040–AE63
3273	SAN No. 4932 Effluent Guidelines for the Transportation Equipment Cleaning Point Source Category	2040–AE65

EPA

CLEAN WATER ACT (CWA)—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3274	SAN No. 4765 National Pollutant Discharge Elimination System: Modification of Permit Deadline for Storm Water Discharges From Oil and Gas Construction Activity That Disturbs One to Five Acres	2040–AE71

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3275	SAN No. 4770 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions	2040–AD93

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3276	SAN No. 2340 National Primary Drinking Water Regulations: Groundwater Rule	2040–AA97
3277	SAN No. 4341 National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule	2040–AD37
3278	SAN No. 4342 National Primary Drinking Water Regulations: Stage 2 Disinfection Byproducts Rule	2040–AD38

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

Sequence Number	Title	Regulation Identifier Number
3279	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040–AA94
3280	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb	2040–AC13
3281	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	2040–AD54
3282	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements	2040–AD94
3283	SAN No. 4745 Drinking Water Contaminant Candidate List 3	2040–AD99
3284	SAN No. 4236 Underground Injection Control: Update of State Programs	2040–AD40
3285	SAN No. 4821 Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List	2040–AE60

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3286	SAN No. 4703 Drinking Water Contaminant Candidate List 2	2060–AD86

SHORE PROTECTION ACT (SPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3287	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations	2040–AB85

Environmental Protection Agency (EPA) — Proposed Rule Stage

General

2882. PROPOSED REVISION TO EPA'S IMPLEMENTING NEPA REGULATIONS

Priority: Other Significant

Legal Authority: 42 USC 4321

CFR Citation: 40 CFR 6

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4292;

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RIN: 2020–AA42

2883. 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	09/00/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4319;

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

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RIN: 2030–AA67

2884. 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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RIN: 2030–AA88

2885. 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	09/00/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4903;

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RIN: 2030–AA89

2886. ACCESSIBILITY STANDARDS FOR CONTRACT DELIVERABLES (508)

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 1511; 48 CFR 1552

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4931;

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RIN: 2030–AA90

2887. • AMENDMENT OF THE STANDARDS FOR RADIOACTIVE WASTE DISPOSAL IN YUCCA MOUNTAIN, NEVADA

Priority: Other Significant

Legal Authority: PL 102–486

CFR Citation: 40 CFR 197

Legal Deadline: None

Abstract: This action will amend the standards for Yucca Mountain, Nevada (40 CFR part 197). These standards were issued in 2001 and were partially remanded by a Federal court in 2004. These amendments will address the remanded portion of the standards, viz., the compliance period. Yucca Mountain is the site of a potential geologic repository for spent nuclear fuel and high-level radioactive waste. It is about 100 miles northwest of Las Vegas, Nevada, and straddles the boundaries of the Nevada Test Site, Bureau of Land Management land, and an Air Force bombing range. The site is being developed by the Department of Energy (DOE). The DOE will submit a license application to the Nuclear Regulatory Commission (NRC). We (EPA) were given the authority to set Yucca Mountain-specific standards in the Energy Policy Act of 1992 (EnPA). The EnPA also requires NRC to adopt our standards in its licensing regulations and use them as a basis to judge compliance of the repository's performance. The Agency issued final Yucca Mountain standards in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame. The Court found that the 10,000-year compliance period violates our authorizing statute for Yucca Mountain regulation because it is not ''based upon and consistent with'' scientific recommendations required from the National Academy of Sciences under the legislation. To address the Court's opinion, we must reassess the time frame in light of the National Academy's recommendation that compliance must be addressed at the time of peak dose, which may be as long as several hundred thousand years into the future.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4964;

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RIN: 2060–AN15

2888. 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, New Mexico, that would modify the reporting requirements under the Resource Conservation and Recovery Act (RCRA) and the Safe Drinking Water Act (SDWA). The rule will allow the facility to submit regulatory reports and permit information electronically rather than on paper to the New Mexico Environment Department (NMED) Solid Waste Bureau, Hazardous Waste Bureau, Groundwater Bureau, and Air Quality Bureau. Doing so will significantly reduce its regulatory reporting costs and enhance the State's ability to analyze and manage the facility's regulatory and permit information. The electronic reporting involves six phases that will

transition NASA from submitting data on a CD-ROM to utilizing the Internet to transmit data to NMED. This rule covers Phases III-VI of the project, the previous NASA White Sands Test Facility Final Rule covered Phases I-II.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4836;

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RIN: 2090–AA35

Environmental Protection Agency (EPA) — Final Rule Stage

General

2889. 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	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3580;

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RIN: 2030–AA37

2890. CROSS–MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE (CROMERRR)

Priority: Other Significant

Legal Authority: PL 104–13; PL 105–277

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

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

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

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RIN: 2025–AA07

2891. PRIVACY ACT REGULATIONS (REVISED)

Priority: Info./Admin./Other

Legal Authority: 5 USC 552a

CFR Citation: 40 CFR 16 (Revised)

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/14/04	69 FR 55377
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4693;

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RIN: 2025–AA13

2892. MISCELLANEOUS REVISIONS TO EPAAR CLAUSES

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Direct Final Action	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

2893. GUIDELINES FOR CARCINOGEN RISK ASSESSMENT

Priority: Info./Admin./Other

Legal Authority: Not applicable

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In 9/86 EPA issued risk assessment guidelines relating to five areas: carcinogenicity, mutagenicity, chemical mixtures, developmental toxicants, and estimating exposures. EPA publishes, and periodically updates/revises, a series of guidelines whose purpose is to assist risk assessors in evaluating the risks of environmental hazards. The guidelines were developed to promote high technical quality and Agency-wide consistency in the human health risk assessment process. The Agency began revising the 1986 guidelines in light of significant scientific advances in our understanding of the processes of carcinogenesis and the modes of actions of disease at the cellular level. The revision of these guidelines is in keeping with the Agency's original intent when it issued the first risk assessment guidelines in 1986. The guidelines were meant to be dynamic, flexible documents that would evolve to reflect the current state of the science and risk assessment practices. EPA released Draft inal 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 then 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3671;

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RIN: 2080–AA06

EPA—General — Final Rule Stage

2894. 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 Final 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 sec 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	05/00/05	

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

2895. PROJECT XL SITE SPECIFIC RULEMAKING FOR NASA WHITE SANDS TEST FACILITY ELECTRONIC REPORTING IN LAS CRUCES, NEW MEXICO (PHASES I – II)

Priority: Info./Admin./Other

Legal Authority: Safe Drinking Water Act; 42 USC 300f to 300J–26; Solid Waste Disposal Act; 42 USC 6901 to 6992k

CFR Citation: 00 CFR NYD

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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4536;

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RIN: 2090–AA27

Environmental Protection Agency (EPA) — Long-Term Actions

General

2896. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS

Priority: Other Significant

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

CFR Citation: 40 CFR 33

Legal Deadline: None

Abstract: The regulation will codify revisions to the Agency's program for the utilization of Small, Minority and Women's Business Enterprises in procurements under assistance agreements (i.e., grants and cooperative agreements awarded by EPA as well as grants and cooperative agreements awarded by other agencies under interagency agreements with EPA). The revisions are necessary to ensure consistency with the Supreme Court's decision in Adarand Constructors, Inc. v. Pena, 115 S.Ct. 2097 (1995), and were identified as part of the Clinton Administration's review of affirmative action programs. They include: (1) placing greater emphasis on requiring assistance agreement recipients to submit documentation supporting proposed fair share procurement objectives for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) based on the availability of qualified MBEs and WBEs in the relevant geographic market; (2) authorizing or requiring recipients and their prime contractors

to take reasonable race/gender-conscious measures (e.g., bidding credits) in the event that race/gender-neutral efforts prove inadequate to meet fair share objectives; and (3) administering statutory MBE/WBE objectives as a national goal, allowing smaller or larger fair share objectives for particular grants or cooperative agreements based on the availability standard.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4056;

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RIN: 2020–AA39

2897. 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;

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RIN: 2025–AA02

Environmental Protection Agency (EPA) — Completed Actions

General

2898. WASTE ISOLATION PILOT PLANT (WIPP) FY 2003 REPORT TO CONGRESS

Priority: Info./Admin./Other

CFR Citation: None

Completed:

Reason	Date	FR Cite
Report Sent to Congress	12/10/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM73

2899. PERSISTENT, BIOACCUMULATIVE, AND TOXIC (PBT) POLLUTANTS STRATEGY

Priority: Other Significant

CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Withdrawn	03/07/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2070–AD45

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

2900. 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4759;

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RIN: 2060–AK75

2901. 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
ANPRM	10/00/05	
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Additional Information: SAN No. 4856;

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RIN: 2060–AM09

Environmental Protection Agency (EPA) — Proposed Rule Stage

Clean Air Act (CAA)

2902. 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

2903. 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, December 20, 2005.
Final, Judicial, September 27, 2006.

Abstract: On July 18, 1997, the EPA published a final rule revising the national ambient air quality standards (NAAQS) for particulate matter (PM) (62 FR 38652). While retaining the PM10 standard levels, new standards were added for fine particles (PM2.5) to provide increased protection against both health and environmental effects of PM. On the same day, a Presidential Memorandum (62 FR 38421) was published that, among other things, anticipated that EPA would complete the next review of the PM NAAQS by July 2002. The EPA's plans and schedule for the next periodic review of the PM NAAQS were published on October 23, 1997 (62 FR 55201). Due to the unprecedented volume of new research, the completion of the Criteria Document has been extended. As 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

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RIN: 2060–AI44

2904. 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	08/00/05	
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4531;

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RIN: 2060–AJ61

2905. AMENDMENTS TO METHOD 24 (WATER–BASED COATINGS)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 60

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

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

Timetable:

Action	Date	FR Cite
NPRM	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;

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RIN: 2060–AF72

2906. GENERAL CONFORMITY REGULATIONS; REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671

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

Legal Deadline: None

Abstract: Section 176(c) of the Clean Air Act prohibits Federal entities from taking actions which do not conform to the State implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). In November 1993, EPA promulgated two sets of regulations to implement section 176(c). First, on November 24, EPA promulgated the Transportation Conformity Regulations to establish the criteria and procedures for determining that transportation plans, programs, and projects which are funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. Then, on November 30, EPA promulgated regulations, known as the General Conformity Regulations, to ensure that other Federal actions also conformed to the SIPs. The EPA has not reviewed or revised the General Conformity Regulations since their 1993 promulgation. Several Federal agencies have identified concerns over the implementation of the General Conformity Regulations, including the requirements for areas designated nonattainment for the newly promulgated NAAQS. In conjunction with an ad hoc work group of representatives from several Federal agencies, EPA will review the implementation of the General Conformity Regulations. The EPA will then propose and promulgate any appropriate revision to those regulations.

Timetable:

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

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

2907. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 49

Legal Deadline: None

Abstract: As required by the Clean Air Act's New Source Review (NSR) provisions, the EPA is proposing Federal regulations governing preconstruction permitting of minor stationary sources and major stationary sources of air pollution in nonattainment areas in Indian country. Pursuant to the Tribal Air Rule, eligible Indian Tribes may receive EPA authorization to develop and implement such programs. The Federal NSR permitting programs would be effective throughout Indian country and would be implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization, to manage such programs. The proposed Federal NSR rule would require sources in Indian country, with certain exceptions, to obtain a permit prior to construction if they are: (1) new minor sources, (2) existing minor sources undergoing modification, (3) new major sources in nonattainment areas in Indian country,

or (4) existing major sources in nonattainment areas in Indian country undergoing minor modification. The proposed rule also would allow new or existing stationary sources of regulated NSR pollutants and HAPs to accept enforceable limits on their production capacity or hours of operation in order to be considered minor sources and avoid being subject to other Clean Air Act requirements such as the title V operating permits program. These rules would not impose any mandates on Tribal governments to implement NSR permitting programs. Tribal governments may be affected, however, insofar as they own or operate sources that must obtain a permit from the EPA under the final Federal permitting program regulations.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

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

2908. CLEAN AIR FINE PARTICLE IMPLEMENTATION RULE

Priority: Other Significant

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

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

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: In 1997, EPA promulgated revised National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). The rule described in this paragraph — the Implementation Rule for PM-2.5 NAAQS — will include requirements and guidance for State and local air pollution agencies to develop and submit State implementation plans (SIPs) designed to bring the areas into attainment with the 1997 standards. These SIP-development activities include conducting technical analyses to identify effective strategies for reducing emissions contributing to PM-2.5 levels, and adopting regulations as needed in order to attain the standards. Ambient air quality monitoring for 1999-2001 shows that areas exceeding the standards are located throughout the eastern half of the U.S. and in California. Estimates show that compliance with the standards will prevent thousands of premature deaths from heart and lung disease, tens of thousands of hospital admissions and emergency room visits, and millions of absences from school and work every year.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4752;

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RIN: 2060–AK74

2909. 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	05/00/05	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4119;

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

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RIN: 2060–AH84

2910. 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	06/00/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4478;

Sectors Affected: 562212 Solid Waste Landfill

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RIN: 2060–AJ41

2911. NESHAP: PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
Final Action	04/00/06	

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

2912. 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 CFR 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

2913. 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, completed Options Selection, and have scheduled Final Agency Review for February 2005. The assessment results show cancer incidence less than 1.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

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

2914. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

Abstract: On December 14, 1994, we promulgated National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (59 FR 64318). The national emission standards limit and control hazardous air pollutants (HAP) that are known or suspected to cause cancer or have other serious health or environmental effects. Section 112(f)(2) of the Clean Air Act (CAA) directs EPA to assess the risk remaining (residual risk) after the application of national emission standards controls. Also, CAA section 112(d)(6) requires us to review and revise the national emission standards as necessary by taking into account developments in practices, processes, and control technologies. The proposal in early 2005 will announce a decision and requests public comments on the residual risk assessment and technology review for the national emission standards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4655, EDocket No.: OAR-2004-0019;

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RIN: 2060–AK10

2915. NESHAP: INDUSTRIAL PROCESS COOLING TOWERS RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

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

Abstract: A national emission standard for hazardous air pollutants (NESHAP) for industrial process cooling towers (IPCT) was previously promulgated under section 112(d) of the Clean Air Act. That standard effectively bans the use of chromium-based water treatment chemicals in IPCT used to remove heat from chemical or industrial processes. The Clean Air Act section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an 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	08/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4660;

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RIN: 2060–AK16

2916. 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. Approximately 27,000 perchloroethylene (perc) dry cleaning facilities are in existence. Fifteen of these facilities are major sources (use more than 2100 gallons of perc per year), subject to MACT requirements under the technology-based NESHAP requirements. The remaining facilities are area sources (use less than 2100 gallons of perc per year) subject to GACT requirements under the NESHAP. The peer reviewed risk assessment revealed risk from major source dry cleaning facilities in excess of 100 in a million; therefore, EPA is currently assessing options to reduce risk from these facilities. EPA has agreed with litigants to a deadline of April 28, 2006, for completion of this effort.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
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

2917. NESHAP: SHIPBUILDING AND SHIP REPAIR SURFACE COATING—RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, December 31, 2003.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart II. This source category covers air-toxic emissions from the painting (and associated cleaning), welding, and sandblasting of ships under construction or repair at major sources. Shipbuilding and ship repair operations means any building, repair, repainting, converting, or alteration of ships. A ''ship'' means any marine or freshwater vessel used for military or commercial operations, including self-propelled vessels, and navigational aids (buoys). The term shipyard applies to any facility that performs construction or repair of ships, or self identifies its SIC Codes as 3731 (and National Security SIC Code), with no regard to physical location or type of operation. A 1987 study showed that 14 out of 590 establishments (2.4 percent) accounted for about 66 percent of the industry value shipments. We estimate that there are 52 potential major source facilities today. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety. We completed a preliminary assessment ''Residual Risk (RR) Test'' using readily available information from 10 representative, high emitting, facilities in December 2002. A relatively simple health protective analysis was performed to assess the emission's potential to produce chronic cancer and non-cancer risks and acute non-cancer risks to humans via the inhalation pathway. The results of the RR test showed that we ''do not'' have sufficient data to remove the shipbuilding source category from consideration for a residual risk rule. Seven out of the 10 modeled shipyards either had cancer risk more than 1.00 E-6 or chronic hazard index (HI) = 0.2. The results were presented to the Work Group, EPA management, and the appropriate stakeholders.

Timetable:

Action	Date	FR Cite
NPRM	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

2918. 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: The Halogenated Solvent Cleaning NESHAP limits emissions of HAP from solvent cleaning machines that use any of the following halogenated solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1, -trichloroethane, carbon tetrachloride, chloroform, or any combination of these solvents in a total concentration greater than 5 percent by weight. Each individual solvent cleaning machine is an affected source. The Halogenated Solvent Cleaning NESHAP was projected to reduce nationwide emissions of hazardous air pollutants (HAP) from halogenated solvent cleaning machines by 85,300 tons per year, or 63 percent of the 1991 baseline emissions of 140,525 tons/year. On December 3, 1999, the rule was

amended by adding compliance options for continuous web cleaning machines. Continuous web cleaning machines are considered a subset of in-line cleaning machines and are defined as: ''a solvent cleaning machine in which parts such as film, coils, wire, and metal strips are cleaned at speeds typically in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent application area of the solvent cleaning machine, and then recoiled or cut.'' This action is required by the CAA to assess residual risk and develop standards as necessary to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Federalism: Undetermined

Additional Information: SAN No. 4668;

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

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RIN: 2060–AK22

2919. 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. The magnetic tape coating process entails a mixture of magnetic (metal) particles, resins, and solvents applied to either a plastic film or paper. The HAP used in this industry include methyl ethyl ketone (MEK), methyl isobutyl ketone (MIBK), toluene, toluene diisocyanate, ethylene glycol, methanol, xylenes, chromium, cobalt, ethylbenzene, and acetaldehyde. The most common HAP solvents are MEK (68 percent) and toluene (29 percent). The non-HAP solvents used in this industry include cyclohexanone, acetone, and isopropyl alcohol (IPA). The magnetic particles are combinations of iron, chrome, and cobalt. Particulate HAP emissions can result from handling of materials, cleaning of process equipment, and adding dry media to mix tanks during coating mix preparation. New processes for manufacturing magnetic tape products have been developed by at least one company in recent years. There are a total of six facilities manufacturing magnetic tape in the nation. Half of these are located in the State of Alabama. The residual risk analyses performed for this source category and the final determination to develop and promulgate additional standards for the source category is dependent on certain policy decisions. The EPA modeled each of the six facilities with magnetic tape manufacturing source category emission sources and found no facilities with a cancer risk at or above 1 in 1 million. The EPA also found the maximum noncancer risks from these facilities to be significantly below 0.2. The EPA believes that these six facilities constitute all of the emissions from this source category and that the assessment is likely to overestimate rather than underestimate risks. Therefore, EPA has determined that this source category currently presents an acceptable level of cancer and noncancer risks and provides an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4669;

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

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RIN: 2060–AK23

2920. 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	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4782;

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RIN: 2060–AK84

2921. 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 within the synthetic organic chemical industry.

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. 4659;

Sectors Affected: 325 Chemical Manufacturing

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RIN: 2060–AK14

2922. 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. There are no new categories being regulated nor are any limits being lowered. Several definitions are being updated to provide more clarity. The variance process is being streamlined. A correction is being made to the address for Region 3.

Timetable:

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

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

2923. 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	11/00/05	
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

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

2924. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE–DEPLETING SUBSTANCES: N–PROPYL BROMIDE

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule would list whether n-propylbromide (nPB) is an acceptable substitute for class I and class II ozone depleting substances used as solvents for general metals, precision, and electronics cleaning, as well as in aerosol solvent and adhesives end uses. This could provide another alternative to solvents with higher ozone depletion potential that industry is interested in using. The rule also would propose specific conditions on the use of nPB as a solvent. These might include limiting the specific applications in which it may be used to those with low emissions and requiring exposure limits consistent with industry practices. This will ensure that nPB is used in a manner that is safe and environmentally protective. OSHA does not currently regulate nPB. EPA would revise our ruling to adopt whatever OSHA requires if OSHA later regulates the use of nPB. If finalized as proposed, this rule would be consistent with most existing industry practices and would impose little or no burden on industry.

Timetable:

Action	Date	FR Cite
NPRM	06/03/03	68 FR 33283
NPRM Correction	10/02/03	68 FR 56809
Supplemental NPRM	09/00/05	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4599; Split from RIN 2060-AJ58. The previous ANPRM was under SAN No. 3525.

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

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RIN: 2060–AK26

2925. 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	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4697;

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RIN: 2060–AK45

2926. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO2) 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 (SO2) State Implementation Plan (SIP) for the Billings/Laurel, Montana area. On 5/2/02 and 5/22/03 we partially and limitedly approved and partially and limitedly disapproved Montana's SO2 SIP for Billings/Laurel. EPA intends to propose a Federal Implementation Plan (FIP) to cover those parts of the State's plan we disapproved. EPA's FIP will assure that the Billings/Laurel area will attain and maintain the SO2 NAAQS.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4542;

Sectors Affected: 32411 Petroleum Refineries

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RIN: 2008–AA00

2927. 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	06/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, 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

2928. 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 reproposal 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	09/00/05	

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

2929. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60 app B; 40 CFR 60 app F

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4584;

Sectors Affected: 31-33 Manufacturing; 21 Mining; 486 Pipeline Transportation; 562213 Solid Waste Combustors and Incinerators; 562212 Solid Waste Landfill; 22 Utilities

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RIN: 2060–AJ86

2930. PERFORMANCE–BASED MEASUREMENT SYSTEM FOR FUELS: CRITERIA FOR SELF–QUALIFYING ALTERNATIVE TEST METHODS; DESCRIPTION OF OPTIONAL STATISTICAL QUALITY CONTROL MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: Transportation fuels (like gasoline and diesel fuel) are regulated by EPA under the Clean Air Act to control the emissions that result when they are burned in engines, and also to protect engines' emission control equipment. Fuels regulations require measurement of various of the fuels' properties, and prescribe ''designated'' analytical methods for that purpose. This regulation is intended to provide a way for regulated parties to self-qualify alternatives to the designated measurement methods that may be cheaper, quicker, simpler, more amenable to automation, or otherwise preferable. The regulation will also prescribe a minimum level of statistical quality control for all fuels test methods, designated or alternative. The regulations should quicken the adoption of new measurement technologies by removing the need for multiple method-specific rule-makings, but to do so in a way that will not degrade the performance of the overall

measurement system. Introduction of statistical quality control for all methods should improve measurement precision and accuracy in actual practice across all methods.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4633;

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

2931. REGULATION OF FUELS AND FUEL ADDITIVES: MODIFICATIONS TO STANDARDS AND REQUIREMENTS FOR REFORMULATED AND CONVENTIONAL GASOLINE INCLUDING BUTANE BLENDERS AND ATTEST ENGAGEMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 80

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4758;

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

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RIN: 2060–AK77

2932. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ALLOWABLES PLANTWIDE APPLICABILITY LIMIT (PAL), AGGREGATION, AND DEBOTTLENECKING

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

Abstract: These rules clarify when less than significant emissions increases from multiple activities at a single major stationary source must be considered together for the purposes of determining major new source review (NSR) applicability (aggregation). We are also changing in the way emissions from permitted emissions units upstream or downstream from those undergoing a physical change or change in the method of operation are considered when determining if a proposed project will result in a significant emissions increase (debottlenecking). The rules also provide an allowables plantwide applicability limit (PAL) option that is based on the allowable emissions from major stationary sources. A PAL is an optional approach that provides the owners or operators of major stationary sources with the ability to manage facility-wide emissions without triggering major NSR. The added flexibility of a PAL allows sources to respond rapidly to market changes consistent with the goals of the NSR program. The regulations for aggregation and debottlenecking are intended to improve implementation of the program by articulating principles for determining major NSR applicability that were previously addressed through guidance only. The purpose of the allowables PAL rule is to encourage major stationary sources to install state-of-the-art controls in exchange for regulatory certainty and flexibility.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4793;

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RIN: 2060–AL75

2933. 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 (NOx) emissions for the purpose of reducing interstate ozone transport. EPA coordinated the Section 126 Rule with another rule known as the NOx 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 NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA proposed to revise the Section 126 Rule withdrawal provision so that it will continue to operate under these new circumstances. Under that proposal, where a State submits a NOx SIP that meets only Phase 1 of the NOx SIP Call, EPA would need to make a determination that the SIP controls the total group of Section 126 sources to the same stringency as the Section 126 Rule would before the Section 126 Rule could be withdrawn. The EPA has since approved the Michigan NOx 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	06/00/05	

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

2934. LIFTING THE STAY OF THE EIGHT–HOUR PORTION OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT (NOX SIP CALL)

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.121

Legal Deadline: None

Abstract: In the Nitrogen Oxides State Implementation Plan Call (NOx SIP Call) (63 FR 57356, October 27, 1998), EPA found that emissions of NOx from 22 States and the District of Columbia (hereinafter referred to as '23 States') significantly contribute to downwind areas' nonattainment of the 1-hour ozone NAAQS. EPA also separately found that NOx emissions from the same 23 States significantly contribute to downwind nonattainment of the 8-hour ozone NAAQS. Subsequently, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded the 8-hour ozone NAAQS. (American Trucking Associations, Inc. v. EPA, 175 F.3d 1027 on rehearing 195 F.3d 4 (D.C. Cir. 1999).) EPA stayed the 8-hour basis of the NOx SIP Call rule on September 18, 2000 (65 FR 56245) based on the uncertainty created by the D.C. Circuit's decision. EPA has now completed the actions necessary to address the aforementioned remand, and therefore is now conducting rulemaking to lift the stay. EPA is proposing to lift the stay of our findings in the NOx SIP Call contained in 40 CFR sec 51.121(a)(2), related to the 8-hour ozone national ambient air quality standards (NAAQS). This action does not create any new requirements; it merely reinstitutes 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

2935. 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	05/00/05	

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

2936. AMENDMENTS TO THE NESHAP 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 (NESHAP) 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	05/00/05	
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

2937. 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

2938. 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

2939. 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	09/00/05	
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

2940. ALTERNATIVE WORK PRACTICE FOR LEAK DETECTION AND REPAIR

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

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

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4830;

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RIN: 2060–AL98

2941. 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	11/00/05	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4871;

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RIN: 2060–AM06

2942. 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;

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RIN: 2060–AM07

2943. 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	08/00/05	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, Tribal

Additional Information: SAN No. 4846;

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RIN: 2060–AM08

2944. 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: Federal, Tribal

Additional Information: SAN No. 4859;

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RIN: 2060–AM14

2945. 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;

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RIN: 2060–AM16

2946. 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

2947. 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 believes that proposal of the changes is necessary. In addition, the OSWER would like to include the storage and transfer operations at sources subject to their HCl production rule to the subpart NNNNN rule which would also require proposal. The amendments are expected to have little or no impact on the plants now covered by the HCl production rule. No adverse economic impacts are expected. The total nationwide capital and annual costs associated with the amendments are negligible. No price impacts are projected. No significant impacts on a substantial number of small entities are expected.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4867;

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RIN: 2060–AM25

2948. 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	01/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4865;

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RIN: 2060–AM26

2949. 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	07/00/05	

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

2950. NESHAP: SURFACE COATING OF METAL CANS—TECHNICAL 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. This action would provide technical amendments and clarify monitoring provisions in the surface coating of metal cans final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM28

2951. NESHAP: SITE REMEDIATION: AMENDMENTS

Priority: Routine and Frequent

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

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

2952. 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	06/00/05	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4880;

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RIN: 2060–AM32

2953. 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	01/00/06	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4882;

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RIN: 2060–AM34

2954. 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	09/00/05	
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM43

2955. FLEXIBLE AIR PERMIT RULE

Priority: Other Significant

Legal Authority: Clean Air Act title V

CFR Citation: 40 CFR 70

Legal Deadline: None

Abstract: EPA is conducting a flexible permits rulemaking based on what it has learned from its field experiences. The term ''flexible permit'' is used to describe air permits with conditions designed to reduce the administrative ''friction'' — costs, time, delay, uncertainty, and risk — experienced by sources and permitting authorities when implementing a permit or making changes under the permit. This is typically accomplished by authorizing a source to make certain types of changes (e.g., additional equipment and/or modifications to a source's method of operation, equipment, raw materials, emission factors, or monitoring parameters) without requiring further review and/or approval provided the source meets specific criteria outlined in its permit. While the chosen solution will depend

on individual State permitting rules and requirements, such techniques typically include descriptions of changes or categories of changes authorized to occur under the approved permit terms, one or more emissions caps to safeguard NAAQS and/or to assure certain requirements are not applicable, procedures for testing pollution control device performance and updating emissions factors or parameter values without requiring the permit to be amended or re-opened, streamlining of redundant requirements by applying the most stringent applicable requirement, and provisions to encourage pollution prevention. Flexible permitting has the potential to benefit a wide variety of types of facilities that are regulated under the CAA's title V operating permits program. Among the benefits flexible permits are anticipated to provide are: improved knowledge of a facility's emissions for the entire site; improved public understanding of a facility's activities over an extended period of time; increased certainty and flexibility to make changes in response to the market; and no less environmental protection (i.e., often more occurs from the use of emissions caps and the increased use of pollution prevention practices).

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4885;

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RIN: 2060–AM45

2956. 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	11/00/05	

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

2957. 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 noncompliance due to premature wear of fuel injection equipment caused by inadequate fuel lubricity levels.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4899;

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RIN: 2060–AM48

2958. 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: 00 CFR 00

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4916;

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RIN: 2060–AM49

2959. 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
NPRM	05/00/05	
Direct Final Rule	05/00/05	

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

2960. PROTECTION OF STRATOSPHERIC OZONE: MODIFICATIONS TO THE TECHNICIAN CERTIFICATION REQUIREMENTS UNDER SECTION 608 OF THE CLEAN AIR ACT

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA is amending appendix D to subpart F of 40 CFR part 82-Standards for Becoming a Certifying Program for Technicians. The Refrigerant Recycling Regulations governing standards for certifying programs for technicians were promulgated under section 608 of the Clean Air Act Amendments of 1990 (May 1994; 59 FR 28660). These regulations were amended in November 9, 1994 (59 FR 559120) to clarify the scope of the technician certification requirements and to provide a limited exemption from certification requirements for apprentices. Today's amendment to the regulation will provide specific requirements for programs applying to become certifying organizations, will specify reporting and recordkeeping requirements in order to enhance implementation of the program, and will define other administrative components of the program to improve accountability.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	
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

2961. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT (RMRR); MAINTENANCE AND REPAIR AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

Abstract: This rulemaking is a follow up to SAN 4676, which is a final rule that specifies categories of equipment replacement activities that would qualify as ''routine maintenance, repair, and replacement'' (RMRR) under the Clean Air Act's New Source Review (NSR) Program (40 CFR parts 51 and 52). SAN 4676's final action — referred to as the ''equipment replacement provision'' (ERP) — was promulgated in the Federal Register on 10/27/03 (68 FR 61248). 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 qualify for the RMRR Exclusion from Major NSR. We proposed options for this SAN in our RMRR proposal on 12/31/02 (67 FR 80920). However, our current intention is to re-propose this action in order to solicit comment on another set of options.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

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

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RIN: 2060–AM62

2962. AREA SOURCE NESHAP FOR SECONDARY NONFERROUS METALS

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

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

Abstract: Section 112 of the Clean Air Act (CAA) requires the development of standards for area sources which account for 90% of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxis Strategy. The secondary nonferrous metals source category includes establishments primarily engaged in recovering nonferrous metals and alloys from new and used scrap and dross or in producing alloys from purchased refined metals. This industry includes establishments engaged in both the recovery and alloying of precious metals. Plants engaged in the recovery of tin through secondary smelting and refining, as well as by chemical processes, are included in this industry. Secondary refining and smelting produces metals from scrap and process waste. Scrap is bits and pieces of metal parts, bars, turnings, sheets, and wire that are off-specification or worn-out but are capable of being recycled. Two metal recovery technologies are generally used to produce refined metals. Pyrometallurgical technologies are processes that use heat to separate desired metals from other less or undesirable materials, while hydrometallurgical technologies the desired metals are separated from undesirables using techniques that capitalize on differences between constituent solubilities and/or electrochemical properties while in aqueous solutions. The secondary nonferrous metals source category is listed to address some of the urban metal HAP's like lead and chromium compounds in addition to arsenic.

Timetable:

Action	Date	FR Cite
NPRM	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

2963. NESHAP FOR STAINLESS AND NONSTAINLESS STEEL ELECTRIC ARC FURNACE (EAF) MANUFACTURING

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 63

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

Abstract: There are approximately 93 small steel mills (minimills) that melt steel scrap in 142 electric arc furnaces (EAF). Minimills account for roughly half of US steel production (about 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	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 4889, EDocket No.: OAR-2004-0083;

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RIN: 2060–AM71

2964. NESHAP: GENERAL PROVISIONS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.1

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4908;

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RIN: 2060–AM75

2965. NESHAP: INTEGRATED IRON AND STEEL; 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 integrated iron ansd 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	11/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4909;

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RIN: 2060–AM76

2966. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This amendment will make technical corrections, clarify intent, and propose changes to the testing requirements for risk assessments. Changes to the testing requirements would reduce costs of testing and address hard-to-test process units. The action is planned to be proposed on the same day as a reconsideration notice (SAN 4911.1).

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4911;

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RIN: 2060–AM78

2967. 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 to be proposed by June 05 and promulgated by June 06. Information gathering began in early April 04 and will result in the development of regulatory packages to propose and promulgate an NSPS standard.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN No. 4914;

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RIN: 2060–AM82

2968. 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 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

2969. NESHAP: IRON AND STEEL FOUNDRIES; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 4927;

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RIN: 2060–AM85

2970. NESHAP: TACONITE IRON ORE PROCESSING; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State

Federalism: Undetermined

Additional Information: SAN No. 4929;

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RIN: 2060–AM87

2971. 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	08/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, State, Local, Tribal

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RIN: 2060–AM89

2972. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): RECONSIDERATION OF INCLUSION OF FUGITIVE EMISSIONS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title I

CFR Citation: 40 CFR 51 and 52

Legal Deadline: None

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

Timetable:

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

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

2973. 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 Clean Air Interstate Rule. The Clean Air Interstate Rule (see SAN 4794 elsewhere in this Regulatory Agenda), 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 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	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4933;

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RIN: 2060–AM93

2974. ● NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING; RECONSIDERATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On May 16, 2003, national emission standards for hazardous air pollutants (NESHAP) for new and existing sources at brick and structural clay products (BSCP) manufacturing facilities were promulgated (the final rule). Subsequently, the Administrator received a petition for reconsideration of the final rule. The petition was granted with respect to one issue arising from the final rule. The reconsideration issue involves the petitioner's claim that the MACT floors (and MACT standards based on the floors) at promulgation were set using a different control technology than the control technologies upon which the proposed standards were based and that EPA did not provide adequate opportunity for public comment on the revised MACT floors. Because the proposed MACT floors and standards were changed in response to comments received on the proposed rule, reconsideration provides an opportunity for public comment on the floors and standards reflected in the final rule.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4325.1; Split from RIN 2060-AJ91.

Sectors Affected: 327121 Brick and Structural Clay Tile Manufacturing; 327123 Other Structural Clay Product Manufacturing

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RIN: 2060–AM94

2975. • INCLUSION OF DELAWARE AND NEW JERSEY IN THE CLEAN AIR INTERSTATE RULE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7410(a)

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

Legal Deadline: None

Abstract: In the proposed Clean Air Interstate rule (CAIR), EPA adopted a single-factor threshold of 0.20 mg/m3 contribution to PM2.5 nonattainment as the air quality element of of the definition of emissions that contribute significantly to nonattainment in another State. Upon further consideration, EPA believes that this may exclude some States that should be considered to make a significant contribution if their future emissions are not reduced below presently projected levels. We are proposing to supplement the contribution threshold adopted in the CAIR with a multi-factor weight of evidence test. Application of the test indicates that New Jersey and Delaware should be included in the CAIR requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

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

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

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RIN: 2060–AM95

2976. • NESHAP: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS; RECONSIDERATION NOTICE

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: On September 13, 2004, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial, and institutional boilers and process heaters. The final rule (subpart DDDDD) contains health-based compliance alternatives based on authority under sections 112(d)(4) of the Clean Air Act (CAA). The methodology and criteria for affected sources to use in demonstrating that they are eligible for the compliance alternatives were promulgated in Appendix A to subpart DDDDD. Affected sources demonstrating that they are eligible for the health-based compliance alternatives are not required to demonstrate compliance with the hydrogen chloride (HCl) emission limit and/or may demonstrate compliance with the total selected metals (TSM) emission limit based on the sum of emissions for seven metals by excluding manganese emissions. Following promulgation of the final rule, the Natural Resources Defense Council (NRDC) and Environmental Integrity Project (EIP) filed a petition for reconsideration. The petition requested reconsideration of seven aspects of the final rule. With the exception of the petitioners' issue with adoption of numerous ''no control'' standards in subpart DDDDD, all of the petitioners' issues relate to the health-based compliance alternatives in the final rule. The petitioners stated that reconsideration of the issues is appropriate because the issues could not have been practicably raised during the public comment period. The petition for reconsideration also requested a stay of the effectiveness of the health-based compliance alternatives. In response to granting the petition, we are requesting comment on the approach used to demonstrate eligibility for the health-based compliance alternatives, as outlined in Appendix A of the final rule, and on an issue related to the inclusion of manganese in the health-based compliance alternative provisions. We are not requesting comments on any other provisions of the final rule. The petitioners also requested that we stay the effectiveness of the health-based compliance provisions of the final rule, pending reconsideration of those provisions. We are not granting that request.

Timetable:

Action	Date	FR Cite
Reconsideration Notice	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3837.1; Split from RIN 2060-AG69

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RIN: 2060–AM97

2977. • RULEMAKING ON SECTION 126 PETITION FROM NORTH CAROLINA TO REDUCE INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER AND OZONE

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 7401 et seq

CFR Citation: 40 CFR 52

Legal Deadline: Final, Statutory, November 18, 2004.
NPRM, Judicial, August 1, 2005, Proposed Determinations.
Final, Judicial, March 15, 2006, Final Determination.

Abstract: In March 2004, North Carolina submitted a petition to EPA pursuant to section 126 of the Clean Air Act for the purpose of controlling interstate transport of air pollution. The petition requests that EPA make findings that emissions of nitrogen oxides (NOx) and sulfur dioxide (SO2) from large electric generating units (EGUs) in 12 States are significantly contributing to fine particulate matter nonattainment problems in North Carolina and that NOx emissions from large EGUs in 5 States are significantly contributing to 8-hour ozone nonattainment problems in North Carolina. If EPA makes such findings, EPA is authorized to establish Federal emissions limits for the affected sources. EPA will respond to the petition through notice-and-comment rulemaking. The sources targeted in the petition may also be subjected to State-adopted emission limitations in response to a separate EPA rulemaking action entitled ''Clean Air Interstate Rule,'' which EPA proposed on January 30, 2004.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4956;

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RIN: 2060–AM99

2978. • IMPLEMENTING PERIODIC MONITORING IN FEDERAL AND STATE OPERATING PERMIT PROGRAMS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

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

Legal Deadline: None

Abstract: This rule would revise the the Compliance Assurance Monitoring rule (40 CFR part 64) to be implemented through the operating permits rule (40 CFR part 70) to define when periodic monitoring must be created, and to include specific criteria that periodic monitoring must meet. This rule satisfies our 4-step strategy announced in the final Umbrella Monitoring Rule (published January 22, 2004) to address monitoring inadequacies. The four steps were: (1) to clarify the role of title V permits in monitoring (Umbrella Monitoring Rule); (2) to provide guidance for improved monitoring in PM-Fine SIP's; (3) to take comment on correction of inadequate monitoring provisions in underlying rules; and (4) to provide guidance on periodic monitoring. Draft rule and preamble scheduled for completion in June 2005. WA for RIA development to be issued in March 2005.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

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

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RIN: 2060–AN00

2979. • COMPONENT DURABILITY PROCEDURES FOR NEW LIGHT DUTY VEHICLES, LIGHT DUTY TRUCKS, AND HEAVY DUTY VEHICLES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: On October 22, 2002 the United States Court of Appeals for the District of Columbia Circuit vacated durability provisions that automotive manufacturers used to demonstrate that the emissions of their vehicles would comply with emission standards for the useful lives of those vehicles. The Court also required EPA to issue new regulations. This action fulfills the mandate. The new durability regulations will include options that a manufacturer may choose from to age pre-production vehicles to determine the rate of emission deterioration over the vehicle's useful life. The options will include a prescribed fixed driving cycle and a prescribed bench aging cycle that are used to age prototype vehicles or emission control components to the equivalent of the useful life period of the vehicle in a manner that replicates the aging that the vehicle or components would see in actual use. This rule does not change the Federal emission standards or the test procedures used to quantify emissions. Although there is no court-ordered deadline, this is a court-ordered action. During the comment period of the NPRM the Agency received a comment from the Afton Chemical Corporation (formerly known as Ethyl Corporation) suggesting that EPA did not address the component durability portion of the new vehicle emission certification process and should establish a procedure for rulemaking requesting comment on whether our current component durability process is appropriate or if

we should revise the process to include a limited amount of testing.

Timetable:

Action	Date	FR Cite
Supplemental NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2060–AN01

2980. • SECOND 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 7501 to 7515; 42 USC 7601

CFR Citation: 40 CFR 81

Legal Deadline: None

Abstract: This notice is intended to defer the effective date of nonattainment designations for certain areas of the country that have entered into Early Action Compacts (EACs) with EPA. These EAC areas have agreed to reduce ground-level ozone pollution earlier than the Clean Air Act requires and to attain the National Ambient Air Quality Standards (NAAQS) for ozone by December 31, 2007. This rule would establish the second of three dates by which EPA will defer the effective date of nonattainment designations for compact areas or portions of compact areas, so long as these areas meet agreed-upon milestones. The first action deferred the effective date of nonattainment designation until September 30, 2005. This action would defer the effective date of nonattainment designation for these EAC areas until December 31, 2006, for those communities 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, including attainment of the 8-hour ozone NAAQS.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4839.4; 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–AN04

2981. • NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS; LIST OF HAZARDOUS AIR POLLUTANTS, LESSER QUANTITY DESIGNATIONS, SOURCE CATEGORY LIST; RECONSIDERATION

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This notice for reconsideration will reopen the comment period for the risk provisions and start-up, shutdown, and malfunction provisions. The notice is in response to a petition for reconsideration EPA received from NRDC and EIP. The notice will reference relevant portions of the final rule and preamble.

Timetable:

Action	Date	FR Cite
Reconsideration Notice	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4911.1; Split from RIN 2060-AM78.

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RIN: 2060–AN05

2982. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SURFACE COATING OF AUTOMOBILES AND LIGHT–DUTY TRUCKS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 63 subpart IIII

Legal Deadline: None

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

EPA—Clean Air Act (CAA) Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4958;

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RIN: 2060–AN10

2983. ● PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE–DEPLETING SUBSTANCES IN FOAM BLOWING

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 612

CFR Citation: 40 CFR 82

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4959;

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RIN: 2060–AN11

2984. ● RESPONSE TO PETITION OF RECONSIDERATION FOR FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR GEORGIA FOR PURPOSES OF REDUCING OZONE INTERSTATE TRANSPORT

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title I

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

Legal Deadline: None

Abstract: In this action, EPA would grant the petition for reconsideration of a final rule we issued under section 110 of the Clean Air Act (CAA) related to the interstate transport of nitrogen oxides (NOx). On April 21, 2004, EPA issued a final rule that required the State of Georgia to submit SIP revisions that prohibit specified amounts of NOx emissions—one of the precursors to ozone (smog) pollution—for the purposes of reducing NOx and ozone transport across state boundaries in the eastern half of the United States. Subsequently, the Georgia Coalition for Sound Environmental Policy (GCSEP) filed a petition for reconsideration requesting that EPA reconsider the inclusion of the State of Georgia in the rule and also requested a stay of the applicability of the requirements as to the State of Georgia. In response to that petition, this rule would grant the petition for reconsideration, and in a separate rulemaking, stay the effectiveness of the April 21, 2004, Rule as it relates to the State of Georgia while EPA conducts notice-and-comment rulemaking to further address the issues raised by the petitioners.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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

Additional Information: SAN No. 4960;

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RIN: 2060–AN12

2985. ● FUEL ECONOMY LABELING OF MOTOR VEHICLES: REVISIONS TO IMPROVE CALCULATION OF FUEL ECONOMY ESTIMATES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2001 to 2003, 2005, 2006, 2013

CFR Citation: 40 CFR 600

Legal Deadline: None

Abstract: The Energy Policy and Conservation Act of 1974 requires EPA to establish regulations that require auto manufacturers to display fuel economy estimates on a label for each new vehicle. EPA also has authority to prescribe the test procedures used to calculate these fuel economy estimates. These estimates allow consumers to compare the fuel economy of different vehicles. Current window stickers have two fuel economy estimates, ''City'' and ''Highway.'' While actual driving conditions will cause variations from the EPA estimates, consumers should expect to achieve fuel economy that is reasonably close to those estimates. Since EPA last revised the methods for measuring fuel economy (1985), many conditions have changed—speed limits are higher, congestion has increased, and more vehicles are equipped with power-hungry accessories, like air

conditioning. All of these factors will impact a vehicle's actual fuel economy. Some of these factors—aggressive and high-speed driving and air conditioner use in particular—have been addressed in EPA emission test procedures. In the past few years, there has been a growing awareness by consumers indicating that they are experiencing lower actual fuel economy than the EPA estimates. EPA has examined of many factors that are not currently accounted for in our fuel economy estimates. EPA's initial analyses indicate that the fuel economy label estimates are overestimated, perhaps significantly for some vehicles. This action will provide consumers with more accurate and credible information regarding the comparative fuel economy of vehicles. This action will amend the way in which fuel economy estimates are calculated, primarily by incorporating the fuel economy results from additional vehicle tests performed today for emissions compliance purposes. It will also propose changes to how the fuel economy estimates and other related information are presented to consumers on the vehicle window sticker label. The changes in this action will not impact the Corporate Average Fuel Economy requirements.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4962;

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RIN: 2060–AN14

2986. • REVISIONS TO THE CONTINUOUS EMISSIONS MONITORING RULE FOR THE ACID RAIN PROGRAM AND THE NOX BUDGET TRADING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 75 (Revision)

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4969;

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RIN: 2060–AN16

2987. • PROTECTION OF STRATOSPHERIC OZONE: THE 2006 CRITICAL USE EXEMPTION RULE FROM THE PHASEOUT OF METHYL BROMIDE

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title VI

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: With this action, EPA would amend section 82.8 of 40 CFR part 82, subpart A, entitled ''Grant of essential use allowances and critical use allowances'' for the chemical methyl bromide. Methyl bromide is an ozone-depleting substance. Specifically, the rule lists uses that qualify for the critical use exemption in 2006, and the amount of additional methyl bromide that may be produced or imported for those uses in 2006.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4972;

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

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RIN: 2060–AN18

2988. • CONTROL OF EMISSIONS OF AIR POLLUTION FROM DIESEL ENGINES AND FUELS; AMENDMENTS TO THE NONROAD AND HIGHWAY DIESEL FUEL REGULATIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 80 (Revision)

Legal Deadline: None

Abstract: EPA is taking this action to correct, amend, and revise certain provisions of the Highway Diesel and Nonroad Diesel Fuel regulations. This action will make minor corrections to clarify the regulations governing compliance with the diesel fuel standards. This action will also revise the regulatory text with respect to diesel fuel credits, to allow refiners greater access to early tax credits, which will ensure a smooth transition to low sulfur diesel fuel nationwide and help mitigate the potential for supply shortages. Finally, this action will revise portions of the designate and track provisions to accurately reflect how entities will report their information to EPA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4973;

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RIN: 2060–AN19

2989. • REVISIONS TO AIR EMISSIONS REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4951;

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RIN: 2060–AN20

Environmental Protection Agency (EPA) — Final Rule Stage

Clean Air Act (CAA)

2990. AMENDMENT TO SUBPARTS H AND I FOR EMISSIONS OF RADIONUCLIDES OTHER THAN RADON FROM DOE FACILITIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 61

Legal Deadline: None

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

Quality Planning and Standards (OAQPS). Also, GENII-NESHAPs has undergone Science Advisory Board (SAB) review. In this direct final rule, EPA is updating subparts H and I to include GENII-NESHAPS as an approved compliance model.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4768;

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RIN: 2060–AK81

2991. 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 have been developed that support the intended action. NFR is being finalized.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

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RIN: 2060–AK60

2992. NSPS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS

Priority: Other Significant

Legal Authority: 42 USC 7509 CAA 129

CFR Citation: 40 CFR 60

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

Abstract: Section 129 of the Clean Air Act requires the EPA to promulgate New Source Performance Standards (NSPS) for new sources and Emission Guidelines (EG) for existing sources for solid waste incinerators. On November 30, 2004, EPA proposed rules to reduce emissions from the category of incinerators known as ''other solid waste incinerators'' (OSWI). OSWI consists of two classes of incinerators: (1) institutional waste incinerators and (2) very small municipal waste combustors. Institutional waste incinerators are located at institutions (e.g., public or private school,; college or university; church or civic organization; fire or police department; town, city, county, State or Federal government; etc.) which burns waste generated at that institution. Very small municipal waste combustors are incinerators which burn less than 35 tons per day of municipal solid waste. Municipal solid waste is nonhazardous solid waste or refuse collected from residential, commercial, institutional, and industrial sources. Emission standards were proposed for the following nine air pollutants: particulate matter, sulfur dioxide, hydrogen chloride, nitrogen oxides, carbon monoxide, lead, cadmium, mercury, and dioxins. Opacity limits were also proposed. EPA must promulgate standards by November 30, 2005.

Timetable:

Action	Date	FR Cite
Notice	08/28/00	65 FR 52058
Proposed Standards and Guidance	11/09/00	65 FR 67357
NPRM	12/09/04	69 FR 71472
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN No. 3751;

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RIN: 2060–AG31

2993. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS—ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 51

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/22/93	58 FR 61640
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2915;

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RIN: 2060–AF83

2994. 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	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3900;

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RIN: 2060–AG88

2995. IMPLEMENTATION RULE FOR 8–HOUR OZONE NAAQS—PHASE 1 AND PHASE 2

Priority: Other Significant. Major under 5 USC 801.

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

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

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

Legal Deadline: None

Abstract: This rule would provide specific requirements for State and local air pollution control agencies and tribes to prepare State Implementation Plans (SIPs) and Tribal Implementation Plans (TIPs) under the 8-hour national ambient air quality standard (NAAQS) for ozone, published by EPA on July 18, 1997. The Clean Air Act (CAA) requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards. The 1997 standards were challenged in court, but in February 2001, the Supreme Court determined that EPA has authority to implement a revised ozone standard, but ruled that EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard. The Supreme Court identified conflicts between different parts of the CAA related to implementation of a revised NAAQS, provided some direction to EPA for resolving the conflicts, and left it to EPA to develop a reasonable approach for implementation. Thus, this rulemaking must address the requirements of the CAA and the Supreme Court's ruling. This rule would provide detailed provisions to address the CAA requirements for SIPs and TIPs and would thus affect States and tribes. States with areas that are not attaining the 8-hour ozone NAAQS will have to develop—as part of their SIPs—emission limits and other requirements to attain the NAAQS within the timeframes set forth in the CAA. Tribal lands that are not attaining the 8-hour ozone standard may be affected, and could voluntarily submit a TIP, but would not be required to submit a TIP. In cases where a TIP is not submitted, EPA would have the responsibility for planning in those areas.

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

Timetable:

Action	Date	FR Cite
NPRM	06/02/03	68 FR 32802
Final Action (Phase 1)	04/30/04	69 FR 23951
Final Action (Phase 2)	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: SAN No. 4625;

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RIN: 2060–AJ99

2996. NSPS: SOCMI—WASTEWATER AND AMENDMENT TO APPENDIX C OF PART 63 AND APPENDIX J OF PART 60

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

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

Legal Deadline: None

Abstract: These standards are based on a combination of control techniques that require removal or destruction of volatile organic compounds from wastewater at synthetic organic chemical manufacturing industry plants. Designated chemical process units, i.e., process lines or process units, would be subject to the rule. Constructed, reconstructed, or modified designated chemical process units would be required to apply appropriate controls to affected wastewater tanks, surface impoundments, containers, individual drain systems, and oil and water separators, and to treat process wastewater to remove or destroy the volatile organic compounds. On September 12, 1994, EPA proposed Standards of Performance for New Stationary Sources: Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Wastewater (40 CFR part 60, subpart YYY). On October 11, 1995, the EPA issued a supplemental proposal, which clarified and revised the previously proposed rule. On December 9, 1998, EPA published a supplement to the proposed rule that consisted of revised definitions, alternative test procedures, and clarifications of requirements, and that proposed to add Appendix J to 40 CFR part 60. The final rule 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 effects and welfare (agricultural, ecosystem) effects have been attributed to concentrations of ozone commonly measured in the ambient air throughout the U.S. In conjunction with the rule development for the NSPS, amendments to appendix C to part 63 were proposed on June 30, 2004. See http://www.epa.gov/ttn/atw/nsps/socww/socwwpg.html for more information.

Timetable:

Action	Date	FR Cite
NPRM (NSPS)	09/12/94	59 FR 46780
Supplemental NPRM 1	10/11/95	60 FR 52889
Supplemental NPRM 2	12/09/98	63 FR 67988
NPRM Amdmt	06/30/04	69 FR 39383
Final Action	07/00/05	

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

2997. 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	12/00/05	

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

2998. UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60

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

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4161;

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RIN: 2060–AK61

2999. 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	07/00/05	

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

3000. CLEAN AIR MERCURY RULE—ELECTRIC UTILITY STEAM GENERATING UNIT MACT

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 7412; 42 USC 7411

CFR Citation: 40 CFR 63; 40 CFR 60; 40 CFR 72; 40 CFR 75

Legal Deadline: NPRM, Judicial, December 15, 2003.
Final, Judicial, March 15, 2005.

Abstract: On January 30, 2004, the EPA proposed alternative approaches to regulating mercury emissions from coal-fired electric utility steam generating units and nickel emissions from oil-fired electric utility steam generating units.

Timetable:

Action	Date	FR Cite
NPRM	01/30/04	69 FR 4754
Supplemental NPRM	03/16/04	69 FR 12298
Notice, Reopen Comment Period	05/05/04	69 FR 25052
NODA	12/01/04	69 FR 69864
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN No. 4571, EDocket No.: OAR-2002-0056;

Sectors Affected: 221112 Fossil Fuel Electric Power Generation

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

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RIN: 2060–AJ65

3001. NESHAP FOR PRIMARY ALUMINUM REDUCTION PLANTS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/17/03	68 FR 12645
Final Action	09/00/05	

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

3002. NESHAP: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

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

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4719;

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RIN: 2060–AK54

3003. 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	05/00/05	

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

3004. 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	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4689;

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RIN: 2060–AK41

3005. 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	09/00/05	

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

3006. 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 Rule	07/00/05	

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

3007. 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	06/00/05	

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

3008. CLEAN AIR VISIBILITY RULE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 7410; 42 USC 7414; 42 USC 7421; 42 USC 7470 to 7479; 42 USC 7491; 42 USC 7492; 42 USC 7601; 42 USC 7602

CFR Citation: 40 CFR 51.308(e)(1); 40 CFR 51 app Y (New)

Legal Deadline: NPRM, Judicial, April 15, 2004, Consent Decree.
Final, Judicial, June 15, 2005, Consent Decree.

Abstract: To meet the Clean Air Act's requirements, EPA published the regional haze rule on July 1, 1999 (64 FR 35714). On May 24, 2002, the DC Circuit vacated certain provisions of the regional haze rule related to best available retrofit technology (BART). Because of this court decision, we need to propose and publish revised BART provisions in the regional haze rule. The purpose of this effort is to provide the appropriate changes to the BART requirements and guidelines, and to address additional issues related to reasonable progress goals for the visibility program. On July 20, 2001, we proposed guidelines intended to add further clarifications to the BART requirements in the regional haze rule. Since then, due to additional information that has come to light since that proposal, we have decided that a supplemental proposal is needed. The supplemental proposal was published on May 5, 2004.

Timetable:

Action	Date	FR Cite
NPRM	07/20/01	66 FR 38108
Supplemental NPRM	05/05/04	69 FR 25183
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4450;

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RIN: 2060–AJ31

3009. 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	01/04/05	70 FR 640
Direct Final Action	09/00/05	

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

3010. ADOPTION OF THE AMENDED INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq; 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	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4631;

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

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RIN: 2060–AK01

3011. MODIFICATION OF ANTI–DUMPING BASELINES FOR GASOLINE PRODUCED OR IMPORTED FOR USE IN HAWAII, ALASKA AND THE U.S. TERRITORIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 80 (Revision)

Legal Deadline: None

Abstract: ''Dumping'' refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and ''dump'' them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing ''anti-dumping'' rules on the books that codify this Clean Air Act prohibition. This action proposes to allow refiners and importers of conventional gasoline produced or imported for use in Hawaii, Alaska, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands to petition EPA to modify their baselines to use the most appropriate seasonal baseline and Complex Model for purposes of compliance with the RFG program's anti-dumping requirements. Specifically, this action would allow refiners and importers to petition EPA to use the summer Complex Model for all anti-dumping baseline and compliance determinations for conventional gasoline produced or imported for use in Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands. This action would allow refiners and importers to petition EPA to use the winter Complex Model for all anti-dumping baseline and compliance purposes in Alaska. We are proposing this action to address certain inconsistencies in the RFG program's anti-dumping provisions which may have significant unintended negative impacts on refiners and importers. Today's proposed actions would not compromise the environmental goals of the RFG program, or result in any environmental degradation. Today's proposed actions would not have any negative impact on small businesses or State/local/tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	01/04/05	70 FR 646
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN No. 4632;

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RIN: 2060–AK02

3012. 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	05/00/05	

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

3013. 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	09/00/05	

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

3014. 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 (DFR) 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Sectors Affected: 325998 All Other Miscellaneous Chemical Product Manufacturing

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RIN: 2060–AK62

3015. 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	08/00/05	

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

3016. 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 (SO2), nitrogen oxides (NOx), 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. Further, EPA will conduct updated transport analyses to determine whether emission reductions beyond the already-promulgated NOx 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 32684
Supplemental NPRM	06/10/04	69 FR 32683
Notice of Data Availability	08/06/04	69 FR 47828
Final Action	05/00/05	

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: www.epa.gov/interstateairquality

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RIN: 2060–AL76

3017. 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 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	01/05/05	70 FR 944
Final Action Correction	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4840;

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RIN: 2060–AM04

3018. 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

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

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 Action	05/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4855;

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RIN: 2060–AM10

3019. 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 U.S.C. 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	06/10/04	69 FR 32804
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

3020. AMENDMENTS TO VEHICLE INSPECTION AND MAINTENANCE PROGRAM REQUIREMENTS TO ADDRESS NEW 8–HOUR OZONE STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 51

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4854;

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RIN: 2060–AM21

3021. 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	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4863;

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RIN: 2060–AM23

3022. FIRE SUPPRESSION AND EXPLOSION PROTECTION LISTING UNDER SNAP

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

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

Timetable:

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

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

3023. EXEMPTION OF CERTAIN AREA SOURCES FROM FEDERAL AND STATE OPERATING PERMIT PROGRAMS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Clean Air Act Section 502

CFR Citation: 40 CFR 70; 40 CFR 71

Legal Deadline: None

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	03/25/05	70 FR 15250
Final Action	09/00/05	

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

3024. PREVENTION OF SIGNIFICANT DETERIORATION FOR NITROGEN OXIDES

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 51; 40 CFR 52

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

Abstract: Section 166 of the Clean Air Act authorizes the Environmental Protection Agency to establish regulations to prevent significant deterioration of air quality due to emissions of nitrogen oxides. On October 17, 1988, EPA promulgated regulations which included maximum allowable increases in ambient nitrogen dioxide concentrations (NO2 increments) allowed in an area above the baseline concentration. Following promulgation, the Environmental Defense (formerly the Environmental Defense Fund) filed a petition asking the Court to order EPA to remand the regulations and to impose an immediate deadline of 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.

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4881, EDocket No.: http://www.epa.gov/edocket, OAR-2004-0013;

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RIN: 2060–AM33

3025. 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	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM35

3026. 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM42

3027. PROTECTION OF STRATOSPHERIC OZONE: IMPORT PETITIONING REQUIREMENTS FOR HALON–1301 AIRCRAFT FIRE EXTINGUISHING VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Direct Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4900;

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RIN: 2060–AM46

3028. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2005

Priority: Substantive, Nonsignificant

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 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	12/22/04	69 FR 76655
Supplemental NPRM	02/23/05	70 FR 8753
Final Action	05/00/05	

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

3029. 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 Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4918;

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RIN: 2060–AM54

3030. 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
Final Action	08/00/05	

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

3031. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): ROUTINE MAINTENANCE, REPAIR AND REPLACEMENT (RMRR) EQUIPMENT REPLACEMENT PROVISION (ERP); RECONSIDERATION

Priority: Other Significant

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. (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 state plans 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 FR notice concluded on August 30. EPA received over 350 comments for the ERP Reconsideration — 80% of the comments were from citizens, 15% were from industry, and the remaining 5% were from either state/local agencies, environmental groups, or federal agencies.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4676.2; Split from RIN A2060. Split from RIN 2060-AK28

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RIN: 2060–AM58

3032. NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR): FINAL RULES

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51, app S

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Local, State

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

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RIN: 2060–AM59

3033. 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM72

3034. NESHAP: ORGANIC LIQUID DISTRIBUTION—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Direct Final Action	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4910;

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RIN: 2060–AM77

3035. NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR STATIONARY COMBUSTION TURBINES

Priority: Substantive, Nonsignificant

Legal Authority: CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, February 9, 2005, Must propose revision to NSPS.
Final, Judicial, February 9, 2006, Must promulgate final rule.

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

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 2060–AM79

3036. NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ELECTRIC UTILITY STEAM GENERATING UNITS AND INDUSTRIAL AND COMMERCIAL BOILERS

Priority: Substantive, Nonsignificant

Legal Authority: CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, February 9, 2005, Under consent with

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

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

Timetable:

Action	Date	FR Cite
NPRM	02/28/05	70 FR 9705
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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

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RIN: 2060–AM80

3037. 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	10/13/04	69 FR 60837
Direct Final Rule	10/13/04	69 FR 60813
Direct Final Rule Partial Withdrawal	01/10/05	70 FR 1670
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4919;

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RIN: 2060–AM83

3038. 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 Rule	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4930;

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RIN: 2060–AM88

3039. 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 Rule	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 4937;

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RIN: 2060–AM90

3040. AMENDMENTS TO COMPLIANCE CERTIFICATION REQUIREMENTS FOR STATE AND FEDERAL OPERATING PERMITS PROGRAMS; 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 Rule	05/00/05	

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

3041. • REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUNDS—REMOVAL OF VOC EXEMPTIONS FOR CALIFORNIA'S AEROSOL COATINGS REACTIVITY–BASED REGULATION

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 110

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action would revise EPA's definition of VOCs so that compounds which were previously identified as negligibly reactive and exempt from EPA's regulatory definitions of VOCs will count towards a product's reactivity-based VOC limit for the purpose of California's aerosol coating regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/07/05	70 FR1640
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4943, EDocket No.: OAR-2003-0200;

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RIN: 2060–AM98

3042. • PM 2.5 AND PM10 HOT–SPOT ANALYSES IN TRANSPORTATION CONFORMITY RULE AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 51 and 93

Legal Deadline: None

Abstract: This action would promulgate a supplemental NPRM that was proposed under the SAN No. 4811, which is an amendment to the existing transportation conformity rule. The transportation conformity rule ensures that transportation planning is consistent with a State's plans for achieving the air quality standards. The SAN No. 4811 amendments to the existing transportation conformity rule are necessary as a result of the new 8-hour ozone and PM2.5 air quality standards. The main issues that will be addressed in these amendments are the regional emissions tests that apply before new SIPs are submitted and which particulate matter provisions of the rule apply to PM2.5. The current action, SAN No. 4811.1, will promulgate the aforementioned SAN No. 4811 supplemental NPRM.

Timetable:

Action	Date	FR Cite
Supplemental NPRM	12/13/04	69 FR 72140
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4811.1; Split from RIN 2060-AL73. 2060-AI56 was merged into this action May 2004

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RIN: 2060–AN02

3043. • TRANSPORTATION CONFORMITY AMENDMENTS FOR THE NEW PM2.5 NAAQS STANDARDS AND PM2.5 PRECURSORS

Priority: Other Significant

Legal Authority: 42 USC 7401 to 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 PM2.5 air quality standards. The main issues that will be addressed in these amendments are the regional emissions tests that apply before new SIPs are submitted and which particulate matter provisions of the rule apply to PM2.5. This amendment adds the following transportation related PM 2.5 precursors to the transportation conformity regulations: nitrogen oxide, volatile organic compounds, sulfur oxides, and ammonia. The amendment specifies when each of these precursors must be considered in conformity determinations in PM 2.5 nonattainment and maintenance areas before and after PM 2.5 State air quality implementation plans are submitted.

Timetable:

Action	Date	FR Cite
Final Rule	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4811.2; Split from RIN 2060-AL73. 2060-AI56 was merged into this action May 2004

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RIN: 2060–AN03

3044. • STAY OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR GEORGIA FOR PURPOSES OF REDUCING OZONE INTERSTATE TRANSPORT

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

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

Legal Deadline: Other, Statutory, November 15, 2004, DOJ must file brief in response to litigation on this date. Rule signature would allow them to cite rule as our response.

Abstract: In this action, EPA is proposing to stay the effectiveness of a final rule we issued under Section 110 of the Clean Air Act (CAA) related to the interstate transport of nitrogen oxides (NOx). On April 21, 2004, EPA issued a final rule that required the State of Georgia to submit SIP revisions that prohibit specified amounts of NOx emissions-one of the precursors to ozone (smog) pollution-for the purposes of reducing NOx and ozone transport across state boundaries in the eastern half of the United States. Subsequently, the Georgia Coalition for Sound Environmental Policy (GCSEP) filed a petition for reconsideration requesting that EPA reconsider the inclusion of the state of Georgia in the rule and also requested a stay of the applicability of the requirements as to the state of Georgia. In response to this Petition, EPA is proposing to stay the effectiveness of the April 21, 2004, rule as it relates to the state of Georgia while EPA conducts notice-and-comment rulemaking to further address the issues raised by the Petitioners.

Timetable:

Action	Date	FR Cite
NPRM	03/01/05	70 FR 9897
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4952;

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RIN: 2060–AN06

3045. • FINDING OF FAILURE TO SUBMIT SECTION 110(A) SIP REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 110

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: By this action, EPA will be making a finding that States failed to submit adequate State Implementation Plans (SIPs) to satisfy certain infrastructure and general authority-related elements required under section 110(a)(2) of the Clean Air Act (CAA) for the revised ozone and PM-2.5 National Ambient Air Quality Standards (NAAQS). Section 110(a)(1) of the CAA requires that States submit SIPs that implement, maintain, and enforce a new or revised NAAQS which satisfies the requirements of section 110(a)(2) within three years of promulgation of such standard, or shorter period as EPA may provide. Pursuant to the requirements under section 110(a)(1), States were required to submit SIPs that satisfied the requirements of section 110(a)(2) by July 2000. At present, some States have not submitted SIPs to satisfy this requirement of the Act, and EPA is by this action making a finding of failure to submit which starts a 2-year clock for the promulgation of a Federal Implementation Plan (FIP) if the SIPs are not submitted by States within this time period.

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4954;

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RIN: 2060–AN07

3046. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING— AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The direct final rule amends 40 CFR part 63 subpart FFFF by clarifying and amending requirements for combustion control devices and amending requirements for vapor balancing.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4957;

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RIN: 2060–AN09

3047. • PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL USES OF METHYL BROMIDE FOR THE 2005 SUPPLEMENTAL REQUEST

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title VI

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, tranformation and destruction of substances that deplete the ozone layer. The amendments will incorporate exemptions permitted under the Montreal Protocol and the Clean Air Act. Specifically, the amendments will create a process to exempt production and consumption of quantities of methyl bromide for critical uses beyond the 2005 phaseout. 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 the 2005 supplemental request authorized by the parties to the Montreal Protocol. The allocation framework and other 2005 quantities were established in a separate regulation entitled ''Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide'' (SAN 4535), which was promulgated on 12/23/2004 (69 FR 76982).

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4961;

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RIN: 2060–AN13

3048. • SMALL MUNICIPAL WASTE COMBUSTOR NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 111 and 129

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

Legal Deadline: None

Abstract: This rule would amend the final (Dec. 2000) small municipal waste combustors (MWC) new source performance standards (NSPS), emission guidelines (EG), and Federal 111(d) plan. The small MWC rule regulates owners and operators of small MWC, which are MWC units with capacities between 35 tons per day (tpd) and 250 tpd. The amendments will not change the response (the types of emission controls that will be used) of the facilities to the rule, but will provide clarification and correction. Specifically, the amendments will include: (1) fixing typographical errors created by the Office of the Federal Register; (2) approval of State operator training programs for MWC operators in the State of Minnesota (this was previously done for MWC operators in the States of Maryland and Connecticut); (3) addressing carbon monoxide (CO) emission limits during MWC malfunctions (this same provision was already added to large MWC standards in a previous rulemaking); (4) revising a CO limit for one type of MWC and a NOx limit for another type of MWC; and (5) removing one voluntary consensus standard, ASTM D-6522, which is not an appropriate test method for this industry. These changes need to be made to address compliance issues for this rule prior to the December 6, 2005, compliance date.

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4970;

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RIN: 2060–AN17

Environmental Protection Agency (EPA) — Long-Term Actions

Clean Air Act (CAA)

3049. SOURCE–SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 49 CFR 123

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48725
Notice	01/26/00	65 FR 4244
Reproposal	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2009–AA00

3050. SOURCE–SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; FOUR CORNERS POWER PLANT

Priority: Other Significant

Legal Authority: 42 USC 1740

CFR Citation: 40 CFR 60

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Reproposal	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 3569; NPRM- http://www.epa.gov/fedrgstr/EPA-; AIR/1999/September/Day-08 /a23277.htm.; Formerly listed as RIN 2060-AF42

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RIN: 2009–AA01

3051. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7); AVAILABILITY OF INFORMATION TO THE PUBLIC; TECHNICAL AMENDMENT

Priority: Info./Admin./Other

Legal Authority: CAA 112(r)

CFR Citation: 40 CFR 68.210

Legal Deadline: None

Abstract: Section 112(r)(7) of the Clean Air Act (CAA) and its implementing regulations at 40 CFR part 68 require certain stationary sources to report an Off-site Consequence Analysis (OCA), including a worst-case release scenario, in a Risk Management Plan (RMP) that is to be made available to the public. In response to concerns that posting OCA information on the Internet might increase the risk of terrorist and other criminal activities, on August 5, 1999 the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRRA) was enacted. The Act requires the President to promulgate regulations governing the distribution of the OCA sections of RMPs that, in the opinion of the President, would minimize the likelihood of accidental releases and the risk of terrorist and other criminal activities associated with posting this information. The President delegated his rulemaking authority to the Attorney General and the Administrator of EPA, who jointly promulgated the required regulations at 40 CFR part 1400. The part 1400 regulations restrict the public's access to the OCA sections of RMPs in certain ways. As currently drafted, however, section 68.210(a) of part 68 states that RMPs are available to the public under

CAA section 114, which makes information collected under the CAA, including RMPs in their entirety, available to the public, except for confidential business information. EPA is therefore revising 40 CFR section 68.210(a) to reflect the August 2000 rulemaking. The revision will state that OCA data is made available to the public under the provisions of 40 CFR part 1400. This revision is not meant to regulate any new entities.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4607;

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RIN: 2050–AE95

3052. 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 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

3053. REVIEW NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE

Priority: Other Significant

Legal Authority: 42 USC 7409

CFR Citation: 40 CFR 50

Legal Deadline: Final, Statutory, May 31, 2001, Clean Air Act requires reviews every five years.

Abstract: Review of the national ambient air quality standards (NAAQS) for carbon monoxide (CO) every 5 years is mandated by the Clean Air Act. This review assesses the available scientific data about the health and environmental effects of CO and translates the science into terms that can be used in making recommendations about whether or how the standards should be changed. The last review of the CO NAAQS was completed in 1994 with a final decision that revisions were not appropriate at that time.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4266;

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RIN: 2060–AI43

3054. NAAQS: SULFUR DIOXIDE (RESPONSE TO REMAND)

Priority: Other Significant

Legal Authority: 42 USC 7409 ''CAA 109''

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: None

Abstract: On November 15, 1994, the Environmental Protection Agency (EPA) proposed not to revise the existing 24-hour and annual primary standards. The EPA sought public comment on the need to adopt additional regulatory measures to address the health risk to asthmatic individuals posed by short-term peak sulfur dioxide exposure. On March 7, 1995, EPA proposed implementation strategies for reducing short-term high concentrations of sulfur dioxide emissions in the ambient air. On May 22, 1996, EPA published its final decision not to revise the primary sulfur dioxide NAAQS. The notice stated that EPA would shortly propose a new implementation strategy to assist States in addressing short-term peaks of sulfur dioxide. The new implementation strategy—the Intervention Level Program—was proposed on January 2, 1997. In July 1996, the American Lung Association and the Environmental Defense Fund petitioned the U.S. Court of Appeals for the D.C. Circuit for a judicial review of EPA's decision not to establish a new 5-minute NAAQS. On January 30, 1998, the court found that EPA did not adequately explain its decision and remanded the case so EPA could explain its rationale more fully. EPA published a schedule for responding to the remand in the May 5, 1998 Federal Register. Since that notice, EPA has continued to work on the proposed response to the remand by reviewing additional SO2 air quality information. EPA published an informational notice in the Federal Register on January 9, 2001 (66 R 1665). EPA conducted monitoring to evaluate sources of SO2 peaks and is currently analyzing these data.. The results of this project will inform the response to the remand.

Timetable:

Action	Date	FR Cite
NPRM NAAQS Review	11/15/94	59 FR 58958
NPRM NAAQS Implementation	03/07/95	60 FR 12492
Final NAAQS Review	05/22/96	61 FR 25566
NPRM Review NAAQS Implementation	01/02/97	62 FR 210
Notice Response 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

3055. 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	12/00/07	

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

3056. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON–FEDERAL CLASS I AREAS

Priority: Other Significant

Legal Authority: 42 USC 7670–7479 CAA 160 to 169

CFR Citation: 40 CFR 51.166; 40 CFR 52.21

Legal Deadline: None

Abstract: Under the Clean Air Act's prevention of significant deterioration (PSD) program, a State or tribe may redesignate their lands as class I areas to provide enhanced protection for their air quality resources. This rule will clarify the PSD permit review procedures for new and modified major stationary sources near these non-Federal class I areas. EPA seeks to develop clarifying PSD permit application procedures that are effective, efficient, and equitable.

Timetable:

Action	Date	FR Cite
ANPRM	05/16/97	62 FR 27158
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 3919;

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RIN: 2060–AH01

3057. NESHAP: AEROSPACE MANUFACTURING AND REWORK FACILITIES RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, September 30, 2003.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart GG. The current action, required by section 112(f) of the CAA, is to assess residual risks from the same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4653;

Sectors Affected: 33641 Aerospace Product and Parts Manufacturing

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RIN: 2060–AK08

3058. 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	09/00/07	

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

3059. NESHAP: NATIONAL EMISSION STANDARDS FOR MARINE TANK VESSEL LOADING OPERATIONS—RESIDUAL RISK STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, September 19, 2003, Final Action.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart Y. This source category covers tanks or ships that contain gasoline, crude oil, or HAPs in bulk. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4661;

Sectors Affected: 483 Water Transportation

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RIN: 2060–AK17

3060. 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

3061. 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

3062. NESHAP: PRINTING AND PUBLISHING INDUSTRY—RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, May 30, 2004.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart KK. This source category covers air-toxic emissions from many activities located at printing and publishing facilities — primarily the printing process itself, plus affiliated equipment such as cleaning, ink and solvent mixing, chemical storage, and solvent recovery. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	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

3063. 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

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	02/00/07	
Final Action	05/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4750;

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RIN: 2060–AK72

3065. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY COMBUSTION TURBINES—PETITION TO DELIST

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM — Delisting	04/07/04	69 FR 18327
NPRM–Stay	04/07/04	69 FR 18338
Final Action – Stay	08/18/04	69 FR 51184
Final Action – Delisting	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4751;

Other Statutory deadline: 12 months from the date of the receipt of the last information completing the petition.

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

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RIN: 2060–AK73

3066. NESHAP: GROUP I POLYMERS AND RESINS—RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, September 6, 2004.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart U. This source category covers process units used to manufacture elastomer products from raw materials. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category,

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4656;

Sectors Affected: 325212 Synthetic Rubber Manufacturing

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RIN: 2060–AK12

3067. NESHAP: GROUP IV POLYMERS AND RESINS—RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, September 12, 2004.

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4658;

Sectors Affected: 325211 Plastics Material and Resin Manufacturing

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RIN: 2060–AK15

3068. 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

3069. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7522 CAA 203; 42 USC 7525 CAA 206; 42 USC 7541 CAA 207; 42 USC 7542 CAA 208; 42 USC 7601 CAA 301; 42 USC 7522 CAA 203; 42 USC 7550 CAA 216; 42 USC 7601 CAA 301

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will amend the regulations in 40 CFR part 85, subpart P to allow entry into the United States of vehicles which are originally sold in Canada and which are identical to their U.S. counterparts, without obtaining a certificate of conformity from EPA. This action is in response to a petition for review of import rules. The final rule also will address certain other issues in part 85, subpart P and subpart R, including: (1) formalizing a long-standing EPA policy regarding the importation of owned vehicles that are

proven to be identical to a vehicle certified for sale in the United States (2) establishing new emission standards applicable to imported nonconforming vehicles; (3) clarifying the regulatory language that concerns exclusions and exemptions from meeting Federal emission requirements; and (4) providing several minor clarifications to the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/24/94	59 FR 13912
Supplemental NPRM	02/12/96	61 FR 5840
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2665;

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RIN: 2060–AI03

3070. 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;

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RIN: 2060–AK46

3071. PERFORMANCE WARRANTY AND INSPECTION/MAINTENANCE TEST PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7541; 42 USC 7601

CFR Citation: 40 CFR 51; 40 CFR 85

Legal Deadline: None

Abstract: This action establishes a new short test procedure for use in I/M programs required by the Clean Air Act Amendments of 1990. Vehicles that are tested and failed using this procedure and that meet eligibility requirements established by the act would be eligible for free warranty repair from the manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 3263;

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RIN: 2060–AE20

3072. INSPECTION/MAINTENANCE RECALL REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511(a)(2)(b); 42 USC 7511(a)(2)(b)(2)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action specifies requirements for enhanced I/M programs to establish a program to ensure compliance with recall notices. This is pursuant to the Clean Air Act Amendments of 1990.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3262;

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RIN: 2060–AE22

3073. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671 CAA 176(c)

CFR Citation: 40 CFR 51; 40 CFR 93

Legal Deadline: None

Abstract: The transportation conformity rule, promulgated in November 1993, ensures that transportation and air quality planning are consistent with Clean Air Act air quality standards. The Open Market Trading Guidance provides guidance to states for establishing a method to quantify emissions reductions (called discrete emissions reductions or DERs) that can be traded among parties and how such trading should occur. This action will amend the transportation conformity rule to clarify how emissions trading could be reconciled in the conformity process.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 3917;

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RIN: 2060–AH31

3074. 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	12/00/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4348;

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RIN: 2060–AI97

3075. 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 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

3076. VOLUNTARY SUPERIOR MONITORING

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 60 to 61; 40 CFR 63; 40 CFR 70; 40 CFR 71

Legal Deadline: None

Abstract: The Voluntary Superior Monitoring (VSM) project has been revised from a regulatory to non-regulatory effort. Initially, the VSM project was designed to provide incentives to industry to induce them to conduct better or ''superior'' emissions monitoring than what is required through regulation and permitting. We had planned to revise the Parts 60, 61, and 63 general provisions to allow sources an option to install and operate better emissions monitoring (than what is regulatorily required) in return for incentives. This approach was deemed unworkable, therefore we revised the goals of the VSM project to aim for identifying opportunities for better or superior monitoring in new rulemakings. Thus, the focus of VSM now is to work with 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 than, but just as effective as, 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

3077. 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

3078. 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 Federal Register, allowing the opportunity for public comment. If the Agency denies the petition, a notice of denial will be published in the Federal Register providing an explanation of the denial. The Can Manufactures 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

3079. NESHAP: FERROALLOYS PRODUCTION: FERROMANGANESE AND SILICOMANGANESE RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, May 20, 2007.

Abstract: EPA 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

3080. 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

3081. NESHAP FOR FLEXIBLE POLYURETHANE FOAM PRODUCTION: RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4831;

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RIN: 2060–AL99

3082. 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;

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RIN: 2060–AM00

3083. NESHAP: AREA SOURCE STANDARDS—GLASS MANUFACTURING INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: The Clean Air Act (42 USC 7401 to 7626)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, November 15, 2000.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. This component includes the development of maximum achievable control technology (MACT) standards and generally available control technology (GACT) standards under section 112(d), the area source program developed under section 112(k), residual risk standards under 112(f), and other standards to regulate emissions of air toxics from specific sources. The section 112(k) area source strategy addresses area source contributions of air toxic substances. With the finalization of the Integrated Urban Air Toxics Strategy in July of 1999, the EPA introduced and outlined its ''risk based'' air toxics program, which includes both regulatory and non-regulatory programs and actions. Section 112(k) requires the development of standards for area sources which account for 90% of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists the goals of the EPA's air toxics program, which are as follows: (1) reduce the incidence of cancer attributable to exposure to hazardous air pollutants by 75 percent nationally; (2) reduce national non-cancer risks substantially; and (3) address risks which are disproportionately posed on specific sub-populations and geographic areas. In order to accomplish these goals, the

EPA has integrated it's air toxics program into four components. The first component is source specific regulatory programs. These area source standards can require control levels which are equivalent to either MACT or GACT, as defined in section 112. The processes involved in glass manufacturing include raw material storage, handling and mixing, high temperature (usually furnace) melting, forming, coating, and other processes specific to particular products. The hazardous air pollutants (HAP) emitted from glass manufacturing includes lead, arsenic, mercury, cobalt, nickel, chromium, hydrogen fluoride, hydrochloric acid, glycol ethers, methyl ethyl ketone, xylene, 1,2,4-trimethyl benzene, n-butyl alcohol, toluene, methyl isobutyl ketone, m-xylene, 1,1-dichloro-1-fluoroethane, methanol, selenium, styrene, sec-butyl alcohol, manganese, antimony, barium, chlorine, phenol and formaldehyde. In 1986, EPA promulgated the NESHAP for Inorganic Arsenic Emissions From Glass Manufacturing Plants. Since that time, EPA has re-evaluated both the carcinogenicity assessment (4/10/1998) and the oral RfD assessment (02/01/1993) for arsenic. In reference to the regulations addressing area sources, section 112(c)(3) states, ''such regulations shall be promulgated not later than 10 years after such date of enactment'' (CAA).

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4873;

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RIN: 2060–AM12

3084. NESHAP: AREA SOURCE STANDARDS— ACRYLIC/ MODACRYLIC FIBER (AMF) PRODUCTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC. 7412

CFR Citation: 40 CFR 63

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

Abstract: This regulation is being pursued under the Clean Air Act, section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from ''area'' sources, which are sources consisting of several small pollution sources grouped within one site. As part of that strategy, several area-source categories were listed for possible regulation. Acrylic/modacrylic fiber production sources was listed as one of those categories, and this rulemaking will address measures to control pollution from AMF facilities. One facility has been identified.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4860; There is only one existing facility in the USA that will be subject to this rule. THe facility is currently meeting the standards for major sources under 40 CFR 63 Subpart YY.

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RIN: 2060–AM13

3085. PROTECTION OF STRATOSPHERIC OZONE: RESTRICTION ON THE SALES OF PRE–CHARGED SPLIT SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On January 27, 1995, the Environmental Protection Agency (EPA) temporarily stayed the sales and distribution restriction for class I and class II ozone-depleting substances (ODSs) used as refrigerants, as it applies to refrigerant contained in appliances without fully assembled refrigerant circuits (i.e., split system air conditioners). On May 9, 1995, EPA extended the stay on the sales and distribution prohibition for class I and class II ODSs used as refrigerants, only as it applies to split systems consisting of parts that are pre-charged with a class I or class II ODS. Today's action proposes to rescind the partial stay, and proposes to restrict the sale of split systems consisting of parts that are pre-charged with a class I or class II ODS, to section 608 technicians certified in accordance with the applicable refrigerant regulations.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4851;

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RIN: 2060–AM15

3086. 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

3087. NESHAP: AREA SOURCE STANDARDS — INDUSTRIAL INORGANIC CHEMICALS MANUFACTURING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from the industrial inorganic chemicals manufacturing industry. This source category was listed for regulation under the Urban Air Toxic Strategy to address HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	01/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4874;

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RIN: 2060–AM19

3088. PETITION TO DELIST A HAZARDOUS AIR POLLUTANT FROM SECTION 112 OF THE CLEAN AIR ACT: METHYL ISOBUTYL KETONE (MIBK)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Ketones Panel of the American Chemistry Council (ACC) has petitioned the Agency to remove methyl isobutyl ketone (MIBK) from the Clean Air Act (CAA) hazardous air pollutant (HAP) list. The ACC originally submitted the petition in April of 1997. EPA suspended review of the petition pending the completion of 2-generation reproductive effects study. That study is now complete. On October 17, 2003, the ACC submitted an addendum to the 1997 petition which includes: the results of the 2-generation reproductive effects study, a presentation of the updated EPA IRIS file for MIBK, updated air dispersion modeling and an analysis of potential transformation products. Based on this new submission, the ACC requests that EPA reopen its review of the MIBK petition. Since the last submittal by the petitioner, a 2-year MIBK bioassay by the National Toxicology Program has been competed, but the results report has not been published. The schedule for the delisting petition is tied to report on the results of the bioassay.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4849;

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RIN: 2060–AM20

3089. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR IRON AND STEEL FOUNDRIES

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

Unfunded Mandates: Undetermined

Legal Authority: Clean Air Act 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

3090. NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

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

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for the EPA's stationary source air toxics program. Section 112(k) requires the development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT), as defined in section 112. The Integrated Urban Air Toxics Strategy lists plating and polishing as an area source category.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4886;

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RIN: 2060–AM37

3091. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS

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

Unfunded Mandates: Undetermined

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

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

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112(k) requires development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT). The Integrated Ait Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4884;

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RIN: 2060–AM44

3092. 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

3093. 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: Sixty day extension for comment approved. 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 SIP 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 (parts 70 and 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.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/05	70 FR 7905
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 4699.1; Split from RIN 2060-AK29

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RIN: 2060–AM63

3094. 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 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

3095. NESHAP: GASOLINE DISTRIBUTION STAGE I—AREA SOURCE STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

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

Abstract: The Clean Air Act (CAA) includes two provisions—sections 112(c)(3) and 112(k)(3)(B)(ii)—that instruct us to identify and list source categories that contribute to the emissions of the 30 ''listed'' (or area source) Hazardous Air Pollutants(HAP), and that are, or will be, subject to standards under section 112 of the CAA. EPA listed ''Gasoline Distribution

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

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4907;

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RIN: 2060–AM74

3096. 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 to propose by May 06 and to promulgate by December 07. Information gathering began in early April 04 and will result in the development of regulatory packages to propose and promulgate an NSPS standard.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Undetermined

Additional Information: SAN No. 4915;

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RIN: 2060–AM81

3097. • NESHAP: PLASTIC PARTS AND PRODUCTS (SURFACE COATING)—AREA SOURCE RULE

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 4955;

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RIN: 2060–AN08

3098. • NESHAP: AUTOBODY REFINISHING—AREA SOURCE RULE

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: These standards are being developed under the Clean Air Act, Section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from ''area'' sources, which are sources that emit hazardous air pollutants (HAP) below

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 4978;

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RIN: 2060–AN21

Environmental Protection Agency (EPA) — Completed Actions

Clean Air Act (CAA)

3099. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF 4 COMPOUNDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
Final Action	11/29/04	69 FR 69290

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK37

3100. PHASE I (FIP) TO REDUCE THE REGIONAL TRANSPORT OF OZONE IN THE EASTERN UNITED STATES

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 52; 40 CFR 97

Completed:

Reason	Date	FR Cite
Withdrawn	05/06/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Local

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RIN: 2060–AH87

3101. ELECTRIC ARC FURNACE NSPS AMENDMENT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60.270 to 60.276a

Completed:

Reason	Date	FR Cite
Final Action	02/22/05	70 FR 8523

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AJ68

3102. NATIONAL EMISSION STANDARDS FOR COKE OVEN BATTERIES—RESIDUAL RISK STANDARDS

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	04/15/05	70 FR 19992

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2060–AJ96

3103. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Direct Final Rule	12/23/04	69 FR 76859

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK49

3104. NESHAP FOR PETROLEUM REFINERIES: CATALYTIC CRACKING UNITS, CATALYTIC REFORMING UNITS, AND SULFUR RECOVERY UNITS; AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	02/09/05	70 FR 6974
Direct Final Rule	02/09/05	70 FR 6930

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK51

3105. EXPANDED DEFINITIONS FOR ALTERNATIVE–FUELED VEHICLES AND ENGINES MEETING LOW–EMISSION VEHICLE EXHAUST EMISSION STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 86; 40 CFR 88

Completed:

Reason	Date	FR Cite
Withdrawn	01/06/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AH52

3106. CONTROL OF METHYL TERTIARY BUTYL ETHER (MTBE)

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

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RIN: 2060–AJ00

3107. OPERATING PERMITS: REVISIONS (PART 70)

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Withdrawn	01/28/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

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RIN: 2060–AF70

3108. REVISED PERMIT REVISION PROCEDURES FOR THE FEDERAL OPERATING PERMITS PROGRAM–PART 71

Priority: Other Significant

CFR Citation: 40 CFR 71.7

Completed:

Reason	Date	FR Cite
Withdrawn	01/28/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

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RIN: 2060–AG92

3109. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL USES OF METHYL BROMIDE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
Final Action	12/23/04	69 FR 76982

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AJ63

3110. FEDERAL IMPLEMENTATION PLANS FOR INDIAN RESERVATIONS IN IDAHO, OREGON AND WASHINGTON

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Final Action	04/08/05	70 FR 18074

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Tribal

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RIN: 2012–AA01

3111. REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUND (VOC) TO EXCLUDE TERTIARY BUTYL ACETATE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51.100(s)

Completed:

Reason	Date	FR Cite
Final Action	11/29/04	69 FR 69298

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AI45

3112. MODIFICATION OF AUTHORITY TO GRANT ALTERNATIVE METHOD APPROVALS

Priority: Substantive, Nonsignificant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/04/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AJ83

3113. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): CLEAN UNITS

Priority: Other Significant

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
Withdrawn	01/28/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2060–AK42

3114. TRANSPORTATION CONFORMITY RULE AMENDMENTS FOR NEW 8–HOUR OZONE AND PM2.5 NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority: Other Significant

CFR Citation: 40 CFR 51 and 93

Completed:

Reason	Date	FR Cite
Final Action	07/01/04	69 FR 40004
Final Action Correction	07/20/04	69 FR 43325

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

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RIN: 2060–AL73

3115. SECTION 126 RULE: LIFTING THE 8–HOUR STAY

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 52; 40 CFR 75; 40 CFR 97

Completed:

Reason	Date	FR Cite
Withdrawn	03/01/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AL79

3116. LIST OF HAZARDOUS AIR POLLUTANTS, PETITION PROCESS, LESSER QUANTITY DESIGNATIONS, SOURCE CATEGORY LIST: PETITION TO DELIST ETHYLENE GLYCOL MONOBUTYL ETHER

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	11/29/04	69 FR 69320

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AL87

3117. AMENDMENTS TO LEATHER FINISHING NESHAP

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63 (Revision)

Completed:

Reason	Date	FR Cite
NPRM	02/07/05	70 FR 6388
Direct Final Rule	02/07/05	70 FR 6355

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AL89

3118. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; SUBSTITUTE REFRIGERANTS; LEAK REPAIR REQUIREMENTS FOR REFRIGERATION AND AIR–CONDITIONING EQUIPMENT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82(F)

Completed:

Reason	Date	FR Cite
Final Action	01/11/05	70 FR 1972

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

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RIN: 2060–AM05

3119. PROTECTION OF STRATOSPHERIC OZONE: SUBSTITUTE REFRIGERANT RECYCLING; AMENDMENT TO THE DEFINITION OF REFRIGERANT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82.154(a)

Completed:

Reason	Date	FR Cite
Direct Final Action	04/13/05	70 FR 19273

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM51

3120. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE–DEPLETING SUBSTANCES: N–PROPYL BROMIDE (COATINGS)

Priority: Other Significant

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
Withdrawn	12/28/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM65

3121. NESHAP: SECONDARY ALUMINUM PRODUCTION AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63.1500

Completed:

Reason	Date	FR Cite
Direct Final Rule	09/03/04	69 FR 53980

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM86

3122. • REVISION OF DECEMBER 2000 REGULATORY FINDING ON THE EMISSIONS OF HAZ. AIR POLLUTANTS FROM ELECTRIC UTILITY STEAM GENERATING UNITS & REMOVAL OF COAL & OIL–FIRED ELECTRIC UTILITY STEAM GENERATING UNITS

Priority: Other Significant. Major under 5 USC 801.

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

Legal Authority: 42 USC 7412; 42 USC 7411

CFR Citation: 40 CFR 63; 40 CFR 60; 40 CFR 72; 40 CFR 75

Legal Deadline: NPRM, Judicial, December 15, 2003.
Final, Judicial, March 15, 2005.

Abstract: On January 30, 2004, the EPA proposed alternative approaches to regulating mercury emissions from coal-fired electric utility steam generating units and nickel emissions from oil-fired electric utility steam generating units.

Timetable:

Action	Date	FR Cite
Final Action	03/29/05	70 FR 15994

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4571.1, EDocket No.: OAR-2002-0056; Split from RIN 2060-AJ65.

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

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EPA—Clean Air Act (CAA) — Completed Actions

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RIN: 2060–AM96

Environmental Protection Agency (EPA) — Proposed Rule Stage
Atomic Energy Act (AEA)

3123. ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE DISPOSAL OF LOW–ACTIVITY MIXED RADIOACTIVE WASTE

Priority: Other Significant

Legal Authority: 42 USC 2021 Atomic Energy Act of 1954; Reorganization Plan No. 3 of 1970; Nuclear Waste Policy Act of 1982

CFR Citation: 40 CFR 193

Legal Deadline: None

Abstract: This rulemaking would address the problem of disposal of low-activity mixed radioactive wastes, consisting of a chemically hazardous component and low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rulemaking is intended to increase disposal options for these wastes and offer a streamlined regulatory process which melds hazardous chemical protection and radioactivity protection requirements while protecting public health and safety. The rule would not mandate a disposal method, but rather would permit an alternative to existing disposal methods. The U.S. Nuclear Regulatory Commission is anticipated to be the implementing Agency for the application of this rule. An Advanced Notice of Proposed Rulemaking was issued to solicit early public input on this issue.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/03	68 FR 65120
NPRM	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4054;

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RIN: 2060–AH63

3124. 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 No. 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 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;

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RIN: 2060–AH90

Environmental Protection Agency (EPA) — Completed Actions
Atomic Energy Act (AEA)

3125. APPROACHES TO AN INTEGRATED FRAMEWORK FOR MANAGEMENT AND DISPOSAL OF LOW–ACTIVITY RADIOACTIVE WASTE

Priority: Other Significant

CFR Citation: 40 CFR 193

Completed:

Reason	Date	FR Cite
Withdrawn—May be addressed in future	05/10/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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EPA—Atomic Energy Act (AEA) — Completed Actions

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RIN: 2060–AL78

Environmental Protection Agency (EPA) — Proposed Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3126. 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

URL For More Information: http://www.epa.gov/pesticides/regulating/data.htm

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RIN: 2070–AD51

3127. ACCEPTABILITY OF RESEARCH USING HUMAN SUBJECTS

Priority: Other Significant

Legal Authority: 5 USC 301; 7 USC 136a; 7 USC 136w; 15 USC 2603; 21 USC 346a; 42 USC 300v–1(b); 42 USC 7601; 33 USC 1361; 42 USC 9615; 42 USC 11048; 42 USC 6912; 42 USC 300j–9

CFR Citation: 40 CFR 26 (Revision)

Legal Deadline: None

Abstract: EPA is evaluating its current policy with respect to the protection of human research subjects in testing. Current EPA regulations in 40 CFR part 26 apply to research conducted or supported by the Agency or ''otherwise subject to regulation.'' No action has been taken yet to give effect to the ''otherwise subject to regulation'' phrase. In addition, EPA has received and considered the advice of the National Academy of Sciences (NAS) on several issues surrounding the acceptability and interpretation of third party studies involving deliberate dosing of human subjects for the purpose of defining or quantifying toxic endpoints and public comment on an ANPRM. EPA announced and invited public comment on its plan for strengthening the protections for subjects in human research, especially in studies conducted by third parties. See 70 FR 6661 (February 8, 2005). As it moves ahead to implement this plan, EPA will seek public comment on issues related to Agency use of human research data in its regulatory decision-making. EPA believes the process being initiated will serve two important Agency goals: ensuring the availability of sound and appropriate scientific data in its decisions, and protection of the interests, rights and safety of human research subjects. In addition to proposed rules, EPA may issue one or more other documents, which may include policy statements, guidance, or requests for public comment.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/03	68 FR 24410
Notice	02/08/05	70 FR 6661
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4610, EDocket No.: OPP-2003-0132;

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information: www.epa.gov/oppfead1/guidance/human-test.htm

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RIN: 2070–AD57

3128. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136a(c) to 136a(d); 7 USC 136b(d) to 136b(f); 7 USC 136d(b) to 7 USC 136d(e); 7 USC 136w(a)

CFR Citation: 40 CFR 164 (Revision)

Legal Deadline: None

Abstract: EPA is preparing a comprehensive revision of the Rules of

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Proposed Rule Stage

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	12/00/05	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4618;

Sectors Affected: 112 Animal Production; 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing

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RIN: 2020–AA44

3129. PESTICIDES; PROCEDURES FOR THE REGISTRATION REVIEW PROGRAM

Priority: Substantive, Nonsignificant

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, which are required by FIFRA section 3(g), is to review a pesticide's registration every 15 years. The regulations will address the following procedural aspects of the program: establishing pesticide cases for registration review; establishing schedules; assembling information to be considered during the review; deciding on the scope and depth of the review; calling in data under FIFRA sec. 3(c)(2)(B) that are needed to conduct the review; reviewing data and conducting risk assessments or benefit analyses, as needed; deciding whether a pesticide continues to meet the standard of registration in FIFRA; and public participation in the registration review process. If a pesticide does not meet the FIFRA standard, the Agency will follow cancellation procedures in section 6 of FIFRA. This program will begin after the completion of tolerance reassessment in 2006 and before the completion of reregistration in 2008. Each pesticide will be reviewed every 15 years to assure that the it continues to meet the FIFRA standard for registration, including compliance with any new legislation, regulations or science policy.

Timetable:

Action	Date	FR Cite
ANPRM	04/26/00	65 FR 24586
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4170, EDocket No.: OPP-2004-0404;

Sectors Affected: 32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

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RIN: 2070–AD29

Environmental Protection Agency (EPA) — Final Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3130. ENDOCRINE DISRUPTOR SCREENING PROGRAM (EDSP); CHEMICAL SELECTION APPROACH FOR INITIAL ROUND OF SCREENING

Priority: Other Significant

Legal Authority: 21 USC 346(a) FFDCA

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA published a proposed policy statement in the Federal Register setting forth the Endocrine Disruptor Screening Program (EDSP) on December 28, 1998. In that FR Notice, the Agency described the major elements of the Program EPA had developed to comply with the requirements of FFDCA section 408(p) as amended by FQPA. One of those elements is Priority Setting which was defined as the collection, evaluation, and analysis of relevant information to determine the general order in which chemical substances and mixtures will be subjected to screening and testing. Under this current action, EPA is developing a priority setting approach to be used by the Agency to identify the initial list of chemicals for which EDSP Tier 1 testing will be required. On December 30, 2002, EPA published in the Federal Register for public comment a proposed chemical selection

approach for this initial list of chemicals. The public comment period on this proposed approach was extended to April 1, 2003, in a Federal Register notice dated February 26, 2003. EPA has considered the comments and will issue a Federal Register notice setting forth its final approach.

Timetable:

Action	Date	FR Cite
Notice: Proposed Approach	12/30/02	67 FR 79611
Notice: Final Approach	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4727, EDocket No.: OPPT-2004-0109; Split from RIN 2070-AD26.

URL For More Information: http://www.epa.gov/scipoly/oscpendo/prioritysetting/index.htm

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RIN: 2070–AD59

3131. 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 section 19 gives EPA authority to regulate the management of pesticides and their containers, including storage, transportation and disposal. As proposed, this rule would establish standards for removal of pesticides from containers and for rinsing containers; facilitate the safe use, refill, reuse, and disposal of pesticide containers by establishing standards for container design, labeling and refilling; and establish requirements for containment of stationary bulk containers and for containment of pesticide dispensing areas.

Timetable:

Action	Date	FR Cite
NPRM Original	02/11/94	59 FR 6712
Supplemental NPRM 1	10/21/99	64 FR 56918
Supplemental NPRM 2	12/21/99	64 FR 71368
Notice: Partial Reopening of Comment Period	06/30/04	69 FR 39392
Notice: Extension of Comment Period	08/13/04	69 FR 50114
Final Action	03/00/06	

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

3132. 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 were reconsidered to determine whether the program could address water quality issues rather than ground-water only, and to determine the best partnership approach to implementation. During this period, the risk level associated with the named pesticides was reexamined and reduced. Moreover, since the proposal in 1996, many States have adopted the original concept and framework of Pesticide Management Plans and these programs are operational today. This experience and growth in knowledge has exceeded the requirements and specifications of the original proposal. Accordingly, EPA will withdraw the proposed Pesticide Management Plan rule in the near future.

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
Notice	02/23/00	65 FR 8925
Supplemental NPRM	03/24/00	65 FR 15885
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 3222;

Sectors Affected: 9241 Administration of Environmental Quality Programs

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EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Final Rule Stage

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RIN: 2070–AC46

3133. PESTICIDES; EMERGENCY EXEMPTION PROCESS REVISIONS

Priority: Other Significant

Legal Authority: 7 USC 136p; 7 USC 136w

CFR Citation: 40 CFR 166

Legal Deadline: None

Abstract: EPA regulations under section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) allow a Federal or State agency to apply for an emergency exemption to allow an unregistered use of a pesticide for a limited time when such use is necessary to alleviate an emergency condition. This action will revise the regulations to improve the pesticide emergency exemption process. Two of these potential improvements are currently being tested through a limited pilot, and are based on recommendations from the States which are the primary applicants for emergency exemptions. The proposed revisions would streamline the application and review process, thereby reducing the burden to applicants and EPA, while allowing for quicker emergency response without compromising existing protections for human health and the environment.

Timetable:

Action	Date	FR Cite
Notice: Limited Pilot	04/24/03	68 FR 20145
NPRM	09/03/04	69 FR 53866
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4216, EDocket No.: OPP-2004-0038;

Sectors Affected: 9241 Administration of Environmental Quality Programs

URL For More Information: http://www.epa.gov/opprd001/section18/

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RIN: 2070–AD36

Environmental Protection Agency (EPA) — Long-Term Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3134. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS

Priority: Other Significant

Legal Authority: 7 USC 136 to 136(y)

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: EPA will propose revisions to its data requirements for the registration of conventional pesticide products. In this action, the Agency will propose revisions to the data requirements that pertain to product chemistry, toxicology, residue chemistry, applicator exposure, post-application exposure, nontarget terrestrial and aquatic organisms, nontarget plant protection, and environmental fate. The proposed data requirements will reflect current scientific knowledge and understanding. These proposed revisions would improve the Agency's ability to make regulatory decisions about the human health and environmental effects of pesticide products to better protect wildlife, the environment, and people, including sensitive subpopulations. Coupled with revision of data requirements, EPA will propose to reformat the requirements and revise its general procedures and policies associated with data submission. By codifying existing data requirements which are currently applied on a case-by-case basis, the pesticide industry, along with other partners in the regulated community, would attain a better understanding and could better prepare for the pesticide registration process.

Timetable:

Action	Date	FR Cite
NPRM	03/11/05	70 FR 12277
Notice of Public Meeting	03/11/05	70 FR 19785
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 2687, EDocket No.: OPP-2004-0387;

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information: http://www.epa.gov/pesticides/regulating/data.htm

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RIN: 2070–AC12

3135. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 to 136(y)

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: EPA will update and revise its pesticide data requirements for antimicrobial products. The data requirements specify the data that are required for EPA to evaluate the

registrability of a pesticide product. The revisions will also clarify the data requirements for all antimicrobials to reflect current practice.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

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

URL For More Information: http://www.epa.gov/pesticides/regulating/data.htm

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RIN: 2070–AD30

3136. 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	06/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4728; Split from RIN 2070-AD26. In August 2000, the Agency submitted the required Status Report to Congress. In March 2002, the Agency submitted the requested status report to Congress on the Endocrine Disruptor Methods Validation subcommittee under the National Advisory Council on Environmental Policy and Technology.

URL For More Information: http://www.epa.gov/scipoly/oscpendo/index.htm

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RIN: 2070–AD61

3137. PESTICIDE TOLERANCE REASSESSMENT PROGRAM

Priority: Routine and Frequent

Legal Authority: 21 USC 346(a) to (q)

CFR Citation: 40 CFR 180

Legal Deadline: Other, Statutory, August 3, 2006, See additional information.

Abstract: EPA will reassess pesticide tolerances and exemptions for raw and processed foods established prior to August 3, 1996, to determine whether they meet the reasonable certainty of no harm standard of the Federal Food, Drug and Cosmetic Act (FFDCA). FFDCA section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996, requires that EPA conduct this reassessment on a phased 10-year schedule. Based on its reassessment, EPA will take the appropriate regulatory action(s) to modify or revoke tolerances. Since such actions are issued on a chemical-by-chemical basis and are exempt from inclusion in the Regulatory Agenda, this Regulatory Agenda entry does not list the individual actions that are likely to occur under this program. Instead, this entry is intended to note the statutory mandate for completing the reassessment by August 2006. For status information about the individual chemicals, go to http://www.epa.gov/pesticides.

Timetable:

Action	Date	FR Cite
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4175; LEGAL DEADLINE CONT: EPA is required to complete reassessments on a phased schedule of: 33 percent by August 3; 1999; 66 percent by August 3; 2002; and 100 percent by August 3; 2006. The Agency will continue to assess pesticide tolerances throughout each year.

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information: http://www.epa.gov/pesticides/regulating/tolerances.htm

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RIN: 2070–AD24

3138. 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
Supplemental NPRM 1	07/22/96	61 FR 37891
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 4	07/19/01	66 FR 37855
Reproposal	02/00/06	
Final Action	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4602; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

URL For More Information: http://www.epa.gov/pesticides/biopesticides/pips/index.htm

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RIN: 2070–AD49

3139. 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 2001 Supplemental Proposal (66 FR 37855).

Timetable:

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supplemental NPRM 1	07/22/96	61 FR 37891
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 4	07/19/01	66 FR 37855
Supplemental NPRM 5	08/20/01	66 FR 43552
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4611; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

URL For More Information: http://www.epa.gov/pesticides/biopesticides/pips/index.htm

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Long-Term Actions

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RIN: 2070–AD55

3140. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT

Priority: Other Significant

Legal Authority: 7 USC 136 et seq; 21 USC 346a et seq

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA is considering the addition of plant-incorporated protectants (PIPs) that act by primarily affecting the plant to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to ''prevent, repel or mitigate any pest.'' Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

Timetable:

Action	Date	FR Cite
NPRM Original	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM 2	05/16/97	62 FR 27132
Supplemental NPRM 3	04/23/99	64 FR 19958
Supplemental NPRM 4	07/19/01	66 FR 37855
NPRM (FFDCA)	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4612; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked.

Sectors Affected: 111 Crop Production; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 54171 Research and Development in the Physical Sciences and Engineering Sciences

URL For More Information: http://www.epa.gov/pesticides/biopesticides/pips/index.htm

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RIN: 2070–AD56

3141. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136(a)(h); 7 USC 136(w)

CFR Citation: 40 CFR 152

Legal Deadline: Final, Statutory, September 15, 2000, The final rule is due 240 days after close of comment period.

Abstract: This regulation will specify antimicrobial registration reforms that will reduce to the extent possible the review time for antimicrobial pesticides. The regulation will clarify criteria for completeness of applications, and will specify or refer to a definition of the various classes of antimicrobial pesticide use patterns and the associated data and labeling requirements that would be consistent with the degree and type of risk presented by each class. In addition, the regulation will also include labeling standards for public health antimicrobial products.

Timetable:

Action	Date	FR Cite
NPRM	09/17/99	64 FR 50671
Notice	11/16/99	64 FR 62145
Final Action 1	12/14/01	66 FR 64759
Final Action 2	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3892;

Sectors Affected: 32519 Other Basic Organic Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32561 Soap and Cleaning Compound Manufacturing

URL For More Information: http://www.epa.gov/oppad001/regpolicy.htm

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RIN: 2070–AD14

Environmental Protection Agency (EPA) — Completed Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3142. PESTICIDES; EXEMPTION OF MEDICAL DEVICES TREATED WITH ANTIMICROBIAL PESTICIDES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 152.20

Completed:

Reason	Date	FR Cite
Withdrawn	04/30/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2070–AD54

3143. WPS; PESTICIDE WORKER PROTECTION STANDARD (WPS) RULE (COMPLETION OF A 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. 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.

Timetable:

Action	Date	FR Cite
Final Action 1	08/21/92	57 FR 38102
Begin Review	05/27/03	68 FR 30942
Comment Period End	12/22/03	68 FR 73543
End Review	12/13/04	69 FR 73883

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

URL For More Information: http://www.epa.gov/pesticides/health/worker.htm

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RIN: 2070–AD66

Environmental Protection Agency (EPA) — Prerule Stage

Toxic Substances Control Act (TSCA)

3144. FUTURE TESTING FOR EXISTING CHEMICALS (OVERVIEW ENTRY)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced 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 rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) or recommended for testing consideration (for which the 12-month statutory requirement does not apply), the Agency will consider whether to require testing of the chemical through rulemaking, ECA or VTA, or will publish a notice which provides the reasons for not doing so in the case of a particular chemical. The Agency may also consider test rules, ECAs or VTAs for chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through

EPA—Toxic Substances Control Act (TSCA) — Prerule Stage

EPA review processes. This regulatory agenda entry is considered a ''generic entry'' because it is intended to alert the public that within the next 6 months the Agency may consider other chemicals for test rules, ECAs or VTAs that are not yet identified. A separate activity specific entry will be included in the regulatory agenda once the Agency decides to develop a test rule, ECA or VTA.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/05	

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

3145. NOTIFICATION OF CHEMICAL EXPORTS UNDER TSCA SECTION 12(B)

Priority: Other Significant

Legal Authority: 15 USC 2611

CFR Citation: 40 CFR 707

Legal Deadline: None

Abstract: Section 12(b)(2) of the Toxic Substances Control Act (TSCA) states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which submission of data is required under section 4 or 5(b), or for which a rule, action or order has been proposed or promulgated under section 5, 6, or 7, shall notify the EPA Administrator of such export or intent to export. The Administrator in turn will notify the government of the importing country of EPA's regulatory action with respect to the substance. Legislation is currently pending to address the implementation in the United States of the Rotterdam Convention on Prior Informed Consent (PIC), which itself includes export notification requirements. Stakeholders have expressed concern that the existing 12(b) regulations do not provide a low-level cut-off for this notification. In conjunction with the approval of the related ICR in 2003, EPA committed to reassessing the status of the legislation in 2004, and to, if appropriate, develop a plan of action in 2005 to initiate the rulemaking process for considering potential changes to the TSCA section 12(b) regulation within the scope of existing statutory authority. This could include holding public meetings and/or issuing an ANPRM that invites interested parties to participate in developing amendments to the current TSCA section 12(b) regulations, or the issuance of an NPRM by the end of 2005. EPA has taken stock of the status of the IC implementing legislation and, since United States implementation is still pending, EPA is developing a plan of action for considering potential changes to the TSCA section 12(b) export notification regulation within the scope of existing statutory authority.

Timetable:

Action	Date	FR Cite
Notice	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4858;

URL For More Information: www.epa.gov/opptintr/chemtest/12b.htm

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RIN: 2070–AJ01

Environmental Protection Agency (EPA) — Proposed Rule Stage
Toxic Substances Control Act (TSCA)

3146. 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 proposed regulatory action would eliminate exemptions under the Polymer Exemption Rule for certain polymers containing perfluoralkyl sulfonate (PFAS), perfluoroalkyl carboxylates (PFAC), perfluoroalky-containing telomers, and other polymers containing certain 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 certain perfluoroalkyl groups, would no longer qualify for exemption from TSCA section 5 reporting.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

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

3147. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of eight chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), 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	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 2563;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070–AB79

3148. TESTING AGREEMENT FOR CERTAIN OXYGENATED FUEL ADDITIVES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA's Office of Air and Radiation (OAR), in the administration of section 211 of the Clean Air Act (CAA), has requested that OPPT use its TSCA section 4 testing authority to obtain health effects data on a number of Oxygenated Fuel Additives (OFAs). These data are needed by EPA and others to increase understanding of the toxicity of these substances individually and in comparison to each other as well as to other OFAs such as methyl t-butyl ether (MTBE). EPA will be soliciting interested parties to work on an Enforceable Consent Agreement (ECA) under TSCA section 4, through which responsible parties can agree to provide data to EPA. Although not currently a rulemaking, EPA is including this in the Regulatory Agenda to inform the public of this activity which will have a regulatory impact once an ECA 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

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RIN: 2070–AD28

3149. 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 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

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RIN: 2070–AD48

3150. 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	11/15/04	69 FR 65565
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4878, EDocket No.: OPPT-2003-0058;

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RIN: 2070–AJ04

3151. 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 more than 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. 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	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 2150.1, EDocket No.: OPPT-2004-0107; Split from RIN 2070-AB20.

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

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RIN: 2070–AJ05

3152. PRE–RENOVATION LEAD EDUCATION RULE

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	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4953

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RIN: 2070–AJ14

3153. • TRANSFERING RIGHTS TO MANUFACTURE CHEMICAL SUBSTANCES UNDER TSCA

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

Unfunded Mandates: Undetermined

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: Companies frequently propose to transfer rights to manufacture a chemical substance under the Toxic Substances Control Act (the ''Act'') to a different company or person. These rights to manufacture may be subject to regulation by EPA because of the company's earlier submittal of a premanufacture notice, a significant new use notice or an exemption notice to EPA for the chemical substance. Either prior to or after commencing the manufacture of the chemical substance, the company may want to transfer the right to manufacture the chemical substance to a new company as part of a merger, corporate reorganization or other business transaction. The Act can be interpreted as requiring the transferee of a right to manufacture to submit a new premanufacture notice to the Agency, because the transferee is a new person. However, the Agency has not always required the transferee to submit a new notice and has allowed the transferee to manufacture the chemical substance under the original company's authorization. Because there are no rules or formal guidance concerning the procedure for transferring rights to manufacture, this issue has not been addressed in a clear and consistent manner. Furthermore, it is not clear if a transferee of a right to manufacture is liable under the Act to the same extent as the transferor. Therefore, to clarify these issues, EPA proposes to adopt a rule to accomplish several purposes: (1) to provide a clear procedural mechanism to facilitate the transfer of rights to manufacture to new persons; (2) to require the transferee to specifically assume all of the legal obligations associated with the transferred right to manufacture; and (3) to provide notice to the Agency of a proposed transfer of a right to manufacture, thereby allowing the Agency to engage in more meaningful compliance monitoring.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4975;

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RIN: 2070–AJ15

3154. • SIGNIFICANT NEW USE RULE, PERFLUOROALKYL SULFONATES (PFAS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604; 15 USC 2607; 15 USC 2625

CFR Citation: 40 CFR 721.9582 (Amended)

Legal Deadline: None

Abstract: EPA is proposing to amend a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for certain perfluoroalkyl sulfonates (PFAS) substances which were not addressed by the previous PFAS SNURs (67 FR 11008, March 11, 2002; 67 FR 72854, December 9, 2002), codified at 40 CFR 721.9582. EPA is proposing to amend the PFAS SNUR at 40 CFR 721.9582 by adding a new Table 3 containing all PFAS chemicals currently on the TSCA Inventory but not already subject

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to the PFAS SNUR. This proposed rule would require manufacturers, including importers, to notify EPA at least 90 days before commencing the manufacture or import of these chemical substances for the significant new uses described in this document after January 1, 2007. EPA believes that this action is necessary because the PFAS component of these chemical substances may be hazardous to human health and the environment. The required notice will provide EPA the opportunity to evaluate intended significant new uses and associated activities before they occur and, if necessary, to prohibit or limit those activities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4974;

URL For More Information: http://www.epa.gov/opptintr/newchems/cnosnurs.htm

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RIN: 2070–AJ18

Environmental Protection Agency (EPA) — Final Rule Stage
Toxic Substances Control Act (TSCA)

3155. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS

Priority: Other Significant

Legal Authority: 15 USC 2603

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is proposing test rules under section 4(a) of the Toxic Substances Control Act (TSCA) to require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals which are manufactured (including imported) in the aggregate at more than 1 million pounds on an annual basis) that have not been sponsored under the voluntary HPV Challenge Program. Although varied based on specific data needs for the particular chemical, the data generally collected under these rules may include: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity, mutagenicity, ecotoxicity, and environmental fate. The first rule proposed testing for 37 HPV chemicals with substantial worker exposure. The number of chemicals included in the first final rule may be reduced based on new information on annual production volumes, worker exposure, and commitments to the voluntary HPV Challenge Program. Subsequent test rules will require similar screening level testing for other unsponsored HPV Challenge Program chemicals.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81658
Final Rule	11/00/05	
NPRM – Second Test Rule	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3990;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/opptintr/chemtest/sect4rule.htm

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RIN: 2070–AD16

3156. 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

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Action	Date	FR Cite
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	12/07/04	69 FR 70552
Final 55th 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

3157. 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. The Regulatory Agenda identifies the most recent rules and any anticipated rules.

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: 38th ITC List – Stay/Technical Amendment	01/07/98	63 FR 684
Final: 38th ITC List – Revocation	01/11/00	65 FR 1548
Final: 51st ITC List (Has 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

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RIN: 2070–AB11

3158. 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	01/26/05	70 FR 3658
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: SAN No. 3301.1, EDocket No.: OPPT-2004-0106;

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

URL For More Information: www.epa.gov/oppt/iur

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RIN: 2070–AD63

3159. 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

EPA—Toxic Substances Control Act (TSCA) — Final Rule Stage

Abstract: EPA proposed a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain polybrominated diphenylethers (PBDEs). The SNUR would require companies wanting to import or manufacture these chemicals for the significant new uses described in the SNUR to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The SNUN provides EPA the opportunity to evaluate the intended use, and, if necessary, prohibit or limit that use before it occurs. Great Lakes Chemical Corporation, the only United States manufacturer of pentaBDE and octaBDE, is voluntarily phasing out of these commercial products by the end of 2004. The chemical substances subject to this proposed rule are these commercial products, and other PBDE congeners that comprise these products. This proposed rule would require manufacturers and importers to notify EPA at least 90 days before commencing the manufacture or import of any one or more of these chemicals on or after January 1, 2005, for any use. Environmental monitoring programs detected several PBDEs in human breast milk, fish, aquatic birds, and elsewhere in the environment. The exact mechanisms or pathways by which these PBDEs end up in the environment and humans is not known, but would include releases from manufacturing or processing of the chemicals into products like plastics or textiles, aging and wear of the end consumer products, and direct exposure during use (e.g., from furniture). The limited data that is currently available indicate the potential for adverse effects to humans and environmental organisms, but existing hazard and exposure information is incomplete. These factors, taken together, raise concerns for long term potential adverse effects in people and wildlife over time if these chemicals should continue to be produced, released, and built up in the environment.

Timetable:

Action	Date	FR Cite
NPRM	12/06/04	69 FR 70404
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Federalism: Undetermined

Additional Information: SAN No. 4870, EDocket No.: OPPT-2004-0085;

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RIN: 2070–AJ02

3160. TESTING AGREEMENT FOR PERFLUOROOCTANOIC ACID (PFOA)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: PFOA is a synthetic (man-made) chemical that does not occur naturally in the environment. EPA identified data gaps regarding the sources and exposure pathways of PFOA and is seeking additional data concerning the potential relationship between fluoropolymer and fluorotelomer based polymer chemicals and PFOA. EPA has invited interested parties to monitor or participate in negotiations for developing several industry sponsored testing programs concerning fluoropolymers and fluorotelomer based polymers which may metabolize or degrade to PFOA. These testing programs would be set in place preferably as publicly negotiated enforceable consent agreements (ECAs) under section 4 of the Toxic Substances Control Act (TSCA) among EPA, industry, and interested parties under section 4 of TSCA, but may also be established as negotiated memoranda of understanding (MOUs) where circumstances preclude moving forward under ECAs. The goal of the PFOA ECA process is to better understand the sources and exposure pathways leading to the presence of PFOA in humans and the environment.

Timetable:

Action	Date	FR Cite
Notice	05/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.1, EDocket No.: OPPT-2003-0012;

URL For More Information: http://www.epa.gov/oppt/pfoa/index.htm

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RIN: 2070–AJ06

3161. TESTING AGREEMENT FOR DIETHANOLAMINE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship

initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (''HAPs''), including diethanolamine (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Alkanolamines Panel submitted a proposal on November 25, 1996 for alternative testing involving PK studies. ORD/NCEA performed a technical analysis of the proposal in November of 1997. A public meeting was held on February 24, 1998. The Alkanolamines Panel of ACC has submitted 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	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.4;

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070–AJ09

3162. TESTING AGREEMENT FOR HYDROGEN FLUORIDE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (''HAPs''), including hydrogen fluoride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAs 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	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.5;

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070–AJ10

3163. TESTING AGREEMENT FOR PHTHALIC ANHYDRIDE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the

chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (HAPs), including phthalic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Phthalic Anydride (PA) Panel submitted a proposal for alternative testing involving PK studies for PA on November 22, 1996. EPA responded to this proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final Action – ECA	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.7;

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070–AJ11

3164. SIGNIFICANT NEW USE RULE FOR GLYCOL ETHERS (2–ETHOXYETHANOL, 2–ETHOXYETHANOL ACETATE, 2–METHOXYETHANOL, OR 2–METHOXYETHANOL ACETATE)

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	03/01/05	70 FR 9902
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4942, EDocket No.: OPPT-2004-0111;

URL For More Information: http://www.epa.gov/opptintr/newchems/cnosnurs.htm

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RIN: 2070–AJ12

3165. TESTING AGREEMENT FOR MALEIC ANHYDRIDE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under Section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA Section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and

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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	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.6;

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070–AJ13

Environmental Protection Agency (EPA) — Long-Term Actions
Toxic Substances Control Act (TSCA)

3166. 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	05/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3148;

Sectors Affected: 611519 Other Technical and Trade Schools

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

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RIN: 2070–AC51

3167. LEAD FISHING SINKERS; RESPONSE TO CITIZENS PETITION AND PROPOSED BAN

Priority: Other Significant

Legal Authority: 15 USC 2605 TSCA 6

CFR Citation: 40 CFR 745

Legal Deadline: None

Abstract: On October 20, 1992, the Environmental Defense Fund (EDF), Federation of Fly Fishers, Trumpeter Swan Society, and North American Loon Fund petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA), and the Administrative Procedure Act (APA), to initiate rulemaking proceedings under section 6 of TSCA to require that the sale of lead fishing sinkers be accompanied by an appropriate label or notice warning that such products are toxic to wildlife. EPA granted the petition, however, the Agency believes that a labeling provision would not adequately address the risk of injury to waterfowl and other birds (waterbirds), from ingestion of lead fishing sinkers. In addition, EPA also believes that zinc fishing sinkers adversely affect waterbirds, and can cause mortality. Therefore, EPA has proposed a rule under section 6(a) of TSCA to prohibit the manufacturing, processing, and distribution in commerce in the United States, of certain smaller size fishing sinkers containing lead and zinc, and mixed with other substances, including those made of brass. EPA intends to publish a notice withdrawing the proposal.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096

Action	Date	FR Cite
NPRM	03/09/94	59 FR 11122
Notice	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3252;

URL For More Information: http://www.epa.gov/oppt/lead/

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RIN: 2070–AC21

3168. 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 2682, 2684; PL 102–550 sec 402; PL 102–550 sec 404

CFR Citation: 40 CFR 745

Legal Deadline: Final, Statutory, April 28, 1994.

Abstract: The Residential Lead-Based Paint Hazard Reduction Act of 1992 mandates EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations for training and certification of training programs for LBP activities and child occupied facilities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4376;

Sectors Affected: 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools

URL For More Information: http://www.epa.gov/oppt/lead/

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RIN: 2070–AC64

3169. 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

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	03/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

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

URL For More Information: http://www.epa.gov/oppt/lead/

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RIN: 2070–AC83

3170. 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;

Sectors Affected: 2211 Electric Power Generation, Transmission and Distribution; 31-33 Manufacturing; 5133 Telecommunications

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

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RIN: 2070–AB20

3171. POLYCHLORINATED BIPHENYLS (PCBS); DISPOSAL OF PCBS; IMPLEMENTATION ISSUES

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

Legal Authority: 15 USC 2607 TSCA 6

CFR Citation: 40 CFR 761 (Revision)

Legal Deadline: None

Abstract: This proposed regulation will clarify and expand on implementation issues that have arisen as a result of the publication of the 1998 PCB Disposal Amendments (63 FR 35384). Topics will include but not be limited to, Use Authorizations, Public Participation Process, Appeals Process, Natural Gas Pipelines, Testing and Analysis, Manifesting of PCB Waste, Publication Process for Validated Alternate Decontamination Solvents and PCB Analytical Methods and Storage of Dedicated PCB Equipment. The action to authorize certain non-liquid PCB applications is also included in this action.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, 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

3172. 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	12/00/06	
Final: 84–1056	12/00/06	
Final: 86–566	12/00/06	

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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RIN: 2070–AA59

3173. SIGNIFICANT NEW USE RULE (SNUR); CHEMICAL–SPECIFIC SNURS TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Priority: Routine and Frequent

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that uncontrolled manufacture, import, processing, distribution, use or disposal of a premanufacture notification (PMN) substance may present an unreasonable risk, it may issue a section 5(e) consent order to limit these activities. However, such orders apply only to the PMN submitter. Once the new substance is entered on the Toxic Substances Control Act (TSCA) chemical inventory, others can manufacture, import or process the substance without controls. Therefore, EPA extends the controls to apply to others by designating manufacture, import or processing of the substances for uses without the specified controls as significant new uses. Under the Expedited Follow-Up Rule, which became effective on October 10, 1989 (54 FR 31314), EPA routinely publishes batch SNURs containing routine section 5(e) and non-5(e) SNURs. However, certain activities, such as modifications, withdrawals, revocations, and SNURs upon which comments are received in the direct final publication process, are subject to notice and comment rulemaking and are listed below.

Timetable:

Action	Date	FR Cite
NPRM: Aromatic Amino Ether (P90–1840)	06/06/94	59 FR 29255
NPRM: Alkenyl Ether of Alkanetriol Polymer (93–458)	12/19/94	59 FR 65289
NPRM: Certain Chemical Substances (91–1299/95–1667 91–1298 91–1297)	06/26/97	62 FR 34421
Final: Alkenyl Ether of Alkanetriol Polymer (93–458)	12/00/06	
Final: Aromatic Amino Ether (P90–1840)	12/00/06	
Final: Certain Chemical Substances (91–1299/95–1667 91–1298 91–1297)	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3495;

Sectors Affected: 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing

URL For More Information: http://www.epa.gov/opptintr/newchems/cnosnurs.htm

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RIN: 2070–AB27

3174. 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 eight chemicals have been evaluated in the peer consultation process. Information on VCCEP and the chemical assessments submitted to date are available to the public at www.epa.gov/chemrtk/vccep1. 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	12/00/06	
Peer Consultation Process	To Be	Determined
Pilot Program Activites	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4876;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:

www.epa.gov/chemrtk/vccep

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RIN: 2070–AC27

3175. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)

Priority: Other Significant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is proposing health effects testing under TSCA section 4 in support of programs and activities required under section 112 of the Clean Air Act (CAA), governing Hazardous Air Pollutants (HAPs). Section 112 of the CAA directs EPA to determine the risk to health and the environment remaining after application of technology-based emissions standards to major and area sources. Section 112 also sets forth a mechanism for revising and modifying the statutory list of 189 HAPs under section 112(b), and requirements for an accidental release control program. These data will also be important for the right-to-know program given the large release of these chemicals to the atmosphere. In order to implement these and other programs and requirements under section 112, EPA must identify the health and environment effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33178
Supplemental NPRM	12/24/97	62 FR 67466
Supplemental NPRM 2	04/21/98	63 FR 19694
NPRM – Reproposal	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3487;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070–AC76

3176. TEST RULE; CERTAIN METALS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is coordinating an evaluation of the data needs for assessing potential adverse affects 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 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

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RIN: 2070–AD10

3177. TEST RULE; MULTIPLE SUBSTANCE RULE FOR THE TESTING OF DEVELOPMENTAL AND REPRODUCTIVE TOXICITY

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4; 15 USC 2625 TSCA 26

CFR Citation: 40 CFR 790 to 799; 40 CFR 704

Legal Deadline: None

Abstract: 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 re-proposal 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4395;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070–AD44

3178. FOLLOW–UP RULES ON EXISTING CHEMICALS

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 TSCA 5; 15 USC 2607 TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 707; 40 CFR 710; 40 CFR 721

Legal Deadline: None

Abstract: EPA monitors the commercial development of existing chemicals of concern and/or 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 Metals	01/15/02	67 FR 1937
NPRM–Benzidine–amend	12/00/05	
NPRM–o–Tolodine	12/00/05	
Final–Chloranil	12/00/06	
Final–Heavy Metals	06/00/07	
NPRM Supplemental – 2–4	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: SAN No. 1923;

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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RIN: 2070–AA58

3179. SIGNIFICANT NEW USE RULE (SNUR); REFRACTORY CERAMIC FIBERS (RCFS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604 TSCA 5; 15 USC 2605 TSCA 6

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 6 to require reporting by the manufacturers, importers and/or processors of these chemicals.

Timetable:

Action	Date	FR Cite
NPRM	03/21/94	59 FR 13294
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3528;

Sectors Affected: 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing

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RIN: 2070–AC37

3180. 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, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: SAN No. 4176; See also items identified under the following RINs 2070-AD09; 2070-AD38; RIN 2070-AD16; RIN 2070-AC27.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information: www.epa.gov/chemrtk/volchall.htm

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RIN: 2070–AD25

3181. TSCA POLICY STATEMENT ON OVERSIGHT OF TRANSGENIC ORGANISMS (INCLUDING PLANTS)

Priority: Other Significant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: As a follow-up to the final Biotechnology Rule under the Toxic Substances Control Act (TSCA) EPA intends to address TSCA oversight of transgenic plants and other organisms. Recent information indicates that transgenic plants and other organisms are being developed for uses which appear to be subject to TSCA jurisdiction. For example, plants are being genetically modified to produce industrial grade, rather than food grade, oils. Many of these plants are subject to oversight by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture while being tested in the environment. Following APHIS approval of a petition for non-regulated status filed pursuant to APHIS' regulations implementing the Federal Plant Pest Act at 7 CFR Part 340, however, these plants cease to be subject to regulation by USDA. Additionally, transgenic animals that are not under the jurisdiction of FDA appear to be subject to TSCA. Such animals may be genetically improved livestock for commercial purposes. The policy statement would address whether EPA should exercise jurisdiction under TSCA over such transgenic organisms prior to their commercial use.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: SAN No. 4598;

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RIN: 2070–AD53

3182. LEAD; AMENDMENTS TO REQUIREMENTS FOR DISCLOSURE OF KNOWN LEAD–BASED PAINT OR LEAD–BASED PAINT HAZARDS IN TARGET HOUSING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4852d

CFR Citation: 40 CFR 745.100; 40 CFR 745.101; 40 CFR 745.102; 40 CFR 745.103; 40 CFR 745.107; 40 CFR 745.110; 40 CFR 745.113; 40 CFR 745.115; 40 CFR 745.118; 40 CFR 745.119

Legal Deadline: None

Abstract: Amendments will clarify to which target housing transactions the rule applies; add or clarify definitions of important terms; clarify the disclosure responsibilities of agents;

clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and will amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. Small businesses and State/local/tribal governments that sell or lease target housing will be affected in that they will need to become familiar with new/revised requirements that apply to these transactions. Overall burden is not expected to increase significantly.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 4777;

Sectors Affected: 92511 Administration of Housing Programs; 53111 Lessors of Residential Buildings and Dwellings; 53121 Offices of Real Estate Agents and Brokers; 522292 Real Estate Credit; 531311 Residential Property Managers

URL For More Information: http://www.epa.gov/oppt/lead/

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RIN: 2070–AD64

3183. TESTING AGREEMENT FOR ARYL PHOSPHATES (ITC LIST 2)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: On January, 17, 1972 (57 FR 2138), EPA published a proposed TSCA Section 4 test rule covering a number of aryl phosphate base stocks. On March 30, 1993, EPA announced initiation of negotiations with the Aryl Phosphates Panel of the Chemical Manufacturers Association (now the American Chemistry Council or ACC) to develop a TSCA Section 4 Enforceable Consent Agreement (ECA) for aryl phosphate base stocks as an alternative approach to testing under the proposed rule (58 FR 16669). On October 9, 1998, EPA sent letters to the Chief Executive Officers of companies, including those who were participating in the development of this ECA, to announce EPA's High Production Volume (HPV) Chemical Challenge Program. Consistent with the international OECD Screening Information Data Set (SIDS) Program, EPA's HPV Challenge Program encourages US chemical producers and importers to voluntarily provide existing screening level data, or, if none exist, to develop such data on US HPV chemicals. Because some overlap of testing requirements in the HPV Challenge and this ECA initiative were identified, the industry committed to develop the screening level data for the HPV Challenge Program before continuing with further development of the ECA. In this way, results from the HPV Challenge program would feed back into consideration of needs for the ECA testing and, where possible, could avert some or all of the overlap testing requirements. After completion of the industry's commitments under the HPV Challenge Program, EPA will evaluate the need for any additional testing of the subject AP base stocks under an ECA.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/83	48 FR 57452
NPRM	01/17/92	57 FR 2138
Final Action – ECA	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.2;

URL For More Information: www.epa.gov/oppt/chemtest

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RIN: 2070–AJ07

3184. TEST RULE; BROMINATED FLAME RETARDANTS (BFRS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: On June 25, 1991 (56 FR 29140), EPA issued a proposed TSCA Section 4 Test Rule for health and environmental effects and chemical fate testing of 5 brominated flame retardants. Since issuing that proposed rule, all of the subject chemical substances have been ''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	06/25/91	56 FR 29140
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.3;

URL For More Information:

EPA—Toxic Substances Control Act (TSCA) — Long-Term Actions

www.epa.gov/oppt/chemtest

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RIN: 2070–AJ08

Environmental Protection Agency (EPA) — Completed Actions
Toxic Substances Control Act (TSCA)

3185. LEAD; MANAGEMENT AND DISPOSAL OF LEAD–BASED PAINT DEBRIS

Priority: Other Significant

CFR Citation: 40 CFR 745

Completed:

Reason	Date	FR Cite
Final Action (OSW)	06/18/03	68 FR 36487

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2070–AC72

3186. LEAD; REQUIREMENTS FOR LEAD–BASED PAINT ACTIVITIES IN TARGET HOUSING AND CHILD–OCCUPIED FACILITIES (COMPLETION OF A 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 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 EPA has concluded that the rule needs no revisions at this time to minimize impacts on small entities. See EPA Docket ID number OPPT-2003-0015 at www.epa.gov/edocket.

Timetable:

Action	Date	FR Cite
Final Action 1	08/29/96	61 FR 45778
Review Begin	05/27/03	68 FR 30942
Comment Period End	12/22/03	68 FR 73543
End Review	12/13/04	69 FR 73889

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4788, EDocket No.: OPPT-2003-0015;

URL For More Information: http://www.epa.gov/lead/index.html

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RIN: 2070–AD65

3187. LEAD–BASED PAINT ACTIVITIES; VOLUNTARY PROGRAM FOR RENOVATION AND REMODELING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 745

EPA—Toxic Substances Control Act (TSCA) — Completed Actions

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2070–AJ03

3188. • TSCA SECTION 8(E) REPORTING GUIDANCE; CORRECTION, CLARIFICATION OF APPLICABILITY, AND ANNOUNCEMENT REGARDING THE ISSUANCE QUESTIONS AND ANSWERS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2607(e) TSCA 8(e)

CFR Citation: None

Legal Deadline: None

Abstract: EPA corrected certain language that was inadvertently changed from the March 16, 1978, TSCA section 8(e) Statement of Interpretation and Enforcement Policy; Notification of Substantial Risk (1978 TSCA section 8(e) Policy Statement) (43 FR 11110), when the Agency issued its TSCA Section 8(e); Notification of Substantial Risk; Policy Clarification and Reporting Guidance on June 3, 2003 (68 FR 33129). The 2003 document clarified certain aspects of TSCA section 8(e) reporting guidance and included a republication of the Agency's 1978 policy statement. This action merely reinserts, verbatim, certain language from the March 16, 1978 policy statement into the June 3, 2003, guidance document. This notice also clarifies the applicability date of the June 3, 2003 guidance document, and announced the addition of questions and answers on the reportability of environmental releases to the Q&A section of the TSCA section 8(e) web page.

Timetable:

Action	Date	FR Cite
Notice	01/12/05	70 FR 2162

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3118.1, EDocket No.: OPPT-2002-0067; See also RIN 2070-AC80.

URL For More Information: http://www.epa.gov/opptintr/chemtest/sect8e.htm

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RIN: 2070–AJ16

Environmental Protection Agency (EPA) — Proposed Rule Stage
Emergency Planning and Community Right—to—Know Act (EPCRA)

3189. EMERGENCY PLANNING AND COMMUNITY RIGHT–TO–KNOW ACT: MODIFICATION TO THE THRESHOLD PLANNING QUANTITY METHODOLOGY FOR THE EXTREMELY HAZARDOUS SUBSTANCES THAT ARE SOLIDS IN SOLUTION

Priority: Other Significant

Legal Authority: 42 USC 11001

CFR Citation: 40 CFR 355

Legal Deadline: None

Abstract: EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on the assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule that would revise the TPQ for solids in solution and seek comment on an alternative approach. EPA is pursuing this proposal in part based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). If the TPQ for solids in solution is raised, it would result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under Section 302-304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA intends to evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: SAN No. 4753;

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RIN: 2050–AF08

3190. ADDITION OF TOXICITY EQUIVALENCY (TEQ) REPORTING AND QUANTITY DATA FOR INDIVIDUAL MEMBERS OF THE DIOXIN AND DIOXIN–LIKE COMPOUNDS CATEGORY UNDER EPCRA, SECTION 313

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 11001 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: Under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (i.e., the Toxics Release Inventory (TRI)), dioxin and dioxin-like compounds are reported in units of grams for the category. This project will add toxic equivalency (TEQ) reporting for the category and quantity data for individual members of the category to the grams only reporting currently required for the category under EPCRA section 313. TEQs are a weighted quantity measure based on the toxicity of each dioxin congener relative to the most toxic dioxin congeners, 2,3,7,8-tetrachlorodibenzo-p-dioxin and 1,2,3,7,8-pentachlorodibenzo-p-dioxin. The addition of TEQ reporting will allow better understanding of the releases and waste management quantities currently reported to the TRI for dioxin and dioxin-like compounds. TEQ reporting will also make it easier to compare TRI data on dioxin and dioxin-like compounds with other EPA activities which present data on dioxin and dioxin-like compounds in terms of TEQs. Several industry groups have written OMB supporting the addition of TEQ reporting to TRI.

Timetable:

Action	Date	FR Cite
NPRM	03/07/05	70 FR 10919
NPRM Comment Period End	05/06/05	
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).

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

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RIN: 2025–AA12

3191. TOXICS RELEASE INVENTORY REPORTING BURDEN REDUCTION RULE

Priority: Other Significant

Legal Authority: 42 USC 11023 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The primary goal of this effort by EPA is to reduce burdens associated with Toxics Release Inventory (TRI) reporting while at the same time continuing to provide valuable information to the public consistent with the goals and statutory requirements of the TRI program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
Final Action	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4896;

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

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RIN: 2025–AA14

3192. ● TRI; RESPONSE TO PETITION TO DELETE CHROMIUM, ANTIMONY, TITANATE FROM THE METAL COMPOUND CATEGORIES LISTED ON THE TOXICS RELEASE INVENTORY

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

Legal Authority: 42 USC 11013 EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action will respond to a petition received by EPA to delete chromium, antimony, titanate from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register, if EPA denies the petition a notice of petition denial will be published. Chromium, antimony, titantate is reportable under the chromium and antimony compound categories, the deletion of this chemical would eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

Action	Date	FR Cite
Response	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.4; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

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RIN: 2025–AA16

3193. • TRI; RESPONSE TO PETITION TO ADD DIISONONYL PHTHALATE TO THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS

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

Legal Authority: 42 USC 11013 EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action will respond to a petition received by EPA to add diisononyl phthalate to the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register, if EPA denies the petition a notice of petition denial will be published. The addition of this chemical would make it subject to all the reporting requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

Action	Date	FR Cite
NPRM	09/05/00	65 FR 53681
Notice of Data Availability To Solicit Public Comment on Revised Hazard Assessment	05/00/05	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.1; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

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RIN: 2025–AA17

3194. • TRI; RESPONSE TO PETITION TO DELETE ACETONITRILE FROM THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS

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

Legal Authority: 42 USC 11013 EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action will respond to a petition received by EPA to delete acetonitrile from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register, if EPA denies the petition a notice of petition denial will be published. The deletion of this chemical would eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

Action	Date	FR Cite
Response – Acetonitrile (Request To Delete)	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.3; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA) Proposed Rule Stage

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–AA19

Environmental Protection Agency (EPA) Final Rule Stage
Emergency Planning and Community Right—to—Know Act (EPCRA)

3195. CHANGE OF 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

3196. TRI REPORTING FORMS MODIFICATION RULE

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	01/10/05	70 FR 1675
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4938;

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RIN: 2025–AA15

Environmental Protection Agency (EPA) — Long-Term Actions

Emergency Planning and Community Right—to—Know Act (EPCRA)

3197. 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: State, Local

Additional Information: SAN No. 3215;

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RIN: 2050–AE17

3198. 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: www.epa.gov/tri

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RIN: 2025–AA11

Environmental Protection Agency (EPA) — Completed Actions

Emergency Planning and Community Right—to—Know Act (EPCRA)

3199. RESPONSE TO A PETITION REQUESTING DELETION OF PHOSMET FROM THE EXTREMELY HAZARDOUS SUBSTANCES (EHS) LIST

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 355

Completed:

Reason	Date	FR Cite
Final Action	11/26/04	69 FR 68809

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2050–AE42

3200. TRI; REVIEW OF CHEMICALS ON THE ORIGINAL TRI LIST

Priority: Other Significant

CFR Citation: 40 CFR 372

Completed:

Reason	Date	FR Cite
Withdrawn	03/30/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2025–AA03

3201. TRI; RESPONSE TO PETITION TO DELETE DBNPA FROM THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 372

Completed:

Reason	Date	FR Cite
Withdrawn	03/30/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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RIN: 2025–AA00

3202. TRI; REVISIONS TO THE OTHERWISE USE ACTIVITY EXEMPTIONS AND THE COAL EXTRACTION ACTIVITIES EXEMPTION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 372

Completed:

Reason	Date	FR Cite
Withdrawn	03/30/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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RIN: 2025–AA06

3203. TRI; POLLUTION PREVENTION ACT INFORMATION REQUIREMENTS

Priority: Other Significant

CFR Citation: 40 CFR 372

Completed:

Reason	Date	FR Cite
Withdrawn	03/30/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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RIN: 2025–AA09

3204. • TRI; RESPONSE TO PETITION TO MODIFY REPORTING FOR CHROMINUM, NICKEL, AND COPPER ALLOYS FOR TOXICS RELEASE INVENTORY METAL COMPOUND CATEGORIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 11013 EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action will respond to a petition received by EPA to modify the reporting of alloys that contain chromium, nickel, and copper which are toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register, if EPA denies the petition a notice of petition denial will be published. The modification of the reporting for these alloys would change the reporting requirements under the Toxic Chemical Release Reporting Rule. In response to this petition EPA prepared and published for comment a report on the corrosion of these types of alloys.

Timetable:

Action	Date	FR Cite
Report	08/22/01	66 FR 44107
Withdrawn	03/30/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.2; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes:

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA) — Completed Actions

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–AA18

Environmental Protection Agency (EPA) — Prerule Stage
Resource Conservation and Recovery Act (RCRA)

3205. • HAZARDOUS WASTE GENERATOR PROGRAM EVALUATION

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

Legal Authority: 42 USC 6912; 42 USC 6921 to 6930; 42 USC 6974

CFR Citation: 40 CFR 261; 40 CFR 262

Legal Deadline: None

Abstract: EPA is in the process of evaluating comments associated with the effectiveness and efficiency of RCRA's hazardous waste generator regulatory program. These comments were submitted in response to an advance notice of proposed rulemaking (ANPRM) seeking comment on a series of questions associated with the current program, as well as on a series of questions associated with the current program, as well as identifying areas for improvement. Once these comments have been evaluated, EPA will develop a program strategy, subject to resource availability, that strives to improve both the efficiency and effectiveness of the RCRA hazardous waste generator regulatory program. As part of this strategy, future milestones will be identified.

Timetable:

Action	Date	FR Cite
ANPRM	04/22/04	69 FR 21801
ANPRM Comment Period End	07/21/05	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4824

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RIN: 2050–AG25

3206. 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	10/00/05	

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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RIN: 2050–AF12

Environmental Protection Agency (EPA) — Proposed Rule Stage

Resource Conservation and Recovery Act (RCRA)

3207. INCREASE METALS RECLAMATION FROM F006 WASTE STREAMS

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: Many metal finishers and other industrial sectors generate an electroplating sludge as part of their production process that is amenable to recycling; i.e., the sludge contains economically recoverable amounts of metals such as copper, nickel, zinc, etc. These sludges (F006) are listed hazardous wastes subject to RCRA regulations. Many generators continue to send these sludges for treatment and disposal when they could be recycled. Similarly, generators currently sending their sludges for recycling receive no economic benefit for this practice. Since the mid-1990's, EPA has been working with industry and the States to create incentives for safe recycling and has promulgated rules to foster this practice. EPA is currently evaluating several options that would provide regulatory relief to generators and handlers of F006. All options would reduce regulatory costs to generators and handlers relative to the current RCRA Subtitle C regulatory program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4651;

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RIN: 2050–AE97

3208. REVISIONS FOR TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

Priority: Other Significant

Legal Authority: 42 USC 6901 et seq

CFR Citation: 40 CFR 262 subpart H (Revision); 40 CFR 262.58; 40 CFR 264.12(a)(2); 40 CFR 265.12(a)(2)

Legal Deadline: None

Abstract: The Agency is considering changing the existing regulation 40 CFR 262 subpart H, which regulates transboundary movement of hazardous waste within all countries that are members of the Organization for Economic Cooperation and Development (OECD). This is in response to the fact that there is now approximately $30-40 billion in annual trade among developed countries in waste recyclables, with the United States having a positive trade balance. Because each of the developed countries (the OECD countries) had a different system for controlling the exports and imports of waste, including recyclables, the international recycling market was not as efficient as it could be. A more streamlined, uniform system for exports and imports will also increase recycling and lessen disposal. The United States was actively involved in the negotiation of a legally-binding OECD multilateral agreement to create a more streamlined system. OECD member countries are then obligated to transfer the terms of the multilateral agreement to their domestic regulations in order for the multilateral agreement to have legal authority. This regulation would be amended to comply with changes passed by the OECD Council. Existing waste lists may be restructured to comply with the new OECD waste lists. As such, previously existing waste lists may be renamed according to adopted OECD terminology. Shipments of small waste amounts destined for laboratory analysis may be exempted from filing certain paperwork requirements that are otherwise required. A certificate of recovery may be required upon final recovery of wastes and timeframes for recovery operations may be changed to reflect the decisions made by the OECD Council. This needs to have a Federal solution because international exports and imports are overseen at the Federal level due to the foreign powers authority clause. Many alternatives were considered by government and industry during the intensive negotiations on the legally binding multilateral agreement, with the U.S. having a great deal of influence over which alternatives were in the final agreement. The Agency plans to codify the streamlining provisions of the OECD multilateral agreement, regulating exporters and importers of waste recyclables. Exporters and importers of waste recyclables will need to implement the international uniform procedures of the OECD multilateral agreement, however these costs will be less than would be needed to deal with different national export and import systems. In addition, some common existing export and import procedures were streamlined so that the new procedures are even more efficient than was common in the past. The benefits are greater administrative efficiency for U.S. exporters and importers in the international recycling market, and a lower level of waste disposal in the United States since there is more efficient access to other recycling markets.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

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

EPA—Resource Conservation and Recovery Act (RCRA) — Proposed Rule Stage

3209. HAZARDOUS WASTE MANAGEMENT SYSTEM: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE (F019 LISTING AMENDMENT IN WASTEWATER TREATMENT SLUDGES FROM ZINC PHOSPHATING PROCESSES IN AUTOMOTIVE ASSEMBLY PLANTS)

Priority: Other Significant

Legal Authority: 42 USC 3001

CFR Citation: 40 CFR 261.31; 40 CFR 302.4

Legal Deadline: None

Abstract: Automobile manufacturers are adding aluminum or aluminized components to automobiles to reduce the weight of vehicles to increase fuel economy. When aluminum components are added to the automobile assembly process, the current federal regulations require that the wastewater treatment sludges generated from this conversion coating process be managed as a hazardous waste under the Resource Conservation and Recovery Act. EPA intends to reduce burden on the regulated community by revising the current RCRA regulations that apply to the wastewater treatment sludges from the chemical conversion coating (zinc phosphating) of aluminum.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4834;

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RIN: 2050–AG15

3210. RULEMAKING TO STREAMLINE LABORATORY WASTE MANAGEMENT IN ACADEMIC AND RESEARCH LABORATORIES

Priority: Other Significant

Legal Authority: 42 USC 6922

CFR Citation: 40 CFR 262

Legal Deadline: None

Abstract: The College and University Laboratory rulemaking is focusing on the ways to make the Resource Conservation and Recovery Act a better fit for the laboratory setting and to improve reuse, recycling, and the overall management of chemicals in the laboratory settings. EPA recognizes the unique aspects of academic laboratories compared with large manufacturing processes. For example, academic laboratories generate small amounts of many different wastes while large manufacturing processes tend to generate large amounts of a few wastes. Our goal is to improve the program to better protect human health and the environment, through standards that are harmonious with the way academic laboratories operate. Our aim is to improve compliance, not by relaxing the standards, but by improving the fit through regulatory changes to 40 CFR 262.34.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

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

Environmental Protection Agency (EPA) — Final Rule Stage
Resource Conservation and Recovery Act (RCRA)

3211. STANDARDIZED PERMIT FOR RCRA HAZARDOUS WASTE MANAGEMENT FACILITIES

Priority: Other Significant

Legal Authority: 42 USC 6905; 42 USC 6912; 42 USC 6924; 42 USC 6925; 42 USC 6927; 42 USC 6974

CFR Citation: 40 CFR 124; 40 CFR 267; 40 CFR 270

Legal Deadline: None

Abstract: EPA has proposed creating a new type of general permit, called a standardized permit, for facilities that generate waste and routinely manage the waste on-site in tanks, containers, and containment buildings. Under the standardized permit, facility owners and operators would certify compliance with generic design and operating conditions set on a national basis. The permitting agency would review the certifications submitted by the facility owners and operators. The permitting agency would also be able to impose additional site-specific terms and conditions for corrective action or other purposes, as called for by RCRA. Ensuring compliance with the standardized permit's terms and conditions would occur during inspection of the facility after the permit has been issued. The standardized permit should streamline the permit process by allowing facilities to obtain and modify permits more easily while maintaining the protectiveness currently existing in the individual RCRA permit process. EPA estimates that the potential average annual cost savings to eligible facilities from implementation of this rule will range from approximately $100 to $5,800 (i.e., 2 to 140 burden hours) per permit action, depending on such things as the type of permit and the type of storage equipment. The

proposal raised issues for public comment on how all facilities receiving RCRA permits can satisfy RCRA corrective action requirements under appropriate alternative state cleanup programs and on financial assurance issues. The Agency is developing a final rule addressing this topic.

Timetable:

Action	Date	FR Cite
NPRM	10/12/01	66 FR 52192
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4028;

Sectors Affected: 3251 Basic Chemical Manufacturing; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 32551 Paint and Coating Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing

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RIN: 2050–AE44

3212. 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	11/00/05	

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;

Sectors Affected: 92119 All Other General Government; 92111 Executive Offices

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

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RIN: 2050–AE23

3213. 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, on October 30, 2002, EPA 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, EPA 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 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 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. The Agency received a number of comments which are still under review and consideration. This additional review of the document will help us improve the guidance and ensure that it is most useful in its final form. Therefore, we are not at this time issuing a final version of the sampling guidance. Once we complete our review and evaluation of the comments, we will revise the document as appropriate and announce its availability in the Federal Register. We believe that when released the technical 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	10/30/02	67 FR 66252
Final Action	05/00/05	

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

3214. HAZARDOUS WASTE MANIFEST REGULATION

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: The Uniform Hazardous Waste Manifest (Form 8700-22) is a multi-copy form used to identify the quantity, composition, origin, routing, and destination of hazardous waste during its transportation. Waste handlers (e.g., generators and transporters) are required to use the manifest, and States may not require a different manifest in its place. However, the manifest has State blocks which allow States, at their option, to require the entry of additional specific information to serve their State's regulatory needs. More than 20 states print the manifest form in accordance with the format specified in federal regulations. However, the variability among State manifest programs associated with state optional blocks, different copy distribution schemes, and the manifest hierarchical acquisition scheme drew complaints from the regulated community. Variability among States' manifest programs and the manifest system's reliance on paper resulted in significant paperwork and cost burden to waste handlers and States who choose to collect manifest information. The Agency has standardized further the manifest form elements and specified one format for the manifests that may be used in all states. In addition, the Agency announced standard requirements for tracking rejected wastes, container residues, and international shipments of hazardous wastes. Finally, the Agency intends to pursue an optional approach that would use information technologies to conduct the manifest process electronically, thereby reducing paperwork burden, and improving the speed and accuracy of preparing, transmitting, and recordkeeping the manifest form. However, the Agency bifurcated the manifest rule so that the form revisions may be expedited, while additional analysis on the e-manifest continues.

Timetable:

Action	Date	FR Cite
NPRM	05/22/01	66 FR 28240
Final Rule	03/04/05	70 FR 10776
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 3147, EDocket No.: RCRA-2001-0032; Because of significant issues identified during the public comment period on the electronic manifest part of the rule, this part of the rule has been separated from the form revisions part of the rule for purposes of publishing a final action. The form revisions part of the rule will be finalized first.

Sectors Affected: 325 Chemical Manufacturing; 2211 Electric Power Generation, Transmission and Distribution; 332 Fabricated Metal Product Manufacturing; 2122 Metal Ore Mining; 2111 Oil and Gas Extraction; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 323 Printing and Related Support Activities; 3221 Pulp, Paper, and Paperboard Mills; 482 Rail Transportation; 484 Truck Transportation; 5621 Waste Collection; 5622 Waste Treatment and Disposal; 483 Water Transportation

URL For More Information: http://www.epa.gov/epaoswer/hazwaste/gener/manifest/index.htm

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RIN: 2050–AE21

3215. RCRA BURDEN REDUCTION INITIATIVE

Priority: Other Significant

Legal Authority: 42 USC 6907; 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 6944; 42 USC 6949(a); 42 USC 6974; PL 104–13

CFR Citation: 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56;

40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 261.4; 40 CFR 268.7; 40 CFR 268.9

Legal Deadline: None

Abstract: EPA plans to reduce the burden imposed by the RCRA reporting and recordkeeping requirements to help meet the Federal Governmentwide goal established by the Paperwork Reduction Act (PRA). In June 1999, EPA published a Notice of Data Availability (NODA) in the Federal Register (64 FR 32859) to seek comment on a number of burden reduction ideas to eliminate duplicative and nonessential paperwork. After reviewing the comments received on the NODA, EPA proposed (67 FR 2518, 1/17/02) to implement many of these ideas. EPA issued a notice (68 FR 61662; 10/29/03) seeking further input on a number of changes we proposed. EPA plans to finalize this burden reduction effort.

Timetable:

Action	Date	FR Cite
NODA 1	06/18/99	64 FR 32859
NPRM	01/17/02	67 FR 2518
NODA 2	10/29/03	68 FR 61662
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4084; Applicable SIC codes: Chemicals and Allied Products (28), Primary Metal Industries (33), Fabricated Metals (34), Industrial Machinery and Equipment (35), Electrical Equipment (36), Transportation Equipment (37), Other Manufacturing, Transportation and Utilities (40-49), Wholesale Trade (50-51), Services (70-89) and Other SIC Groups

Sectors Affected: 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 323 Printing and Related Support Activities; 562 Waste Management and Remediation Services

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RIN: 2050–AE50

3216. RECYCLING OF CATHODE RAY TUBES (CRTS): CHANGES TO HAZARDOUS WASTE REGULATIONS

Priority: Other Significant

Legal Authority: 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This action will ultimately revise the existing Federal hazardous waste regulations to encourage recycling and better management of Cathode Ray Tubes (CRTs) by providing a conditional exclusion from the definition of solid waste for CRTs being recycled. A CRT is the display component of a television or computer monitor. A CRT is made largely of specialized glasses, some of which contain lead to protect the user from X-rays inside the CRT. Due to the lead, when they are disposed of or reclaimed, some CRTs are hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/12/02	67 FR 40508
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4092, EDocket No.: RCRA-2004-0010 (CRTs) RCRA-2004-0012 (Mercury devices);

Sectors Affected: 334411 Electron Tube Manufacturing

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RIN: 2050–AE52

3217. 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 did not 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 providing the option 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	10/00/05	

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

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RIN: 2050–AE84

3218. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS (PHASE I FINAL REPLACEMENT STANDARDS AND PHASE II)

Priority: Other Significant

Legal Authority: 42 USC 6924 RCRA 3004; 42 USC 6925 RCRA 3005; 42 USC 7412 CAA 112; 42 USC 7414 CAA 114

CFR Citation: 40 CFR 63; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

Legal Deadline: NPRM, Judicial, March 31, 2004, Consent decree for Phase 2 portion of rule.
Final, Judicial, June 14, 2005, Consent decree.

Abstract: On September 30, 1999, EPA promulgated standards to control emissions of hazardous air pollutants from incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste (referred to as the Phase I Rule). A number of parties, representing interests of both industry and the environmental community, sought judicial review of the rule. The Court ruled against EPA and vacated the Phase I rule. On October 19, 2001, EPA, together with all petitioners, filed a joint motion asking the Court to stay the issuance of its mandate to allow them time to develop interim standards. These stop-gap interim standards were promulgated on February 13 and 14, 2002. They replace the vacated standards temporarily, until revised replacement standards are promulgated by June 14, 2005. EPA will ultimately finalize the Phase I replacement standards. Also, EPA is developing emission standards for hazardous waste burning industrial, institutional, commercial boilers, process heaters, and hydrochloric acid production furnaces. These sources are referred to as Phase II Sources because the standards were originally scheduled to be promulgated after Phase I source standards were finalized; however, a separate consent decree now requires us to finish developing emission standards for the Phase II sources by the same date as those for Phase I (June 14, 2005). EPA has developed options for calculating the emission standards that are considered to be consistent with both the statutory requirements and the opinion of the Court. EPA has proposed emission standards and compliance provisions for both the Phase I and Phase II sources.

Timetable:

Action	Date	FR Cite
NPRM–CK	04/19/96	61 FR 17358
Final–Fasttrack	06/19/98	63 FR 33782
Final–CK	09/30/99	64 FR 52828
NODA	07/27/00	65 FR 39581
DF 1	07/03/01	66 FR 35087
NPRM–Phase1	07/03/01	66 FR 35126
Parallel Proposal	07/03/01	66 FR 35124
Direct Final Action	10/15/01	66 FR 52361
Final Compliance Exten.	12/06/01	66 FR 63313
Interim Final Action	02/13/02	67 FR 6792
Final HAP	02/14/02	67 FR 6968
NPRM–Phases 1&2	04/20/04	69 FR 21197
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 3333, EDocket No.: OAR-2004-0022; For information on the Phase I portion of this effort, see SAN 4418, RIN 2050-AE79.

Sectors Affected: 3335 -; 3343 Audio and Video Equipment Manufacturing; 3251 Basic Chemical Manufacturing; 3273 Cement and Concrete Product Manufacturing; 3271 Clay Product and Refractory Manufacturing; 3328 Coating, Engraving, Heat Treating and Allied Activities; 3342 Communications Equipment Manufacturing; 3341 Computer and Peripheral Equipment Manufacturing; 2211 Electric Power Generation, Transmission and Distribution; 45431 Fuel Dealers; 3332 Industrial Machinery Manufacturing; 3274 Lime, Gypsum and Gypsum Product Manufacturing; 3327 Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing; 3362 Motor Vehicle Body and Trailer Manufacturing; 3361 Motor Vehicle Manufacturing; 3363 Motor Vehicle Parts Manufacturing; 2123 Non-Metallic Mineral Mining and Quarrying; 3259 Other Chemical Product Manufacturing; 3329 Other Fabricated Metal Product Manufacturing; 3339 Other General Purpose Machinery Manufacturing; 3279 Other Nonmetallic Mineral Product Manufacturing; 3255 Paint, Coating, Adhesive, and Sealant Manufacturing; 3253 Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing; 3241 Petroleum and Coal Products Manufacturing; 4227 Petroleum and Petroleum Products Wholesalers; 3254 Pharmaceutical and Medicine Manufacturing; 3231 Printing and Related Support Activities; 5629 Remediation and Other Waste Management Services; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing; 3344 Semiconductor and Other Electronic Component Manufacturing; 22132 Sewage Treatment Facilities; 5622 Waste Treatment and Disposal

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

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RIN: 2050–AE01

EPA—Resource Conservation and Recovery Act (RCRA) Final Rule Stage

3219. HAZARDOUS WASTE MANAGEMENT SYSTEM; MODIFICATION OF THE HAZARDOUS WASTE PROGRAM: MERCURY–CONTAINING EQUIPMENT

Priority: Other Significant

Legal Authority: 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925

CFR Citation: 40 CFR 261; 40 CFR 273

Legal Deadline: None

Abstract: Mercury-containing equipment (MCE) consists of devices, items, or articles that contain varying amounts of elemental mercury that is integral to their functions, including several types of instruments that are used throughout the electric utility industry and other industries, municipalities, and households. Some commonly recognized devises are thermostats, barometers, manometers, and mercury switches, such as light switches in automobiles. This definition does not include mercury waste that is generated as a by-product through the process of manufacturing or treatment. This action will add mercury-containing equipment to the federal list of universal wastes regulated under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Handlers of universal wastes are subject to less stringent standards for storing, transporting, and collecting these wastes. EPA believes that regulating spent mercury-containing equipment as a universal waste will lead to better management of this equipment and will facilitate compliance with hazardous waste requirements.

Timetable:

Action	Date	FR Cite
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4092.1, EDocket No.: RCRA-2004-0010 (CRTs) RCRA-2004-0012 (Mercury devices); Split from RIN 2050-AE52.

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RIN: 2050–AG21

3220. 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4439;

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RIN: 2090–AA14

3221. 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	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4565;

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EPA—Resource Conservation and Recovery Act (RCRA) — Final Rule Stage

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RIN: 2090–AA29

Environmental Protection Agency (EPA) — Long-Term Actions
Resource Conservation and Recovery Act (RCRA)

3222. MANAGEMENT OF CEMENT KILN DUST (CKD)

Priority: Other Significant

Legal Authority: 42 USC 6912(a) RCRA 2002(a); 42 USC 6921(a) RCRA 3001(a)

CFR Citation: 40 CFR 256; 40 CFR 259; 40 CFR 261; 40 CFR 264

Legal Deadline: None

Abstract: In December 1993, EPA submitted a Report to Congress with its findings on the nature and management practices associated with cement kiln dust (CKD). In 1995, EPA determined that some additional control of CKD was needed and published a regulatory determination (60 FR 7366, 2/7/95). On August 20, 1999, EPA issued a proposed rule (64 FR 45632) outlining the Agency's preferred regulatory approach (i.e., an exemption from hazardous waste listing for properly managed CKD) and several optional approaches including requirements solely under RCRA Subtitle D. On July 25, 2002, the Agency published a notice (67 FR 48648) to announce the availability for public inspection and comment of recently acquired data on CKD. The Agency is now considering an approach whereby it would finalize the proposed option of issuing the protective CKD management standards as described in the August 20, 1999 proposal as a RCRA Subtitle D rule. The Agency would temporarily suspend its active consideration of the proposed listing of mismanaged CKD as a hazardous waste, and assess how CKD management practices and state regulatory programs evolve over the next three to five years. Based on this assessment, EPA will then proceed to either formally withdraw or promulgate the portion of the 1999 proposal that classifies as a RCRA hazardous waste CKD that has been egregiously mismanaged. EPA will be promoting pollution prevention, recycling, and safer disposal of CKD by considering finalization of protective management standards for this waste. The Agency believes that these management standards are a creative, affordable, and common sense approach that can protect human health and the environment without imposing unnecessary regulatory burdens on the cement industry. These standards provide a new, tailored framework that 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

3223. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6907(a)(3); 42 USC 6944(a)

CFR Citation: 40 CFR 257

Legal Deadline: None

Abstract: This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by steam electric power generators, i.e., electric utilities and independent power producers. This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), which concluded that waste management regulations under RCRA are appropriate for certain coal combustion wastes. The utility industry has made significant improvement in its waste management practices over recent years, and most state regulatory programs are similarly improving. However, public comment and other analyses have convinced the Agency that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. There is sufficient evidence that adequate controls may not be in place. For example, 62 percent of existing utility impoundments do not have groundwater monitoring; thus, their impact on ground and surface waters cannot be evaluated in light of numerous damage cases identified by the Agency that involve management of these wastes. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency is currently analyzing the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulation. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR

32214, May 22, 2000). EPA has also considered issuing guidance instead of regulations to industry and state and local governments to focus on these remaining waste management issues but concluded that there will probably continue to be some gaps in practices and controls and is concerned at the possibility that these will go undressed. The Agency also believes the timeframe for improvement of current practices is likely to be longer in the absence of federal regulation.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

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

3224. 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 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, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4469; This rule may also impact federal, state, local or tribal governments that own/operate coal-burning facilities (excluding facilities that primarily generate electric power for sale) or coal mines that accept coal combustion wastes.

Sectors Affected: 325 Chemical Manufacturing; 2121 Coal Mining; 22112 Electric Power Transmission, Control and Distribution; 311 Food Manufacturing; 337 Furniture and Related Product Manufacturing; 62 Health Care and Social Assistance; 322 Paper Manufacturing; 331 Primary Metal Manufacturing; 313 Textile Mills; 336 Transportation Equipment Manufacturing

URL For More Information: http://www.epa.gov/epaoswer/other/fossil/index.htm

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RIN: 2050–AE83

3225. REVISIONS TO SOLID WASTE LANDFILL CRITERIA—LEACHATE RECIRCULATION ON ALTERNATIVE LINERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a

CFR Citation: 40 CFR 258

Legal Deadline: None

Abstract: EPA plans to propose a rule amending the Federal criteria for municipal solid waste landfills (MSWLF) to allow leachate recirculation over alternative liner systems which meet the performance standard specified by the MSWLF criteria. The performance determination would be made by the state director of an approved MSWLF program. EPA also plans to propose a new section to the MSWLF criteria that will allow the alternative of clean closure of landfills rather than require the installation of a landfill cap. This would allow the solid waste in the MSWLF to be totally removed from the site and be properly disposed of at another site. Finally, EPA plans to propose an additional factor for determining the frequency of ground water monitoring for the detection monitoring program specified in this subpart. The additional factor for consideration concerns liner performance where there is some direct system for determining liner performance. However, the minimum monitoring frequency would still be no less than once a year as stated in the existing regulation. The Federal role is to establish minimum protective criteria. This proposal would allow additional flexibility for facility managers of municipal landfills to achieve compliance with the criteria. By providing additional flexibility this proposal will reduce potential costs while providing alternative means of environmental protection.

Timetable:

Action	Date	FR Cite
NODA	04/06/00	65 FR 18014
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal

Additional Information: SAN No. 4230;

Sectors Affected: 562 Waste Management and Remediation Services

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RIN: 2050–AE67

3226. 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

3227. 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

3228. E–CYCLING PILOT PROJECT FOR REGION 3 STATES (ECOS); STREAMLINING RCRA REGULATIONS TO ENCOURAGE REUSE, RECYCLING, AND RECOVERY OF ELECTRONIC EQUIPMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

CFR Citation: 40 CFR 261.4(a)(24); 40 CFR 261.40

Legal Deadline: None

Abstract: This project is the result of an Environmental Council of States (ECOS) partnership agreement that EPA Region 3 entered into with the six state environmental agencies. As part of the partnership agreement, the Region agreed to prepare a regional rule and to expedite its promulgation by using the direct final rulemaking process. By using this innovative approach to have a regional e-Cycling Pilot Project, EPA Region 3 and the Mid-Atlantic States (DE, DC, MD, PA, VA, WV) will be able to provide additional information about EPA's national proposed cathode ray tube (CRTs) exclusion from the definition of solid waste (e.g., CRTs are the video display components of televisions and computer monitors). The Regional e-Cycling Pilot Project could serve as a model for electronic recycling nationwide and the states believe that the recycling program will function effectively as a result of this regulatory flexibility.

Timetable:

Action	Date	FR Cite
NPRM	12/26/02	67 FR 78761
Direct Final 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

3229. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO PETROLEUM CONTAMINATED MEDIA AND DEBRIS FROM UNDERGROUND STORAGE TANKS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6921 RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: In the final hazardous waste Toxicity Characteristic (TC) rule published in June 1990, EPA decided to temporarily defer application of the TC rule to petroleum-contaminated media and debris, such as soils and groundwater, that result from underground storage tank (UST) corrective actions. This rule is part of the Agency's commitment to make a final determination regarding the UST temporary deferral. The temporary deferral was, in part, based on the Agency's concern that without such a deferral, UST cleanup procedures would be adversely affected, resulting in delays in remedial action and increases in remediation costs. Since this action is deregulatory, there are no adverse effects on small businesses, or on State, local, or tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	02/12/93	58 FR 8504
Final Action	12/00/10	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 3189;

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RIN: 2050–AD69

3230. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT–CONTAMINATED INDUSTRIAL WIPES

Priority: Other Significant

Legal Authority: 42 USC 6921

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: EPA proposed to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. Industrial wipes are used with solvents across industry in various ways; EPA estimates that there are approximately 471,000 users of industrial wipes in 13 economic sub-sectors, but many users use small numbers of wipes with small amounts of solvents on them. If finalized, this regulation would provide regulatory relief for two types of solvent-contaminated industrial wipes: (1) disposable wipes, which are disposed of in a landfill or by combustion after use, and (2) reusable wipes, which are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposable industrial wipes from the definition of hazardous waste and to conditionally exclude reusable industrial wipes from the definition of solid waste. The regulation, if finalized, is estimated to result in $34 million of savings throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/20/03	68 FR 65586
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4091, EDocket No.: RCRA-2003-0004;

Sectors Affected: 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and

Related Product Manufacturing; 333 Machinery Manufacturing; 441 Motor Vehicle and Parts Dealers; 812 Personal and Laundry Services; 323 Printing and Related Support Activities; 811 Repair and Maintenance; 336 Transportation Equipment Manufacturing

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RIN: 2050–AE51

3231. REVISIONS TO THE DEFINITION OF SOLID WASTE

Priority: Other Significant

Legal Authority: 42 USC 6903, RCRA sec 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	11/00/06	

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

3232. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Priority: Other Significant

Legal Authority: 42 USC 6912(a); 42 USC 6924; 42 USC 6925; 42 USC 6926

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761

Legal Deadline: None

Abstract: EPA's regulations require companies to provide financial assurance for environmental obligations, and allow companies that meet certain requirements to self insure their environmental obligations for closure, post-closure care and third party liability. EPA proposed a revised financial test because the revised test would be better at predicting which firms will enter bankruptcy and not be able to cover their financial assurance obligations at hazardous waste treatment, storage and disposal facilities. If such a firm were to enter bankruptcy, the government could incur the clean up liability. EPA's regulations set the minimum national standards for State hazardous waste programs, and so a change in Federal requirements would be necessary to ensure consistent improvements in the test. Without rulemaking, States would have the option of not adopting these changes, and so the improvement in the test would not be implemented in states that cannot have regulations that are more stringent than Federal standards. The proposal considered several alternative financial tests, and the analysis supporting the original proposal found that the savings from the proposed alternative would be $19 million in public and private costs. If EPA promulgates a revised financial test, it may affect companies that treat, store or dispose of hazardous waste. EPA has suspended work on this rulemaking because it has asked the Environmental Financial Advisory Board (a federal advisory commitee) to evaluate the financial test proposed in 1991 as one means of complying with the requirements for financial assurance for closure and post-closure under RCRA subtitle C. Specifically, EPA has asked the Board, ''Should EPA adopt the financial test proposed in 1991 for hazardous waste, or have advancements in financial analysis provided better potential tests in the meantime?'' The Agency will evaluate the report of the Board before deciding how to proceed with the 1991 proposed rulemaking.

Timetable:

Action	Date	FR Cite
NPRM Original	07/01/91	56 FR 30201
NPRM	10/12/94	59 FR 51523
Final	To Be	Determined

Regulatory Flexibility Analysis Required: No

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

3233. REVISIONS OF THE LEAD–ACID BATTERY EXPORT NOTIFICATION AND CONSENT REQUIREMENTS

Priority: Other Significant

Legal Authority: 42 USC 6901 et seq

CFR Citation: 40 CFR subpart G 266.80 (a)

Legal Deadline: None

Abstract: Currently, generators, transporters and facilities that reclaim but do not store spent lead-acid batteries are exempt from hazardous waste management requirements, as specified in 40 CFR part 266 subpart G. Spent lead-acid batteries destined for export/reclamation are not, therefore, subject to RCRA manifesting or export notification and consent requirements specified in 40 CFR part 262. Allowing the export of spent lead-acid batteries without prior notice and consent of the receiving country is not consistent with widely accepted international practices. Similarly, the exemption contrasts with more recent Universal Waste requirements in 40 CFR part 262, which require export notice and consent for comparable waste streams. The purpose of this regulation is to modify the spent lead-acid battery exemption to require appropriate notice and consent for those batteries intended for export.

Timetable:

Action	Date	FR Cite
NPRM	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

3234. HAZARDOUS WASTE MANIFEST REVISIONS—STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6926; PL 105–277

CFR Citation: 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline: None

Abstract: This action is aimed at continuing the development of regulatory standards and procedures that will govern the initiation, signing, transmittal, and retention of hazardous waste manifests using electronic documents and systems. EPA proposed electronic manifest standards in May 2001, as part of a more general manifest revision action that also addressed standardizing the paper manifest form's data elements and procedures for its use across all states. The Manifest Form Revisions was decoupled from action on the electronic manifest, and the Final Form Revisions Rule was published on March 4, 2005. The May 2001 proposed rule included: (1) electronic file formats for the manifest data elements; (2) electronic signature options; and (3) computer security controls aimed at ensuring data integrity and reliable systems. Subsequently in May 2004, a stakeholder meeting collected additonal 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

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 3147.1; Split from RIN 2050-AE21.

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RIN: 2050–AG20

3235. • EXPANDING THE COMPARABLE FUELS EXCLUSION UNDER RCRA

Priority: Other Significant

Legal Authority: RCRA 4004

CFR Citation: 40 CFR 261.38

Legal Deadline: None

Abstract: EPA currently excludes specific industrial wastes, also known as comparable fuels, from the Resource Conservation and Recovery Act (RCRA) when they are used for energy production and do not contain hazardous constituent levels that exceed those found in a typical

benchmark fuel that facilities would otherwise use. Using such wastes as fuel saves energy by reducing the amount of hazardous waste that would otherwise be treated and disposed, promotes energy production from a domestic, renewable source, and reduces use of fossil fuels. With an interest in supplementing the Nation's energy supplies, EPA, as part of the Resource Conservation Challenge, is examining the effectiveness of the current comparable fuel program and considering whether other industrial wastes could be safely used as fuel as well.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4977;

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RIN: 2050–AG24

3236. RCRA INCENTIVES FOR PERFORMANCE TRACK MEMBERS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 279

Legal Deadline: None

Abstract: The Performance Track program provides recognition and incentives for facilities that demonstrate to the Agency that they are top environmental performers. Performance Track is a voluntary, facility based program that reviews applicants twice a year for conformance to four core criteria. These criteria are: a commitment to continuous improvement, a well-functioning Environmental Management system in place for at least one year, a solid record of compliance, and a commitment to community outreach and annual public reporting. Currently there are about 300 members in Performance Track. In this action, EPA plans to propose a streamlined process for permit modifications, performance based standards for tanks, new capabilities for standardized permits, and reduced duplication between RCRA and CAA standards. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. Performance Track facilities commit to environmental improvements that reach beyond regulatory compliance, and as such benefits are quantifiable via each member facilities' annual report, and in aggregate through EPA's progress reports on the program. In EPA's first Performance Track progress report, member facilities collectively reduced: Energy use by 3.1 million MMBTUs; Water use by 775 million gallons; Hazardous materials use by 17,996 tons; Solid waste by 176,126 tons; Hazardous waste by 6,558 tons; Emissions of greenhouse gases by 40,193 tons; Emissions of nitrogen oxides (NOx) by 2,152 tons; Emissions of sulfur dioxide (SO2) by 13,621 tons; and toxic discharges to water by 6,834 tons. Members also increased their use of reused and recycled materials by 13,760 tons and preserved or restored 4,485 acres of habitat.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4828;

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RIN: 2090–AA34

Environmental Protection Agency (EPA) Completed Actions

Resource Conservation and Recovery Act (RCRA)

3237. LOADING–BASED LISTING OF NON–WASTEWATERS FROM THE PRODUCTION OF SELECTED ORGANIC DYES, PIGMENTS, AND FOOD, DRUG, AND COSMETIC COLORANTS

Priority: Other Significant

CFR Citation: 40 CFR 148; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 271; 40 CFR 302

Completed:

Reason	Date	FR Cite
Final Action	02/24/05	70 FR 9138

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

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RIN: 2050–AD80

EPA—Resource Conservation and Recovery Act (RCRA) — Completed Actions

3238. REGULATORY INCENTIVES FOR THE NATIONAL ENVIRONMENTAL PERFORMANCE TRACK PROGRAM

Priority: Info./Admin./Other

CFR Citation: 40 CFR 262.34

Completed:

Reason	Date	FR Cite
NPRM	10/25/04	69 FR 62237
Direct Final Rule	10/25/04	69 FR 62217

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2090–AA36

Environmental Protection Agency (EPA) — Proposed Rule Stage
Oil Pollution Act (OPA)

3239. ● REGULATORY ACTIONS ASSOCIATED WITH THE NOTICES OF DATA AVAILABILITY ON THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURES (SPCC) RULE

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: On September 20, 2004, the Environmental Protection Agency (EPA) issued two Notices of Data Availability (NODAs) concerning certain facilities and oil-filled and process equipment. EPA is reviewing the information received from the NODAs. EPA is considering additional measures to ease the compliance burden of smaller facilities and for oil-filled equipment. In this action EPA intends to propose defining those facilities and oil-filled equipment for which EPA plans to propose streamlined SPCC Plan requirements, and extend or otherwise address the February 2006 compliance deadline for SPCC Plan revisions for this affected universe. EPA also intends to propose additional regulatory modifications to address other compliance issues associated with the existing SPCC requirements.

Timetable:

Action	Date	FR Cite
NODA 1	09/20/04	69 FR 56184
NODA 2	09/20/04	69 FR 56182
NPRM	08/00/05	
Final Rule	02/00/06	
NPRM	06/00/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 2634.3; Split from RIN 2050-AG16.

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RIN: 2050–AG23

Environmental Protection Agency (EPA) — Long-Term Actions
Oil Pollution Act (OPA)

3240. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURES (SPCC) RULE

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1321

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: EPA is considering a proposal to amend 40 CFR part 112, which includes the Spill Prevention, Control, and Countermeasures (SPCC) rule promulgated under the authority of the Clean Water Act. The proposed rule may include a variety of issues associated with the July 2002 SPCC final rule. Specific decisions on the scope of the rulemaking will be determined after the final rule actions associated with the Notices of Data Availability have been completed. EPA is also considering a guidance to EPA inspectors for implementation of the 2002 SPCC final rule.

Timetable:

Action	Date	FR Cite
Notice of Settlement Terms	05/25/04	69 FR 29728
NPRM 1 Year Compliance Extension	06/17/04	69 FR 34014
Final 18 Months Compliance Extension	08/11/04	69 FR 48794
NODA 1	09/20/04	69 FR 56184
NODA 2	09/20/04	69 FR 56182
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

3241. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9605

CFR Citation: 40 CFR 300.425

Legal Deadline: None

Abstract: This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
Final 20	03/06/98	63 FR 11332
NPRM 24	03/06/98	63 FR 11340
Final 21	07/28/98	63 FR 40182
NPRM 25	07/28/98	63 FR 40247
Final Tex–Tin	09/18/98	63 FR 49855
Final 22	09/29/98	63 FR 51848
NPRM 26	09/29/98	63 FR 51882
Final 23	01/19/99	64 FR 2942
NPRM 27	01/19/99	64 FR 2950
NPRM Midnight Mine	02/16/99	64 FR 7564
NPRM 28	04/23/99	64 FR 19968
Final 24	05/10/99	64 FR 24949
NPRM Almeda	05/10/99	64 FR 24990
Final 25	07/22/99	64 FR 39878
NPRM 29	07/22/99	64 FR 39886
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
Final 26	02/04/00	65 FR 5435
NPRM 31	02/04/00	65 FR 5468
Final 28	05/11/00	65 FR 30482
NPRM 32	05/11/00	65 FR 30489
Final 29	07/27/00	65 FR 46096
NPRM 33	07/27/00	65 FR 46131
NPRM Alabama/Malone	08/24/00	65 FR 51567
Final 30	12/01/00	65 FR 75179
NPRM 34	12/01/00	65 FR 75215
NPRM 35	01/11/01	66 FR 2380
Final 31	06/14/01	66 FR 32235
NPRM 36	06/14/01	66 FR 32287
Final 32	09/13/01	66 FR 47583
NPRM 37	09/13/01	66 FR 47612
NPRM Libby/Omaha	02/26/02	67 FR 8836
Final adds 19 sites	09/05/02	67 FR 56757
NPRM 38	09/05/02	67 FR 56794
Final Action–	10/24/02	67 FR 65315
Final Action—	04/30/03	68 FR 23077
NPRM 1	04/30/03	68 FR 23094
Final 35 (adds 12 sites)	09/29/03	68 FR 55875
NPRM 40	03/08/04	69 FR 10646
Final 36	07/23/04	69 FR 43755
NPRM–Vieques	08/13/04	69 FR 50115
Final 37	09/23/04	69 FR 56949
NPRM 41	09/23/04	69 FR 56970
Final – Vieques	02/11/05	70 FR 7184
Final 38	05/00/05	
NPRM 42	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: SAN No. 3439;

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

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RIN: 2050–AD75

3242. 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 a proposal 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

3243. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES

Priority: Other Significant

Legal Authority: 42 USC 9602 to 9603

CFR Citation: 40 CFR 302 (Revision)

Legal Deadline: None

Abstract: The Agency is considering a proposal for corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F-and K- waste streams and entries in appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in Table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in Table 302.4.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	

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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EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage

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RIN: 2050–AF03

3244. • NATIONAL CONTINGENCY PLAN REVISIONS TO ALIGN WITH THE NATIONAL RESPONSE PLAN

Priority: Other Significant

Legal Authority: 42 USC 9601 et seq

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: The purpose of this regulation is to revise the National Contingency Plan (NCP) to align it with the National Response Plan (NRP), as required by the Department of Homeland Security. The purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. (see 40 CFR 300.1) The NRP was developed by the Department of Homeland Security, in close consultation with Federal (including EPA), State, tribal, local governments, first responder organizations, private sector preparedness and relief groups. The purpose of the NRP is to replace hazard-specific Federal plans with a common framework for Federal departments and agencies to provide emergency and disaster assistance to State, tribal and local governments. Alignment of the NCP with the NRP will facilitate smooth integration of emergency response activities under the NCP with the NRP when both plans are activated. The NRP does not alter the existing authorities of Federal departments and agencies, but rather, establishes the coordinating structures, processes, and protocols required to integrate the authorities of various agencies into an all-hazard approach to incident management. EPA is making another minor revision to the NCP. The descriptions of Federal agency capabilities are being updated and modified where appropriate to reflect the new Department of Homeland Security organization.

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4971;

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RIN: 2050–AG22

Environmental Protection Agency (EPA) Final Rule Stage

Comprehensive Environmental Response, Compensation and Liability Act

3245. REPORTABLE QUANTITY ADJUSTMENTS FOR CARBAMATES AND CARBAMATE–RELATED HAZARDOUS WASTE STREAMS; REPORTABLE QUANTITY ADJUSTMENT FOR INORGANIC CHEMICAL MANUFACTURING PROCESS WASTE (K178)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9602(a); 42 USC 11004

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: EPA listed carbamate waste streams and certain inorganic chemical manufacturing process waste as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). RCRA listed wastes, by statute, automatically become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and are assigned a one pound statutory reportable quantity (RQ) until EPA adjusts them. These substances also become subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) with a one pound threshold. EPA proposed RQ adjustments for these carbamates and wastes. Most RQ adjustments are greater than one pound. Raising the RQs for these substances will decrease the burden on (1) the regulated community for complying with the reporting requirements under CERCLA and EPCRA; (2) Federal, State, and local authorities for program implementation; and 3) Federal, State, or local authorities, if they release hazardous substances at the RQ level or greater. In addition, we proposed an RQ adjustment for the inorganic chemical manufacturing process waste (K178)(66 FR 58258, 11/20/01). The comment period for the proposed rule closed February 2, 2004. EPA is in the process of addressing the few comments received and going forward with the final rule.

Timetable:

Action	Date	FR Cite
NPRM	12/04/03	68 FR 67916
Final Action	08/00/05	

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

3246. 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 Act (the ''Brownfields Amendments'') amended a number of provisions in CERCLA including section 101(35)(B) and includes, among other things, new provisions regarding CERCLA liability protections for certain landowners. As part of these provisions, the Brownfields Amendments require bona fide prospective purchasers, contiguous property owners, and innocent landowners to conduct ''all appropriate inquiries'' into prior ownership and use of the property at the time the party acquires the property. In the Brownfields Amendments, Congress directed EPA to promulgate regulations establishing standards and practices for conducting ''all appropriate inquiries.'' Section 101 (35)(B)(iii) of CERCLA, as amended, includes criteria that EPA is required to address in setting these standards and practices. This regulation, when finalized, will establish the federal standards for conducting ''all appropriate inquiries,'' pursuant to the statute. Recipients of Brownfields Assessment Grants awarded under section 104(k)(2)(B) of CERCLA also will be regulated by the final action. Purchasers of contaminated properties seeking any of the protections from CERCLA liability will be required to follow the promulgated procedures and standards. EPA developed the proposed federal standard for all appropriate inquiries under a negotiated rulemaking process. EPA published a proposed rule based upon the Negotiated Rulemaking Committee's consensus-based regulatory language on August 26, 2004. The public comment period for the proposal ended November 30, 2004.

Timetable:

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52542
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4739; State, local and Tribal governments affected if they are grant recipients.

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RIN: 2050–AF04

3247. 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, preremedial, remedial, and enforcement actions, and site-specific management assistance for federal-lead projects. Also covered by subpart O are non-site-specific Core Program and Voluntary Cleanup Program State infrastructure development, as well as Brownfields pilots, and Brownfields assessments. The requirements for Superfund State contracts, financial administration, property, procurement, reporting, recordkeeping, and close-out are provided in subpart O. Subpart O was promulgated 6/5/1990, and became effective on 7/5/1990. Many changes in the Superfund program have occurred over the past almost 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 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	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, 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

3248. 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

Environmental Protection Agency (EPA) — Proposed Rule Stage

Clean Water Act (CWA)

3249. REVISIONS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN; SUBPART J PRODUCT SCHEDULE LISTING REQUIREMENTS

Priority: Other Significant

Legal Authority: 33 USC 1321(d)(2); CWA 311(d)(2)

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: This action will propose revisions to subpart J of the National Contingency Plan (NCP). The Clean Water Act requires EPA to prepare a schedule of dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Under subpart J, respondents wishing to add a product to the Product Schedule must submit technical product data to EPA. This rulemaking will propose revisions to subpart J to clarify and change protocols for effectiveness and toxicity testing. It will clarify EPA authority to remove products from the Product Schedule. These changes will help ensure protection of the environment when these products are used to clean up and mitigate oil spills (1) into or upon navigable waters, adjoining shorelines, the waters of the contiguous zone, or (2) which may affect natural resources belonging to or under the exclusive management authority of the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4526;

Sectors Affected: 3251 Basic Chemical Manufacturing; 325 Chemical Manufacturing; 3259 Other Chemical Product Manufacturing; 54 Professional, Scientific and Technical Services

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

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RIN: 2050–AE87

3250. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES—PHASE II

Priority: Other Significant

Legal Authority: 33 USC 1322; 33 USC 1361

CFR Citation: 40 CFR 1700

Legal Deadline: Final, Statutory, May 10, 2001.

Abstract: This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of

these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as hull coating leachate); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. The Phase II performance standards will be promulgated in five ''batches.'' Each batch will address several performance standards. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
Final Action	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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

Additional Information: SAN No. 4357;

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RIN: 2040–AD39

3251. • TEST PROCEDURES FOR THE ANALYSIS OF E. COLI, ENTEROCOCCI, FECAL COLIFORMS, AND SALMONELLA UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1361(a); 76 Stat. 816; PL 92–500; 91 Stat. 1565; PL 95–217; PL 100–4; 33 USC 1345

CFR Citation: 40 CFR 136.3

Legal Deadline: None

Abstract: This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve microbiological methods for monitoring wastewater and biosolids. The proposal will include several analytical methods for monitoring E. coli and enterococci in wastewater, and several analytical methods for monitoring fecal coliforms and salmonella in biosolids. This proposed regulation would approve test procedures to be available for use by testing laboratories. Test procedures in part 136 must be used in implementing the NPDES program.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4950

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RIN: 2040–AE68

3252. • 2006 EFFLUENT GUIDELINES PROGRAM PLAN

Priority: Substantive, Nonsignificant

Legal Authority: CWA 301, 304, 306, 307

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, September 2, 2006.

Abstract: EPA publishes an Effluent Guidelines Program Plan every other year. The Plan is required by Section 304(m) of the Clean Water Act (CWA). The Plan discusses the status of ongoing rulemakings, development of additional rules, and preliminary studies. The Plan is also likely to discuss EPA's annual review of effluent limitations guidelines and standards undertaken pursuant to sections 304(b) and 304(g). The Plan sets forth EPA's rationale for the selection of particular industries as candidates for new or revised effluent guidelines. EPA's 2006 Effluent Guidelines Program Plan will describe the effluent guidelines program and the effluent guidelines underway identifying guidelines that may be revised or new guidelines that may be developed.

Timetable:

Action	Date	FR Cite
Proposal	09/00/05	
Final Plan	09/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4965, EDocket No.: OW-2004-0032;

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RIN: 2040–AE76

3253. • EFFLUENT GUIDELINES FOR THE IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY (REVISION)

Priority: Substantive, Nonsignificant

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 308; CWA 402; CWA 501

CFR Citation: 40 CFR 420

Legal Deadline: None

Abstract: In October 2002, EPA promulgated revisions to the Iron and Steel Manufacturing effluent guidelines rule (40 CFR 420) which, among other things, prohibited establishing alternative limits for oil and grease under the ''water bubble.'' After promulgation, industry representatives commenced litigation to challenge several parts of the rule. The October 2002 revisions did not fully reflect the fact that some facilities already had permits that allowed ''water bubble'' oil and grease limitations. The October 2002 revisions also contained incorrect construction dates for determining when the new source standards apply.

EPA—Clean Water Act (CWA) — Proposed Rule Stage

This action will amend the final rule to restore the option of establishing alternative limitations for oil and grease under certain circumstances and to correct the new source construction dates. All other pollutant limitations and requirements from the October 2002 final rule will remain unchanged. This action will not change the cost or impact estimates associated with the October 2002 final rule. This action settles one of the issues in the litigation that commenced after promulgation of the 2002 amendments. This portion of the litigation was severed from the lawsuit when EPA agreed to amend the existing guideline to reinstate the water bubble for oil and grease limits.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4947

Sectors Affected: 3311 Iron and Steel Mills and Ferroalloy Manufacturing; 3312 Steel Product Manufacturing from Purchased Steel

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RIN: 2040–AE78

Environmental Protection Agency (EPA) — Final Rule Stage
Clean Water Act (CWA)

3254. TEST PROCEDURES: NEW AND UPDATED TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314; 33 USC 1361(a); 42 USC 300f; 42 USC 300g–1; 42 USC 300j–4; 42 USC 300j–9(a)

CFR Citation: 40 CFR 136; 40 CFR 141

Legal Deadline: None

Abstract: This regulatory action would amend the ''Guidelines Establishing Test Procedures for the Analysis of Pollutants'' under 40 CFR part 136 and the National Primary Drinking Water Regulations under 40 CFR part 141 to approve new and updated EPA methods for wastewater, ambient water quality, and drinking water, including new and updated versions of methods from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater, ambient water quality and/or drinking water programs, as authorized under the Clean Water Act and Safe Drinking Water Act. The proposal included new methods for metals, such as Method 200.8 (which utilizes ICP/MS), new methods for chemical pollutants (e.g., Method 245.7), updated methods for chemical pollutants (e.g., Methods 300.1 and 200.7), including methods from voluntary consensus standards bodies, and from other external organizations submitted under EPA's alternate test procedure program. The new and updated methods include methods from organizations such as the American Society for Testing and Materials, International Standard Methods, and the Association of Official Analytical Chemists-International.

Timetable:

Action	Date	FR Cite
NPRM	04/06/04	69 FR 18166
NODA	02/16/05	70 FR 7909
Final Action	06/00/05	

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

3255. 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 clarify requirements for implementing Pretreatment Standards, and provide more flexible permitting 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	06/00/05	

Regulatory Flexibility Analysis Required: No

EPA—Clean Water Act (CWA) — Final Rule Stage

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3663;

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RIN: 2040–AC58

3256. POLICY REGARDING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR MUNICIPAL WASTEWATER TREATMENT DURING WET WEATHER CONDITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311, 1318, 1342, 1361

CFR Citation: 40 CFR 122.41(m)

Legal Deadline: None

Abstract: During periods of wet weather, wastewater flows received by municipal sewage treatment plants can significantly increase, which can create operational challenges for sewage treatment facilities. Where peak flows approach or exceed the design capacity of a treatment plant they can seriously reduce treatment efficiency or damage treatment units. In addition to hydraulic concerns, wastewater associated with peak flows may have low organic strength, which can also decrease treatment efficiencies. One engineering practice that some facilities use to protect biological treatment units from damage and to prevent overflows and backups elsewhere in the system is referred to as wet weather blending. Wet weather blending occurs during peak wet weather flow events when flows that exceed the capacity of the biological units are routed around the biological units and blended with effluent from the biological units prior to discharge. Regulatory agencies, sewage treatment plant operators, and representatives of environmental advocacy groups have expressed uncertainty about National Pollutant Discharge Elimination System (NPDES) requirements addressing such situations. EPA requested public comment on a proposed policy published on November 7, 2003. 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 will 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	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, Tribal

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

Environmental Protection Agency (EPA) — Long-Term Actions

Clean Water Act (CWA)

3257. EFFLUENT GUIDELINES AND STANDARDS FOR THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY, DISSOLVING KRAFT AND DISSOLVING SULFITE SUBCATEGORIES (PHASE III)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1342; 33 USC 1361

CFR Citation: 40 CFR 430.10 to 430.18; 40 CFR 430.40 to 430.48

Legal Deadline: None

Abstract: On December 17, 1993, EPA proposed revised effluent limitations, guidelines and standards, and best management practices regulations for the Dissolving Kraft and Dissolving Sulfite Subcategories of the Pulp, Paper, and Paperboard Point Source Category (40 CFR part 430). EPA refers to this rulemaking as Pulp and Paper Phase III. EPA is considering the public comments on the proposed rule and the new data acquired since proposal. EPA will consider as part of its effluent guidelines review process under CWA section 304 (b) whether to proceed with the rulemaking or whether assistance to states will more appropriately address any concerns with discharges from these facilities.

Timetable:

Action	Date	FR Cite
NPRM	12/17/93	58 FR 66078
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4370;

Sectors Affected: 3221 Pulp, Paper, and Paperboard Mills

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RIN: 2040–AD49

3258. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1314 CWA 304; 33 USC 1361(a) CWA 501 (a)

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This proposal would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new EPA methods for the determination of trace metals at EPA's water quality criteria levels. These methods are necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's designated water quality standard. Because the methods currently approved under 40 CFR part 136 were designed to support primarily technology-based permitting needs, and because these technology-based levels are as much as 280 times higher than water quality-based criteria for metals. EPA is pursuing approval of new test procedures.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

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

3259. TEST PROCEDURES: INCREASED METHOD FLEXIBILITY FOR TEST PROCEDURES APPROVED FOR CLEAN WATER ACT COMPLIANCE MONITORING

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314 CWA 304; 33 USC 1361(a) CWA 501 (a)

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: EPA is considering preparation of a document that would highlight the flexibility already contained in some EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. These methods typically contain a statement that, in recognition of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits. Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA's position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) increase consistency between methods, (2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3714;

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RIN: 2040–AC92

3260. TEST PROCEDURES: PERFORMANCE–BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314; 33 USC 1361(a)

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This action would establish performance-based measurement procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would also discuss the format, content, quality assurance/quality control, and data validation requirements for use of test methods. It would also describe EPA's planned steps to provide additional information through technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

Timetable:

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 3713;

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RIN: 2040–AC93

3261. TEST PROCEDURES FOR THE ANALYSIS OF CO–PLANAR AND MONO–ORTHO–SUBSTITUTED POLYCHLORINATED BIPHENYLS (PCBS) UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314; 33 USC 1361(a)

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: The proposal would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR parts 136 and 503 to approve EPA Method 1668 for the congener-specific determination of co-planar and mono-ortho-substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's designated water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4049;

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RIN: 2040–AD09

3262. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3

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

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

Legal Authority: CWA 101, 304, 308, 401, 402, 510

CFR Citation: 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

Legal Deadline: NPRM, Judicial, November 1, 2004.
Final, Judicial, June 1, 2006.

Abstract: This rulemaking will affect existing facilities that use cooling water intake structures, and whose intake flow levels exceed a minimum threshold to be determined by EPA during this rulemaking. The rule would address existing facilities in the following industries if they meet the specified threshold levels: pulp and paper manufacturing facilities; chemicals and allied products manufacturing facilities; petroleum and coal products manufacturing facilities; primary metals manufacturing facilities: and any other existing facility not already subject to Phase 2 regulations. EPA will also consider developing regulations for certain new offshore facilities not included in the Phase I rule, such as offshore and coastal oil and gas extraction facilities. Section 316(b) of the Clean Water Act provides that any standard established pursuant to sections 301 or 306 of the Clean Water Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. A primary purpose of this action is to minimize the impingement and entrainment of fish and other aquatic organisms by cooling water intake structures. Impingement occurs when fish and other aquatic life are trapped against cooling water intake structures. Entrainment occurs when aquatic organisms, eggs and larvae are drawn into a cooling system and then pumped back out, resulting in significant injury or mortality to the entrained organisms.

Timetable:

Action	Date	FR Cite
NPRM	11/24/04	69 FR 68444
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4543; Split from RIN 2040-AC34.

Sectors Affected: 312 Beverage and Tobacco Product Manufacturing; 325 Chemical Manufacturing; 61131 Colleges, Universities and Professional Schools; 334 Computer and Electronic Product Manufacturing; 211111 Crude Petroleum and Natural Gas Extraction; 22111 Electric Power Generation; 335 Electrical Equipment, Appliance and Component Manufacturing; 332 Fabricated Metal Product Manufacturing; 311 Food Manufacturing; 333 Machinery Manufacturing; 21 Mining; 211112 Natural Gas Liquid Extraction; 327 Nonmetallic Mineral Product Manufacturing; 322 Paper Manufacturing; 324 Petroleum and Coal Products Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 22133 Steam and Air-Conditioning Supply; 313 Textile Mills; 336 Transportation Equipment Manufacturing; 321 Wood Product Manufacturing

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RIN: 2040–AD70

3263. NPDES APPLICATIONS REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311 CWA 301; 33 USC 1312 CWA 302; 33 USC 1314 CWA 304; 33 USC 1316 CWA 306; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124

Legal Deadline: None

Abstract: EPA plans to revise NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include modifying and streamlining existing permit application requirements. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

Timetable:

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

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

3264. 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 1311CWA 301; 33 USC 1314 CWA 304; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501(a)

CFR Citation: 40 CFR 122.38; 40 CFR 122.41; 40 CFR 122.42

Legal Deadline: None

Abstract: EPA is considering whether to develop a notice of rulemaking outlining a broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The Agency is considering proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements would address reporting, public notification, and recordkeeping requirements for sanitary sewer overflows (SSOs), capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; and a prohibition on SSOs. The Agency is also considering proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3999; Note: This rule was formerly known as ''Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges.''

Sectors Affected: 22132 Sewage Treatment Facilities

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

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RIN: 2040–AD02

3265. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS

Priority: Substantive, Nonsignificant

Legal Authority: PL 106–554, sec 1404 to 1407

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Title XIV: Certain Alaska Cruise Ship Operations (HR 4577) authorizes EPA to establish effluent standards for black and gray water from cruise ships into the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve. EPA will develop those standards based on the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. The implementation of these regulations will reduce the environmental impacts of cruise ships operating in the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4746; This rule was formerly known as ''Regulations for Cruise Ships Operating in Alaskan Waters''

Sectors Affected: 483114 Coastal and Great Lakes Passenger Transportation; 483112 Deep Sea Passenger Transportation

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RIN: 2040–AD89

3266. EFFLUENT GUIDELINES AND STANDARDS: RECODIFICATION OF VARIOUS EFFLUENT GUIDELINES

Priority: Info./Admin./Other

Legal Authority: Clean Water Act 301; Clean Water Act 304; Clean Water Act 306; Clean Water Act 307; Clean Water Act 308; Clean Water Act 402; Clean Water Act 501

CFR Citation: 40 CFR 401; 40 CFR 419

Legal Deadline: None

Abstract: Several years ago, OW conducted a comprehensive review of effluent guidelines and removed from the Code of Federal Regulations (CFR) provisions contained in a number of regulations that were obsolete or redundant (FR 60 33926, June 29, 1995). In addition to removing these provisions, EPA's Office of Water identified additional opportunities for further streamlining some of the effluent guidelines. This action would recodify the effluent limitations and standards for one point source category and the general definitions without making any legally substantive changes in the requirements. The revised and shorter format will enable Federal, State and local regulators and the regulated community to more easily read, understand and implement the regulations. By reducing the number of pages in title 40, the new format will also afford some long-term savings in the annual cost of printing these regulations. The point source category which would be recodified by this action is Petroleum Refining (part 419). The revisions would also expand the list of general definitions in section 401.11.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4822;

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RIN: 2040–AE61

3267. • EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR AIRPORT DEICING OPERATIONS

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

Unfunded Mandates: Undetermined

Legal Authority: CWA 301, 304, 306, 307, 308, 402, 501

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from airport deicing operations. Based on preliminary study and on public comments, discharges from deicing operations have the potential to cause fish kills, algae blooms, and contamination to surface or ground waters. The likely source of pollutants is aircraft deicing fluid (ADF) that is not properly recaptured, reused or treated before discharge. Deicing agents typically contain glycols and additives. There is great disparity among airports in terms of wastewater treatment and also in terms of discharge permits. Based on preliminary estimates, airports annually discharge approximately 21 million gallons of ADF. Early estimates of potential reductions from treatment technology and from pollution prevention practices indicate that those discharges could be lowered to 4 million gallons. Effluent guidelines for these operations would apply only to wastewaters that are considered point source discharges. Discharges that are non-point sources (e.g., ADF shedding from the airplane after it leaves the airport) would not be subject to any potential effluent guidelines.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4948

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RIN: 2040–AE69

3268. • EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR DRINKING WATER SUPPLY AND TREATMENT

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

Unfunded Mandates: Undetermined

Legal Authority: CWA 301, 304, 306, 307, 308, 402, 501

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from drinking water treatment plants. Based on preliminary study and on public comments, discharges from drinking water facilities have the potential to discharge significant quantities of conventional and toxic pollutants, including metals,

chlorine, and salts. Some of the sources of these pollutants are treatment sludges and reverse osmosis reject wastewaters. The preliminary data are not conclusive, and additional study and analysis of treatability are necessary to determine whether pollutant reductions are technologically feasible and economically achievable. The early steps of regulatory development, especially gathering additional discharge data, will be critical to better-informed decisions on how to proceed.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4949;

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RIN: 2040–AE74

3269. ● NEW/REVISED AMBIENT WATER QUALITY CRITERIA (AWQC) FOR RECREATIONAL WATERS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, October 5, 2005.

Abstract: Under the BEACHES Amendments to the Clean Water Act the USEPA is required to provide new or revised AWQC for recreational waters by October 5, 2005. A number of activities, also required under the BEACHES Amendments are in progress or completed. These provide improved approaches for beach water quality monitoring and health assessments, including: better understanding of the temporal and spatial aspects of water quality determinations at beach water sites; application of rapid (<2hr) molecular methods to determine bacterial (fecal indicator) water quality; epidemiological assessments to better understand the relationship of bacterial indicator occurrence to rates of acute gastrointestinal disease for persons who swim in designated recreational waters. Additional studies are being conducted to better express, numerically, the relationship of the indicators to disease incidence both for single sample determinations of water quality at the beach at any given time and for long term determinations of general water quality to characterize the water quality's attainment of the designated recreational use. Additional efforts are being conducted to prepare ''Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health'' specific to the development of these and other microbiological criteria. The results of four fresh water (Great Lakes) epidemiology studies and companion rapid fecal indicator validation studies will be analyzed using the above human health methodology to establish the criteria. Draft criteria will be peer reviewed both internal and external to the USEPA prior to FAR and OMB review and approval.

Timetable:

Action	Date	FR Cite
Draft Guidance	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4967;

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RIN: 2040–AE77

Environmental Protection Agency (EPA) Completed Actions

Clean Water Act (CWA)

3270. WATER QUALITY STANDARDS FOR INDIAN COUNTRY WATERS

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

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)

Completed:

Reason	Date	FR Cite
Withdrawn	04/26/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Federalism: Undetermined

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RIN: 2040–AD46

3271. 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 rule is no longer necessary because EPA and States are accelerating implementation of the regulations.

Timetable:

Action	Date	FR Cite
Withdrawn	04/19/05	

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

3272. WATER QUALITY STANDARDS FOR PATHOGENS AND PATHOGEN INDICATORS FOR COASTAL RECREATION WATERS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 131D

Completed:

Reason	Date	FR Cite
Final Action	11/16/04	69 FR 67217

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2040–AE63

3273. EFFLUENT GUIDELINES FOR THE TRANSPORTATION EQUIPMENT CLEANING POINT SOURCE CATEGORY

Priority: Info./Admin./Other

CFR Citation: 40 CFR 442.16

Completed:

Reason	Date	FR Cite
NPRM	02/01/05	70 FR 5100
Direct Final Rule	02/01/05	70 FR 5058

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2040–AE65

3274. ● NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM: MODIFICATION OF PERMIT DEADLINE FOR STORM WATER DISCHARGES FROM OIL AND GAS CONSTRUCTION ACTIVITY THAT DISTURBS ONE TO FIVE ACRES

Priority: Substantive, Nonsignificant

Legal Authority: CWA 402(p)

CFR Citation: 40 CFR 122

Legal Deadline: None

Abstract: In developing the Phase II storm water regulations, EPA conducted analysis of the potential impacts of the regulation on the national economy and also analyzed impacts on small businesses. These impacts focused on implementation of sediment and erosion control practices or best management practices to reduce pollutants commonly associated with construction storm water discharges. In performing these analyses, EPA considered affected industrial sectors, including the oil and gas industry. EPA determined that few, if any, oil and gas exploration sites would be affected by Phase II and impacts on Phase II rule cost estimates were unlikely to be significant. Since January 2002, the oil and gas industry has provided information indicating that as many as 30,000 oil and gas sites will be affected annually by the Phase II storm water regulations. In the spirit of Executive Order 13211, which directs EPA to consider the impact of its actions on energy-related production activities, the Agency believes it is important to review the economic analysis of the Phase II rule to determine the impact on the oil and gas industry. In evaluating the impact, the Agency will work with states, industry, and other entities to gather and evaluate data on the development and use of appropriate best management practices for the oil and gas industry. EPA also will continue to review the scope and effect of 33 USC 1342(l)(2), relating to permitting of oil and gas exploration activities, and other provisions of the Clean Water Act. EPA extended the March 10, 2003, permit authorization deadline for Phase II oil and gas facilities to be covered by a storm water permit. To accomplish all of the necessary analyses, EPA extended the original March 10, 2003, permit authorization deadline for Phase II oil and gas facilities to be covered by a storm water permit until March 10, 2005. This final regulatory action further extends the deadline for oil and gas operators to secure an appropriate storm water permit for an additional fifteen months until June 12, 2006. This extension of the NPDES storm water permitting deadline applies to all oil and gas construction activity that disturbs at least one acre, but less than five acres of land and sites disturbing less than one acre that are a part of a larger common plan of development or sale that disturbs between one and five acres. This postponement will allow the Agency additional time to complete analysis and consideration of a number of additional technical and procedural issues raised by stakeholders about storm water runoff associated with construction activities at oil and gas sites.

Timetable:

Action	Date	FR Cite
NPRM	01/18/05	70 FR 2832
Final Action	03/09/05	70 FR 11560

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4765.1, EDocket No.: OW-2002-0068; Split from RIN 2040-AD98.

URL For More Information: www.epa.gov/npdes/stormwater

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RIN: 2040–AE71

Environmental Protection Agency (EPA) — Proposed Rule Stage

Safe Drinking Water Act (SDWA)

3275. 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 analyses to permit a second round of monitoring,and to approve the analytical methods needed to perform this monitoring.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4770;

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RIN: 2040–AD93

Environmental Protection Agency (EPA) — Final Rule Stage

Safe Drinking Water Act (SDWA)

3276. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUNDWATER RULE

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: 42 USC 300 g–1 SDWA 1412 (b)(8); 42 USC 300j–4 SDWA 1445

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Other, Statutory, July 31, 2005, Not later than promulgation of the Stage 2 Disinfection Byproducts Rule (currently scheduled for December 2005).

Abstract: EPA proposed a targeted risk-based regulatory strategy for all public water systems served by groundwater in May of 2000. The proposed requirements provide a meaningful opportunity to reduce public health risk for a significant number of people served by groundwater sources from the exposure to waterborne pathogens from fecal contamination. The proposed strategy addresses risks through a multiple-barrier approach that relies on five major components: periodic sanitary surveys of groundwater systems requiring the evaluation of eight elements and the identification of significant deficiencies; hydrogeologic assessments to identify wells sensitive to fecal contamination; source water monitoring for systems drawing from sensitive wells without treatment or with other indications of risk; a requirement for correction of significant deficiencies and fecal contamination through the following actions: eliminate the source of contamination, correct the significant deficiency, provide an alternative source water, or provide a treatment which achieves at least 99.99 percent (4-log) inactivation or removal of viruses; and compliance monitoring to insure disinfection treatment is reliably operated where it is used. The final rule will establish a risk-based strategy as was described in the proposed (May 2000) rulemaking. However, the proposed design has been improved in the draft final rule to provide greater flexibility for States and systems implementing the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/10/00	65 FR 30194
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 2340; Statutory deadline for final rule: Not later than the Administrator promulgates a Stage II rulemaking for disinfection byproducts (currently scheduled for July 2005).

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040–AA97

3277. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE

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 300f; 42 USC 300g–1; 42 USC 300g–2; 42 USC 300g–3; 42 USC 300g–4; 42 USC 300g–5; 42 USC 300g–6; 42 USC 300j–4; 42 USC 300j–9; 42 USC 300j–11

CFR Citation: 40 CFR 141 to 142; 40 CFR 9

Legal Deadline: None

Abstract: The Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) will control risk from

microbial pathogens, specifically cryptosporidium, in drinking water. It is being developed simultaneously with the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR), which will address risk caused by the use of disinfectants in drinking water. This rule could affect all public water systems that use surface water as a source. Promulgating the LT2ESWTR and the Stage 2 DBPR as a paired rulemaking is necessary to ensure that adequate protection from microbial risk is maintained while EPA manages risk from disinfection byproducts. In developing the LT2ESWTR, EPA has analyzed a significant body of new survey data on microbial pathogens in source and finished waters, as well as data on parameters which could serve as indicators of microbial risk. This survey data, which was collected under the Information Collection Rule (ICR), Supplemental Surveys to the ICR, and additional research projects, has provided a substantially more comprehensive and complete picture of the occurrence of waterborne pathogens than was previously available. EPA has also used significant new data on the efficiency of treatment processes for the removal and inactivation of microorganisms, as well as new information on the pathogenicity of certain microbes, to determine effective regulatory requirements for controlling microbial risk. On March 30, 1999, EPA established a committee of stakeholders under the Federal Advisory Committee Act (FACA) to assist in the development of these rules; an agreement in principle was signed in September 2000 outlining the proposed rule options.

Timetable:

Action	Date	FR Cite
NPRM	08/11/03	68 FR 47639
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN No. 4341;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040–AD37

3278. NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 2 DISINFECTION BYPRODUCTS RULE

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 300f; 42 USC 300g–2; 42 USC 300g–3; 42 USC 300g–4; 42 USC 300g–5; 42 USC 300g–6; 42 USC 300j–4; 42 USC 300j–9; 42 USC 300j–11

CFR Citation: 40 CFR 141–142; 40 CFR 9

Legal Deadline: Final, Statutory, July 14, 2003.

Abstract: This Regulation, along with a Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) that will be promulgated simultaneously, is intended to expand existing public health protections and address concerns about risk trade-offs between pathogens and disinfection byproducts. This rule could affect all public water systems that add a disinfectant to the drinking water during any part of the treatment process, although the impacts may be limited to community water systems (CWSs) and non-transient non-community water systems (NTNCWSs). Promulgating the LT2ESWTR and the Stage 2 DBPR as a paired rulemaking is necessary to ensure that adequate protection from microbial risk is maintained while EPA manages risk from disinfection byproducts. In developing the Stage 2 DBPR, EPA analyzed a significant body of new survey data on source water quality parameters, treatment data and disinfection byproduct occurrence. This survey data, which was collected under the Information Collection Rule (ICR), Supplemental Surveys to the ICR, and additional research projects, provide a substantially more comprehensive and complete picture of the occurrence of DBPs and microbiological pathogens than was previously available. EPA also used new information on the health effects of exposure to DBPs to determine effective regulatory requirements for controlling risk. On March 30, 1999, EPA reconvened a committee of stakeholders under the Federal Advisory Committee Act (FACA) to assist in the development of these rules; an Agreement in Principle was signed in September 2000 outlining the proposed rule options.

Timetable:

Action	Date	FR Cite
NPRM	08/18/03	68 FR 49548
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN No. 4342;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040–AD38

Environmental Protection Agency (EPA) — Long-Term Actions

Safe Drinking Water Act (SDWA)

3279. 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. 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. 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	07/18/91	56 FR 33050
Notice	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN No. 2281;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040–AA94

3280. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3238;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040–AC13

3281. NATIONAL SECONDARY DRINKING WATER REGULATIONS (NSDWR): METHYL TERTIARY BUTYL ETHER (MTBE) AND TECHNICAL CORRECTIONS TO THE NSDWR

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 143 (Revision)

Legal Deadline: None

Abstract: Methyl Tertiary Butyl Ether (MTBE) is an automobile fuel additive, introduced in the late 1970s during lead phase-out as an octane enhancer. It has been used in increasing quantity in the 1990s to meet the requirement of the federal Reformulated Gasoline (RFG) and Oxyfuels programs required by the Clean Air Act Amendments of 1990. However, MTBE has been detected in ground water and drinking water in a number of states due to leaking underground storage tanks and leaking pipelines. Although most of these detections are at levels well below health concern, MTBE's distinctive turpentine-like taste and odor can be detected at low levels. EPA is required to make a regulatory determination for at least five unregulated contaminants by August 2006. Presently, the Water program is collecting and analyzing research information on occurrence, health effects, method sensitivity, and treatment effectiveness. A proposed regulatory determination, which will evaluate information on MTBE as well as a number of other contaminants, is anticipated for 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

3282. 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, stakeholders 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, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4775;

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RIN: 2040–AD94

3283. DRINKING WATER CONTAMINANT CANDIDATE LIST 3

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300g–1(b)

CFR Citation: 00 CFR None

Legal Deadline: Other, Statutory, February 6, 2008, The 1996 SDWA Amendments require EPA to publish the third list of candidate contaminants by February 2008. Not a rulemaking.

Abstract: The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list every 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

3284. 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

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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

3285. 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 was published on February 22, 2005. 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	09/00/05	
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) — Completed Actions
Safe Drinking Water Act (SDWA)

3286. DRINKING WATER CONTAMINANT CANDIDATE LIST 2

Priority: Routine and Frequent

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Notice	02/24/05	70 FR 9017

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AD86

Environmental Protection Agency (EPA) — Long-Term Actions

Shore Protection Act (SPA)

3287. SHORE PROTECTION ACT, SECTION 4103(B) REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2601 Shore Protection Act of 1988; PL 100–688, 4103(b)

CFR Citation: 40 CFR 237

Legal Deadline: None

Abstract: This rule will implement the Shore Protection Act (SPA) and is designed to prevent the deposit of municipal and commercial waste into U.S. Coastal Waters. This rule establishes minimum waste handling practices for vessels and waste handling facilities involved in the transport of municipal or commercial wastes in the coastal waters of the United States. The rule may require certain vessels and waste handling facilities to develop an operation and maintenance manual that identifies procedures to prevent, report, and clean up deposits of waste into coastal waters. Local governments and businesses involved with the vessel transportation and shore side handling of these wastes would be affected by this rule. Currently no tribes are known to be involved in waste handling of this type; therefore none would be affected by this rule. With regard to small businesses, EPA has provided guidance on development of operation and maintenance manuals and encourages the use and documentation of existing industry practices that meet or exceed the EPA proposed minimum waste handling standards. All indications are that this regulation as proposed would have a minimal economic impact. This regulation will result in reduction of municipal and commercial wastes deposited in coastal waters.

Timetable:

Action	Date	FR Cite
NPRM	08/30/94	59 FR 44798
Final Action	08/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local

Additional Information: SAN No. 2820;

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RIN: 2040–AB85

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