Regulatory Plan and Semiannual Regulatory Agenda

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FALL 2006

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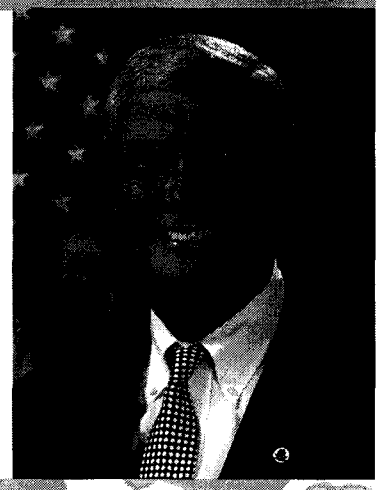
"At EPA, we believe that environmental responsibility is everyone's responsibility. Together with an informed and involved public, we are meeting our duty of passing down a cleaner, healthier environment to future generations of Americans."

– Administrator, Stephen L. Johnson



United States
Environmental Protection Agency

Office of Policy, Economic Innovation

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ENVIRONMENTAL PROTECTION AGENCY (EPA)

Statement of Priorities

OVERVIEW

The United States Environmental Protection Agency (EPA) is the primary Federal agency charged with safeguarding the quality of the natural environment and protecting human health from deleterious pollutants. For over 35 years, the Agency has been working to provide improvements in cleaner air, purer water, and better-protected land. The actions taken by EPA have led to measurable improvement in air and water quality, significant reductions in solid and hazardous wastes, and limitations on the use of harmful chemicals and pesticides.

Between 1970 and 2004, total emissions of the six major air pollutants dropped by 54 percent. This is particularly impressive when noted that the gross domestic product increased 187 percent, energy consumption increased 47 percent, and U.S. population grew by 40 percent during the same time. Through land restoration efforts, 600,000 acres of contaminated land now provide ecological, economic, and recreational benefits. In 2004, EPA and its partners took action to restore, enhance, and protect nearly 830,000 acres of wetlands. EPA continues to build on its past success by using regulatory and innovative approaches to achieve effective results. In doing so, the Agency uses three guiding principles to govern its work to maintain the strongest level of environmental protection.

Results and Accountability

In order to be an effective steward in protecting the environment and responsive to national priorities, EPA uses tools aimed at achieving results and demonstrating accountability. To this end, the Agency uses transparent management tools and measures to provide the public with results as efficiently and effectively as possible. EPA continues to vigorously enforce environmental laws using both compliance assistance and strong enforcement programs. This is a key focus of the resident's Management Agenda, which is designed to make Government citizen-centered, results-oriented, and market-based.

Innovation and Collaboration

In facing complex environmental challenges, the Agency values new strategic approaches. By collaborating with other Federal, State, tribal, and local governments and engaging private-sector entities, stakeholders, and the public, the Agency aims to solve problems using innovative methods that go beyond conventional regulatory controls. The expertise, perspectives, and resources of EPA's partners allow it to foster new approaches and develop new initiatives to expand environmental protection.

Best Available Science

EPA maintains its commitment to sound science and uses the best information available in decisionmaking while anticipating potential environmental threats, evaluating risks, identifying solutions, and developing protective standards. It is crucial to the success of the Agency to respond to emerging information in order to gain new understanding, reduce uncertainties, and, if necessary, change approaches concerning how they should be addressed.

Accelerating Environmental Protection

Using these principles as its framework, EPA is focused on accelerating environmental protection while maintaining the nation's economic competitiveness. Part of this focus centers on maintaining and supporting successful measures already taken.

Cleaner air and affordable energy: Since 1970, EPA has been working to provide cleaner, healthier air to all Americans by collaborating with partners and stakeholders to implement the Clean Air Act and subsequent amendments. The Agency's strategy for protecting human health relies on national regulatory, voluntary, and market-based programs carried out in combination with State, tribal, and local efforts. For example, the Agency is currently seeking to expand the use of biofuels and promote diesel emission reductions. Meanwhile, EPA promotes clean air and energy security through voluntary conservation programs like Energy Star and SmartWay transport. Additionally, the Agency will continue to make timely permitting decisions and foster technological innovations to support the clean development of domestic energy resources.

Clean and safe water: The EPA and its state, tribal, and local partners have made significant improvements in protecting and restoring the nation's waters. The Agency's goals, stemming from the Clean Water Act and the Safe Drinking Water Act, include the improvement of the quality of drinking water, and the protection and restoration of waters and beaches for fishing, swimming, and recreation. The importance of safe drinking water supplies was never more evident than in the aftermath of Hurricane Katrina. The strength of the Agency's initiative was evident as EPA, State, and local officials, systems operators, and volunteers dedicated their efforts around the clock to assist affected communities in repairing the infrastructure of drinking water systems and restoring sources of safe drinking water. EPA will continue to develop innovative, market-based, and sustainable solutions for water infrastructure financing and management while advancing regional collaborations for the Chesapeake Bay, Great Lakes, and Gulf of Mexico and working on restoring and protecting America's wetlands and watersheds.

Healthy communities and ecosystems: In keeping with its role of stewardship in an ever-changing global environment and working in service to both human health and the quality of the environment, EPA will continue efforts to improve communities by restoring contaminated properties, including brownfields, to environmental and economic vitality and encouraging voluntary community clean-up of potentially dangerous abandoned mine sites. These efforts will be paired with the promotion of community-level activities through increased resource conservation, including waste minimization through source reduction and recycling.

Global environment: As the EPA works to improve its role as steward to local communities, it serves as a participant in global activity to protect and restore the shared resources and the environment. To that end, the Agency is dedicated to finding solutions to issues that have far-reaching, global implications. EPA strives to promote energy security, and simultaneously advances international collaboration on environmental issues, such as reduction of air pollution and greenhouse gas emissions. The means to achieving these results include agreements like the Asia-Pacific Partnership on Clean Development and the Methane-to-Market Partnership.

Stronger EPA: As the Agency continues to uphold the President's Management Agenda, it could not ensure its success without a diverse, talented, and highly-skilled workforce. Equipped with the energy, intensity, and vitality of its professional staff, EPA is better able to devote prevention,

preparedness, and research efforts toward national security and respond to natural disasters.

Rules Expected to Impact Small Entities

EPA continues to focus on implementing its Small Business Strategy. By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. A number of rules included in this Plan may be of particular interest to small businesses (and for a more extensive list of rules affecting small businesses, please see appendices B and C to the Regulatory Agenda which is available at www.epa.gov/regagenda). The priority items that are expected to have a significant impact on a substantial number of small entities include:

Control of Hazardous Air Pollutants from Mobile Sources (2060-AK70)

Control of Emissions from Spark-Ignition Engines and Fuel Systems from Marine Vessels and Small Equipment (2060-AM34)

Lead-Based Paint Activities; Amendments for Renovation, Repair and Painting (2070-AC83)

EPA's Regulatory Plan is an important element of the Agency's strategy for achieving environmental results within the framework described above. The Agency's regulatory program includes several efforts that will reduce the burden placed on small businesses while ensuring the integrity of the environment. Many of these have been nominated for Agency Action through the public nomination process initiated by the Office of Management and Budget (OMB) in 2001, 2002, and 2004. Taken as a whole, the Agency's Regulatory Plan will ensure that the nation continues to achieve improvements in environmental quality while minimizing burden to states and the regulated community.

HIGHLIGHTS OF EPA'S REGULATORY PLAN

Office of Air and Radiation

A principal regulatory priority of EPA's Office of Air and Radiation (OAR) in 2006 is to protect public health and the environment from the harmful effects of fine particulate matter and ozone, the two air pollutants that persist widely in the Nation's air in amounts that exceed Clean Air Act health standards. Exposure to these pollutants is associated with numerous harmful effects on human health, including respiratory problems, heart and lung disease, and premature death. These pollutants also degrade visibility, an effect of particular concern in national parks and other scenic areas. In addition to ozone and particulate pollution, OAR is continuing to address toxic air pollution by controlling toxic emissions from both stationary sources and mobile sources such as cars and trucks. OAR is also working to increase the effectiveness and efficiency of its permitting and monitoring programs, which are among the main mechanisms through which clean-air protections are implemented. Finally, OAR is revising previously-issued safety standards for nuclear-waste storage in response to a court decision. These efforts are described briefly below.

To help control ozone and particulate pollution, OAR continues to develop rules as part of its program to reduce emissions from mobile sources. These rules will require additional emission reductions from certain marine vessels, locomotives, and small equipment, and will add requirements for fuel economy labeling and renewable-fuel content in gasoline. These rules will enhance the overall mobile-source control program that has already set stringent standards for most categories of vehicles, engines, and their fuels.

Even though these Federal rules will go a long way toward reducing the ozone and particulate pollution in America's cities, they can't do the job alone. Additional state and local control programs under the Clean Air Act will need to be instituted or enhanced in many of the most polluted areas. To help and guide the States and local governments in these efforts, EPA has been developing implementation rulemakings for both ozone and particulates that will provide technical help and policy guidance crucial to assuring that State and local efforts achieve their pollution-control goals. The ozone implementation rule was finalized last year; the particulate implementation rule will be finalized this fall.

OAR also continues to assess new scientific information that underlies the National Ambient Air Quality Standards (NAAQS), which are the centerpiece of the Clean Air Act and the foundation of OAR's program. In October, EPA promulgated a rule revising the existing NAAQS for particulates. A rule to either revise or reaffirm the current ozone NAAQS will be proposed and promulgated in 2007. Rules addressing lead and carbon monoxide will follow in 2008 and 2009, respectively.

EPA continues to address toxic air pollution under authority of the Clean Air Act Amendments of 1990. The largest part of this effort is the "Maximum Achievable Control Technology" (MACT) program, which is now entering its second phase consisting of evaluation of the effectiveness of work done so far, and assessment of the need for additional controls. Rulemakings are currently underway covering industries dealing with hazardous organic chemical production and halogenated solvent cleaning. We are also developing a rulemaking requiring additional reductions in toxic emissions from mobile sources such as cars and trucks.

Since many air quality programs are administered through permitting and monitoring programs, OAR continues to work toward improving these programs to increase efficiency and reduce regulatory burden. Currently, OAR is continuing to develop rulemakings to streamline and improve its New Source Review (NSR) permitting program. This effort will clarify the circumstances under which companies must obtain construction permits before building new facilities or significantly modifying existing facilities. These revisions will provide more regulatory certainty by clarifying compliance requirements, and will also make the program easier to administer while maintaining its environmental benefits. In developing these NSR rule revisions, OAR is drawing upon many years of intense involvement with major stakeholders, who have helped shape a suite of reforms that are expected to both improve the environmental effectiveness of these programs and make them easier to comply with. OAR is also developing a rulemaking to clarify and better define the kinds of monitoring required in Federal and State operating permit programs.

In 2006, EPA also expects to complete a rulemaking amending the radiation standards governing the development of the Yucca Mountain site in Nevada, the nation's designated geologic repository for spent nuclear fuel and high-level radioactive waste. These standards were initially issued in 2001 and were partially remanded by a Federal court in 2004. To address the remand, EPA must reassess the time frame for compliance 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.

Office of Environmental Information

EPA's Office of Environmental Information (OEI) ensures that EPA collects and provides access to high quality environmental information and data to our partners, stakeholders, and the public. In keeping with this mandate, one of OEI's top regulatory priorities will be the finalization of the Toxics Release Inventory (TRI) Burden Reduction Rule.

The TRI program collects chemical release and other waste management data on over 650 chemicals from over 24,000 facilities across the U.S. each year. To provide TRI reporters with appropriate burden relief, EPA initiated two rulemakings to address both short-term and longer-term reporting requirement modifications while maintaining the practical utility of the TRI data. The TRI Reporting Forms Modification Rule, which addressed relatively minor modifications to the TRI reporting forms, was published in the Federal Register on July 12, 2005 (70 FR 39931). TRI continued its efforts to reduce the TRI reporting burden and published the TRI Burden Reduction Proposed Rule in October 2005 (70 FR 57822). The second regulatory proposal examines more significant reporting modifications with greater potential impact on reporting burden. The TRI Burden Reduction Rule offers burden reduction options that are technically, practically and legally feasible in order to meet the goals and statutory obligations set forth for TRI reporting. The rule will reduce burden associated with TRI reporting while maintaining EPA's commitment to providing valuable information to the public.

Through the Central Data Exchange (CDX) system, EPA is also committed to providing electronic access to its stakeholders to meet EPA's reporting requirements. CDX is an integrated system that provides electronic reporting services to more than 30,000 users for 16 data flows in six major EPA media programs. CDX is on track to provide electronic reporting services for all significant environmental data collections over the next two years. CDX enables EPA and participating program offices to work with stakeholders - including State, tribal and local governments and regulated industries - to enable streamlined, electronic submission of data via the Internet.

By enabling the regulated community to utilize CDX as a reporting tool, the TRI Program received about 60% of its submissions on line for Reporting Year (RY) 2005. To take advantage of CDX's paperless reporting feature, TRI reporters must use the EPA-provided TRI Made-Easy (TRI-ME) Software. For RY 2005, over 95 percent of all facilities used TRI-ME to prepare their reports. This reflects an upward trend toward greater Internet reporting via CDX and is great news for the TRI program. Money saved from processing more-costly hard-copy paper submissions to TRI can now be reinvested in helpful tools and automated data quality checks to assist facilities and provide greater electronic means of accessing TRI data.

Over the past several years, CDX also added a number of new data flows, including the Office of Water's Stormwater Electronic Notice of Intent (an electronic permit application), the Office of Solid Waste and Emergency Response's Risk Management Plan WebRC (electronic updates of emergency contact information), and the Office of Prevention, Pesticides, and Toxic Substances' Lead Request for Certification (payment transactions online).

CDX is EPA's point of presence on the Environmental Exchange Network, known as the "Node." Using CDX, EPA has worked with States to provide the technical specifications and exchange protocols for the Network. CDX provides support services, including node building, security and authentication and help desk. OEI is working with the major programs to deploy their data flows as "node" exchanges, using XML and web services. These efforts are some examples of EPA's commitment to the collection and dissemination of the highest quality of environmental information.

Office of Prevention, Pesticides, and Toxic Substances

The primary goal of EPA's Office of Prevention, Pesticides, and Toxic Substances (OPPTS) is to prevent and reduce pesticide and industrial chemical risks to humans, communities and ecosystems. OPPTS employs a mix of regulatory and non-regulatory methods to achieve this goal. During the past fiscal year, OPPTS proposed and finalized a number of significant regulatory actions that are briefly highlighted below. For more information about these regulatory actions, as well as information about our other programs and activities, please visit our Web site at www.epa.gov/oppts. Looking forward to the coming fiscal year, OPPTS expects to issue several significant regulatory actions that are also highlighted below.

In late 2006 EPA will complete a 10-year review of food-use pesticides, as mandated by the Food Quality Protection Act of 1996 (FQPA). The changes in pesticide use patterns resulting from this review have included outright phase-out of hundreds of pesticides, elimination of certain uses, stricter use provisions, and establishment of food tolerances. Americans today can be confident that pesticides used in the United States meet the highest health and safety standards.

Associated with this review of food-use chemicals, early in 2006, EPA issued a final rule that significantly strengthened and expanded the protections for participants in environmental research in three ways. The rule categorically banned intentional dosing human testing for pesticides when the subjects are pregnant women, nursing women or children. The rule also formalized and further strengthened existing protections for subjects in human research conducted or supported by EPA, as well as to intentional dosing human studies for pesticides conducted by others who intend to submit the research to EPA. This action assures that the best available, ethically sound science is used in our decisionmaking processes.

To ensure that pesticides are continuously reviewed against the latest health and safety standards, in August of 2006, OPPTS began implementing a new program, mandated by section 3(g) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), to review the registrations of all pesticides at least once each 15 years. The registration review program will replace the tolerance reassessment program in 2006 and reregistration program in 2008.

Also in 2006, EPA published a final rule to revise the regulations governing emergency exemptions that allow unregistered uses of pesticides to address emergency pest conditions for a limited time. These revisions reduced the burden to both applicants and EPA, provided for consistent determinations of "significant economic loss" as the basis for an emergency, and updated and clarified the regulations to be consistent with the requirements of FQPA. As a result, the final rule is expected to allow EPA to respond to these emergencies more quickly without compromising existing protections for human health and the environment.

In 2007, EPA will continue its work towards the Administration goal of eliminating childhood lead poisoning as

a national health concern by 2010 by developing a comprehensive program for the management of renovation, repair and painting activities involving lead-based paint hazards. The program will be comprised of a combination of approaches including an extensive education and outreach campaign for lead-safe work practices and training for industry, an outreach campaign designed to expand consumer awareness and create demand for the use of lead-safe work practices, and the establishment of final regulatory requirements. As a part of this effort, EPA issued a proposed rule on January 10, 2006, that would minimize the introduction of lead hazards resulting from the disturbance of lead-based paint during renovation, repair, and painting activities in most housing built before 1978 by requiring that all persons and firms who conduct such work for compensation follow lead-safe work practice standards and be trained and certified in the use of lead-safe work practices, and that providers of renovation training be accredited.

In 2006 and 2007, EPA will continue working collaboratively with stakeholders to better understand the sources and exposure pathways leading to the presence of PFOA in humans and the environment. EPA works with multiple parties to produce missing information on PFOA through enforceable consent agreements, memoranda of understanding, and voluntary commitments, continues to provide data to help answer many important questions about these chemicals. PFOA or perfluorooctanoic acid, a synthetic (man-made) chemical that does not occur naturally in the environment, is used to make fluoropolymers, substances with special properties that have thousands of important manufacturing and industrial applications. Consumer products made with fluoropolymers include non-stick cookware, and breathable, all-weather clothing. EPA began its investigation because PFOA is persistent in the environment and was being found at very low levels both in the environment and in the blood of the general U.S. population. EPA summarized its concerns and identified data gaps and uncertainties about PFOA in a notice published in the Federal Register on April 16, 2003.

EPA continues to implement the voluntary HPV Challenge Program, a collaborative partnership between EPA and industry stakeholders, to develop health and safety screening information on sponsored high production volume chemicals. To complement this voluntary effort, OPPTS expects to issue a second proposed test rule under the Toxic Substances Control Act (TSCA) in early 2007 that will require testing for a number of the HPV chemicals that were not sponsored as part of the voluntary HPV Challenge Program in order to develop critical information about the environmental fate and potential hazards of those chemicals. When combined with information about exposure and uses, the information developed will allow the Agency and others to evaluate potential health and environmental risks, and take appropriate actions.

EPA thoroughly evaluates pesticides to ensure that they will meet Federal safety standards to protect human health and the environment before they can be marketed and used in the United States. EPA uses data submitted by pesticide producers to form the basis for the pesticide risk assessments and decisions as to whether pesticides meet the safety standards. Although the Agency has kept pace with evolving scientific understanding of pesticide risks by requiring the submission of the data needed on a case-by-case basis, OPPTS expects to issue final rules in 2007 that update the data requirements for biochemical, microbial, and conventional chemical pesticides to formally reflect evolving data needs. EPA also intends to propose in 2007 additional data requirements for antimicrobial pesticides and plant-incorporated protectants.

To update and strengthen the protections for pesticide applicators and agricultural workers, in late 2007, OPPTS expects to propose changes to the Federal regulations for the certified pesticide applicator program (CPAP). Many changes in State programs have occurred since the CPAP regulations were promulgated in the 1970s, such that State programs go beyond the current Federal regulations in training and certifying pesticide applicators. The Agency anticipates revisions that will broaden the scope of the certification program to include additional occupational users, and strengthen the demonstration of competency as a requirement of certification. In conjunction with the applicator certification improvements, OPPTS will also propose improvements to the agricultural worker protection program in a separate but related proposed rule. The Agency expects these changes will strengthen the regulations to better protect pesticide applicators, agricultural workers, the public, and the environment.

To further waste minimization and recycling goals, OPPTS intends to propose that manufacturers of agricultural and professional specialty pesticides support pesticide container recycling by either managing and operating their own programs, or contracting with a recycling organization. This proposal is intended to bolster current voluntary programs that have demonstrated that pesticide containers can be safely and efficiently recycled.

Evidence suggests that environmental exposure to man-made chemicals that mimic hormones (endocrine disruptors) may cause adverse health effects in human and wildlife populations. The Food Quality Protection Act directed EPA to develop a chemical screening program (the Endocrine Disruptor Screening Program, EDSP), using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have hormonal effects in humans. OPPTS is implementing recommendations from a scientific advisory committee, which was established to advise EPA on the EDSP, by developing and validating test systems for determining whether a chemical may have effects similar to those produced by naturally occurring hormones. As part of this program EPA is also designing a framework for procedures and processes to use when implementing the EDSP, and will develop an initial list of chemicals for which testing will be required. In 2007, EPA anticipates publishing the preliminary procedures for use in implementing the screening and testing phase of the EDSP.

In response to comments submitted to OMB as part of OMB's Regulatory Reform of the U.S. Manufacturing Sector (2005) report, EPA issued a proposed rule on February 9, 2006, to streamline the TSCA section 12(b) export notification requirement in terms of the exporter's activities, as well as streamlining the Agency's procedures to notify foreign governments. OPPTS also proposed to eliminate reporting for de minimis concentration levels and proposed other improvement to the export notification regulations. EPA expects to issue a final rule early in FY2007.

In addition, in response to another comment submitted to OMB as part of OMB's Regulatory Reform of the U.S. Manufacturing Sector (2005) Report, about the use of mercury-containing

switches in convenience lights and braking systems installed in new cars, EPA proposed a TSCA Section 5 Significant New Use Rule (SNUR) on July 11, 2006, to ensure that the Agency is notified and provided the opportunity to evaluate and, if necessary, to prohibit or limit the use of mercury in automobiles switches before U.S. manufacture, import or processing occurs for that purpose in order to prevent unreasonable risk of injury to human health or the environment. EPA expects to finalize this SNUR in 2007.

Office of Solid Waste and Emergency Response

The Office of Solid Waste and Emergency Response (OSWER) contributes to the Agency's overall mission of protecting public health and the environment by focusing on the safe management of wastes; preparing for, preventing and responding to chemical and oil spills, accidents, and emergencies; enhancing homeland security; and cleaning up contaminated property and making it available for reuse. EPA carries out these missions in partnership with other Federal agencies, States, tribes, local governments, communities, nongovernmental organizations, and the private sector. To further these missions, OSWER has identified several regulatory priorities for the upcoming fiscal year that will promote stewardship and resource conservation and focus regulatory efforts on risk reduction and statutory compliance.

EPA is considering expanding the comparable fuels program. This program currently allows specific industrial wastes to be excluded from the Resource Conservation and Recovery Act (RCRA) hazardous waste requirements when they are used as a fuel and do not contain hazardous constituent levels exceeding those in a typical benchmark fuel that facilities could otherwise use. If EPA is successful in finding additional industrial wastes that could be used safely for their energy value without the expense of a RCRA permit, it would promote the use of these industrial wastes as a renewable domestic source of energy and reduce our use of fossil fuels. It also could significantly reduce the cost of recovering the energy from some hazardous wastes already used as fuels.

The "definition of solid waste" determines the recyclable secondary materials that are regulated under the RCRA hazardous waste regulations and those that are not. The RCRA regulatory definition of solid waste classifies recyclable hazardous secondary materials as either regulated hazardous wastes or unregulated materials. Many materials that are reclaimed as part of the recycling process are regulated as hazardous wastes. This can discourage recycling of the wastes, due to requirements for permits (which trigger corrective action), manifests, and the other requirements imposed by the Subtitle C hazardous waste regulations. EPA is considering innovative approaches that will increase the safe recycling of hazardous waste, while still ensuring that these materials are properly handled.

EPA is continuing its pursuit to improve and modernize the hazardous waste tracking system by developing an "e-manifest." This system will allow electronic processing of hazardous waste transactions that will greatly enhance tracking capabilities, while significantly reducing administrative burden and costs for governments and the regulated community. The e-manifest will build on the new standardized manifest form that took effect in September 2006, and will ensure the continued safe management of hazardous waste.

EPA is seeking to amend the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements to reduce the burden imposed on the regulated community for complying with the SPCC requirements, while maintaining protection of human health and the environment.

The Office of Management and Budget's Reports to Congress on the Costs and Benefits of Regulations for 2001, 2002 and 2004 included reform nominations for the Agency to consider. All the rulemakings mentioned above support reform nominations. In addition, two additional rulemakings under development also pertain to the reform nominations: (1) a rule to streamline laboratory waste management in academic and research laboratories and (2) a rule to manage the cement kiln dust, a by-product of the cement manufacturing process. The Agency is developing final rules for both these efforts. For the former rule, the Agency proposed a set of alternative standards that are more tailored to the way laboratories operate. The goal is to further protect human health and the environment through application of RCRA standards that are harmonious with the way laboratories operate. For the latter rule, the Agency proposed a comprehensive set of standards for the management of cement kiln dust. The goal is to encourage the additional reuse and safer management of chemicals in laboratories, while continuing to protect human health and the environment.

Office of Water

EPA's Office of Water's (OW) primary goals are to ensure that drinking water is safe; to restore and maintain oceans, watersheds, and their aquatic ecosystems to protect human health; to support economic and recreational activities; and to provide healthy habitat for fish, plants, and wildlife. In order to meet these goals, EPA has established a number of regulatory priorities for the coming year. They include rules affecting National Pollutant Discharge Elimination System permit requirements.

OW is planning to finalize three actions affecting National Pollutant Discharge Elimination System (NPDES) permitting requirements in FY 2007. The first is a rule addressing the NPDES permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) in response to the order issued by the Second Circuit Court of Appeals in Waterkeeper Alliance et al. v. EPA, 399 F.3d 486 (2nd Cir. 2005). This final rule will respond to the court order while furthering the statutory goal of restoring and maintaining the nation's water quality and effectively ensuring that CAFOs properly manage manure generated by their operations. A second action is the Water Transfers rulemaking. EPA will finalize the proposed rule which amends the Clean Water Act regulations to clarify that NPDES permits are not required for water transfers. Lastly, EPA also plans to issue a policy regarding NPDES permit requirements for peak wet weather diversions at publicly owned treatment works (POTW) treatment plants serving separate sanitary sewer collection systems.

EPA

PRERULE STAGE

98. ENDOCRINE DISRUPTER SCREENING PROGRAM (EDSP); IMPLEMENTING THE SCREENING AND TESTING PHASE

Priority:

Other Significant

Legal Authority:

15 USC 2603 "TSCA"; 21 USC 346(a) "FFDCA"; 42 USC 300(a)(17) "SDWA"; 7 USC 136 "FIFRA"

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

Section 408(p) of the Federal Food, Drug, and Cosmetic Act, as amended by the 1996 Food Quality Protection Act, directs EPA to establish and implement a program whereby industry will be required to screen and test all pesticide chemicals to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate. The requirements of Section 408(p) were implemented through the creation of the Endocrine Disruptor Screening Program (EDSP) in 1998. The EDSP has the following three components that are proceeding simultaneously: 1) developing and validating assays; 2) setting chemical testing priorities; and 3) establishing 408(p) testing orders and related data procedures. A Federal Advisory Committee Act committee is providing advice to the EDSP on assay development and validation. For chemical testing priorities, the approach to selecting the first 50-100 chemicals was finalized in a September 2005 Federal Register Notice (70 FR 56449) and EPA is implementing that approach. For establishing the testing orders and related data procedures, EPA intends to focus on the initial 50-100 chemicals. The agency intends to conduct a review of the data received from the screening of the initial group of chemicals to evaluate whether the program could be improved or optimized, and if so, how.

Statement of Need:

The Endocrine Disruptor Screening Program Implementation of the Screening and Testing Phase fulfills the statutory direction and authority to screen pesticide chemicals and drinking water contaminants for their potential to disrupt the endocrine system and adversely affect human health and wildlife.

Summary of Legal Basis:

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. As discussed in the Proposed Statement of Policy, EPA has a number of authorities at its disposal to require testing of these types of chemicals. The Federal Food, Drug, and Cosmetics Act (FFDCA) section 408(p) provides EPA authority to require testing of all pesticide chemicals and any other substance that may have an effect that is cumulative to an effect of a pesticide chemical if EPA determines that a substantial population may be exposed to the substance. 21 U.S.C. 346a)(p). Likewise, the Safe Drinking Water Act (SDWA) provides EPA with authority to require testing of any substance that may be found in sources of drinking water if EPA determines that a substantial population may be exposed to the substance. 42 U.S.C. 300j-17. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides EPA with authority to require testing of pesticides if EPA determines that additional data are required to maintain in effect an existing registration. 7 USC sec 136a(c)(2)(B). The Toxic Substances Control Act (TSCA) provides authority for EPA to require testing of TSCA chemicals, provided that it makes certain hazard and/or exposure findings. 15 USC sec 2603. In addition, EPA has authority to issue consent orders to require testing when interested parties agree on an acceptable testing program. 51 Fed. Reg. 23706 (June 30, 1986).

Alternatives:

A Federal role is mandated under cited authority. There is no alternative to the role of the Federal Government on this issue to ensure that pesticides, commercial chemicals and contaminants are screened and tested for endocrine disruption potential. A limited amount of testing may be conducted voluntarily but this will fall far short of the systematic screening which is necessary to protect public health and the environment and ensure the public that all important substances have been adequately evaluated.

Anticipated Cost and Benefits:

It is too early to project the costs and benefits of this program accurately. However, a preliminary rough estimate by industry indicated a cost of $200,000 per chemical. It is also too early to quantify the benefits of this program quantitatively. The goal of the program is to reduce the risks identified below.

Risks:

Evidence is continuing to mount that wildlife and humans may be at risk from exposure to chemicals operating through an endocrine mediated pathway. Epidemiological studies on the associations between chemical exposures and adverse endocrine changes continue to evaluate this problem in humans. Wildlife effects have been more thoroughly documented. Abnormalities in birds, marine mammals, fish, amphibians, alligators, and shellfish have been documented in the U.S., Europe, Japan, Canada, and Australia which have been linked to specific chemical exposures. Evidence is sufficient for the U.S. to proceed on a two track strategy: research on the basic science regarding endocrine disruption and screening with validated assays to identify which chemicals are capable of interacting with the endocrine system. The combination of research and test data submitted in this program will enable EPA to take action to reduce risks.

Timetable:

Action	Date	FR Cite
Notice	12/00/06	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses

Government Levels Affected:

None

Additional Information:

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

URL For More Information:

www.epa.gov/scipoly/oscpendo/index.htm*COM001*

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RIN: 2070–AD61

EPA

99. 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 intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency is currently analyzing the human health and eco risks, costs, and economic impact of this action as it develops the proposed regulation. The Agency has considered alternatives to this action, including regulating these wastes as hazardous wastes under subtitle C of RCRA, but has rejected this approach as discussed in the regulatory determination (see 65 FR 32214, May 22, 2000). EPA has also considered issuing guidance instead of regulations to industry and State and local governments to focus on these remaining waste management issues, particularly since the industry has improved its waste management practices and most State regulatory programs are similarly improving. To this end, the Agency will be issuing a Notice of Data Availability (NODA) announcing the availability for public inspection and comment on new information and data on the management of coal combustion wastes that the Agency will consider in deciding next steps in this effort.

Statement of Need:

The Agency is in the process of developing non-hazardous waste regulations under RCRA Subtitle D for the management of coal combustion wastes in landfills and surface impoundments. The Agency found that in 1995, liners were installed in only 57% of landfills and 26% of surface impoundments. Additionally, while 85% of landfills practiced groundwater monitoring, only 38% of surface impoundments did so. EPA is concerned that the lack of liners and groundwater monitoring could pose risks to human health and the environment.

Summary of Legal Basis:

RCRA Section 8002

Alternatives:

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.

Anticipated Cost and Benefits:

In the May 2000 regulatory determination the Agency stated that the decision to develop non-hazardous waste regulations for coal combustion wastes is a "significant regulatory action." The benefits of the action will be reduced risks to human health and the environment.

Risks:

Risks posed by the mismanagement of coal combustion wastes include contamination of groundwater and surface water from metals, such as arsenic, boron, cadmium, and selenium.

Timetable:

Action	Date	FR Cite
NODA	12/00/06	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Federal, Local, State, Tribal

Federalism:

Undetermined

Additional Information:

SAN No. 4470; This effort 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

EPA

PROPOSED RULE STAGE

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

Priority:

Other Significant

Legal Authority:

42 USC 7409

CFR Citation:

40 CFR 50

Legal Deadline:

Final, Statutory, May 31, 2001, Clean Air Act requires reviews every 5 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.

Statement of Need:

As new health research becomes available on the effects of carbon monoxide, the Clean Air Act requires EPA to review the adequacy of the existing NAAQS at 5-year intervals.

Summary of Legal Basis:

The Clean Air Act requires review and revision of the NAAQS every five years.

Alternatives:

Alternatives for revising or maintaining the NAAQS will be assessed at a later point in the review cycle, after the scientific assessment of risk is completed.

Anticipated Cost and Benefits:

Costs and benefits will be evaluated later in the review cycle.

Risks:

Risk information will be available later in the review cycle.

Timetable:

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

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

EPA

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

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 7522–7621

CFR Citation:

40 CFR 92; 40 CFR 94

Legal Deadline:

None

Abstract:

Emissions from locomotive and marine diesel engines contribute significantly to unhealthful levels of ambient particulate matter and ozone in many parts of the United States. These engines are highly mobile and are not easily controlled at a State or local level. EPA currently regulates the manufacturers of these engines when they are produced or remanufactured at a level similar to early 1990s on-highway diesel trucks. This rulemaking will propose to set an additional tier of more stringent particulate matter and nitrogen oxides emission standards for new marine diesel engines below 30 liters per cylinder (Category 1 and Category 2 marine diesel engines) and new locomotive engines. The standards under consideration are expected to be based on the use of high-efficiency aftertreatment technologies like those that will be used to meet EPA's recent heavy-duty and nonroad diesel standards. These technologies, which could reduce emissions by 90 percent, would be enabled by the availability and use of low sulfur diesel fuel.

Statement of Need:

Further reductions in nitrogen oxide (NOx) and particulate emissions are needed to help States attain national air-quality standards for particulates and for ozone, for which NOx is a precursor.

Summary of Legal Basis:

42 USC 7547

Alternatives:

Alternatives will be developed as the rulemaking proceeds. We recently issued an Advanced Notice of Proposed Rulemaking to gather ideas and comments from the interested public.

Anticipated Cost and Benefits:

Cost and benefit information will be developed as the rulemaking proceeds.

Risks:

The risks addressed by this rule are primarily those resulting from exposure to particulate matter and ozone. Risk information will be quantified as the rulemaking proceeds.

Timetable:

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

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses

Government Levels Affected:

Federal

Additional Information:

SAN No. 4871

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RIN: 2060–AM06

EPA

102. CONTROL OF EMISSIONS FROM NONROAD SPARK–IGNITION ENGINES AND EQUIPMENT

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 7521–7601(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 (<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.

Statement of Need:

EPA has been directed by Congress to set new emission requirements for small spark-ignition (gasoline) engines. The Agency has previously acted to set standards for these nonroad engine source categories as there are significant health and welfare benefits associated with such controls. Even with existing standards, these sources continue to be contributors to air pollution inventories and further reductions will be helpful to State and local governments and tribes in their development of National Ambient Air Quality Standards plans.

Summary of Legal Basis:

Section 213 of the Clean Air Act gives EPA authority to set emissions requirements for nonroad engines. The engines covered under this proposed rulemaking are all considered nonroad engines. California may set its own emissions standards - unlike other mobile source categories, states are prohibited from adopting California emission standards for small spark ignition engines below 50 horsepower.

Alternatives:

A range of alternatives for the various exhaust and evaporative emissions standards is being discussed as part of the rulemaking development process. Alternatives include more stringent standards and different time frames for adopting the new requirements.

Anticipated Cost and Benefits:

There are potential significant health and welfare benefits associated with additional emissions control requirements for small spark-ignition engines. New standards can potentially achieve reductions in VOC emissions as well as other pollutants. Costs and benefits will be quantified and reported as part of the rulemaking process.

Risks:

Impacts of the proposed standards on health indicators will be discussed as part of the rulemaking development.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	
Final Action	11/00/07	

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

EPA

103. 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); 40 CFR 64

Legal Deadline:

None

Abstract:

This rule would revise the Compliance Assurance Monitoring rule (40 CFR part 64) to be implemented through the operating permits rule (40 CFR Parts 70 and 71) to define when periodic monitoring for monitoring stationary source compliance must be created, and to include specific criteria that periodic monitoring must meet. This rule satisfies our 4-step strategy announced in the final Umbrella Monitoring Rule (published January 22, 2004) to address monitoring inadequacies. The four steps were: 1) to clarify the role of title V permits in monitoring [Umbrella Monitoring Rule]; 2) to provide guidance for improved monitoring in PM-Fine SIP's; 3) to take comment on correction of inadequate monitoring provisions in underlying rules; and 4) to provide guidance on periodic monitoring. We have completed the RIA data collection and most of the analyses,and are beginning review with OPEI and an economic sub-work group.

Statement of Need:

The "periodic monitoring" rules, 40 CFR 70.6(a)(3)(i)(B) and 71.6(a)(3)(i)(B), require that "[w]here the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), [each title V permit must contain] periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to [§ 70.6(a)(3)(iii) or § 71.6(a)(3)(iii)]. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the

requirements of [§70.6(a)(3)(i)(B) and §71.6(a)(3)(i)(B)]." Sections 70.6(c)(1) and 71.6(c)(1), called the umbrella monitoring rule, require that each title V permit contain, "[c]onsistent with paragraph (a)(3) of this section, compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit." On January 22, 2004 (69 Federal Register 3202), EPA announced that the Agency has determined that the correct interpretation of §§ 70.6(c)(1) and 71.6(c)(1) is that these sections do not provide a basis for requiring or authorizing review and enhancement of existing monitoring in title V permits independent of any review and enhancement as may be required under the periodic monitoring rules, the CAM rule (40 CFR part 64)(62 FR 54900, October 22, 1997) where it applies, and other applicable requirements under the Act. This action is to publish a separate proposed rule to address what monitoring constitutes periodic monitoring under §§ 70.6(a)(3)(i)(B) and 71.6(a)(3)(i)(B) and what types of monitoring should be created under these provisions. The intended effect of the rule revisions in this proposal is to focus case-by-case reviews on those applicable requirements for which we can identify potential gaps in the existing monitoring provisions.

Summary of Legal Basis:

Section 502(b)(2) of the Act requires EPA to promulgate regulations establishing minimum requirements for operating permit programs, including "[m]onitoring and reporting requirements." 42 U.S.C. § 7661a(b)(2). Second, section 504(b) authorizes EPA to prescribe "procedures and methods" for monitoring "by rule." 42 U.S.C. " 7661c(b). Section 504(b) provides: "The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act, but continuous emissions monitoring need not be required if alternative methods are available that provide sufficiently reliable and timely information for determining compliance. . . ." Other provisions of title V refer to the monitoring required in individual operating permits. Section 504(c) of the Act, which contains the most detailed statutory language concerning monitoring, requires that "[e]ach [title V permit] shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions." 42 U.S.C. section 7661c(c). Section 504(c) further specifies that "[s]uch monitoring and reporting requirements shall conform to any applicable regulation under [section 504(b)]. . . ." Section 504(a) more generally requires that "[e]ach [title V permit] shall include enforceable emission limitations and standards, . . . and such other conditions as are necessary to assure compliance with applicable requirements of this Act, including the requirements of the applicable implementation plan." 42 U.S.C. section 7661c(a).

Alternatives:

Some existing monitoring required under applicable requirements could be improved and will be addressed in connection with both the upcoming PM2.5 implementation rulemaking and by improving monitoring in certain Federal rules or monitoring in SIP rules not addressed in connection with the PM2.5 implementation guidance or rulemaking over a longer time frame.

Anticipated Cost and Benefits:

We are assessing the benefits associated with improved monitoring including the reduction in source owner response time to potential excess emissions problems. Such reduced response time to take corrective action that will be required by the rule will result in measurable emissions reductions that will be balanced against the cost of increased equipment, data collection, and recordkeeping costs. We estimate the total costs of the rule to be more than $100 million.

Risks:

There are no environmental and health risks associated with implementing this monitoring rule; the underlying rules with emissions limits address those risks for each subject source category. The effect of the monitoring resulting from this rule will be to reduce the occurrence of excess emissions episodes that raise such risks.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required:

Undetermined

Small Entities Affected:

Businesses

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 4699.2; Split from RIN 2060-AK29.

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RIN: 2060–AN00

EPA

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

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 7408; 42 USC7409

CFR Citation:

40 CFR 50

Legal Deadline:

Final, Statutory, July 18, 2002, CAA Amendments of 1977.

NPRM, Judicial, March 28, 2007, Consent Decree.

Final, Judicial, December 19, 2007, Consent Decree.

Abstract:

The Clean Air Act Amendments of 1977 require EPA to review and, if necessary, revise national ambient air quality standards (NAAQS) periodically. On July 18, 1997, the EPA published a final rule revising the NAAQS for ozone. The primary and secondary NAAQS were strengthened to provide increased protection against both health and environmental effects of ozone. The EPA's work plan/schedule for the next review of the ozone Criteria Document was published on November 2002. The first external review draft Criteria Document, a rigorous assessment of relevant scientific information, was released on January 31, 2005. The EPA's Office of Air Quality Planning

and Standards will prepare a Staff Paper for the Administrator, which will evaluate the policy implications of the key studies and scientific information contained in the Criteria Document and additional technical analyses, and identify critical elements that EPA staff believe should be considered in reviewing the standards. The Criteria Document and Staff Paper will be reviewed by the Clean Air Scientific Advisory Committee and the public, and both final documents will reflect the input received through these reviews. As the ozone NAAQS review is completed, the Administrator's proposal to reaffirm or revise the ozone 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.

Statement of Need:

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

Summary of Legal Basis:

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

Alternatives:

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

Anticipated Cost and Benefits:

Costs and benefits of revising or reaffirming the national ambient air quality standards for ozone cannot be determined at present; a regulatory impact analysis will be conducted along with the review of the standards.

Risks:

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

Timetable:

Action	Date	FR Cite
Notice	12/29/05	70 FR 77155
NPRM	03/00/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 5008

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RIN: 2060–AN24

EPA

105. PREVENTION OF SIGNIFICANT DETERIORATION, NONATTAINMENT NEW SOURCE REVIEW, AND NEW SOURCE PERFORMANCE STANDARDS: EMISSIONS TEST FOR ELECTRIC GENERATING UNITS

Priority:

Other Significant

Legal Authority:

Clean Air Act, Title I Parts C and D and Section 111(a)(4)

CFR Citation:

40 CFR Part 51; 40 CFR Part 52

Legal Deadline:

None

Abstract:

This rulemaking would create a revised emissions test for existing electric generating units (EGUs) that are subject to the regulations governing the Prevention of Significant Deterioration (PSD) and nonattainment major New Source Review (NSR) programs mandated by parts C and D of title I of the Clean Air Act (CAA). This revised emissions test would be available for EGUs that are also subject to the EPA-administered Clean Air Interstate Rule (CAIR) NOx Annual Trading Program or the CAIR SO2 Trading Program. This emissions test could be extended to other CAIR and non-CAIR EGUs. For existing major stationary sources, the NSR base program emissions test is applied when the source proposes to modify an emissions unit such that the change is a physical change or change in the method of operation, and the test compares actual emissions to either potential emissions or projected actual emissions. Under this rulemaking's revised NSR emissions test (a maximum hourly test like that used in the NSPS program), we would compare the EGU's maximum hourly emissions (considering controls) before the change for the past 5 years to the maximum hourly emissions after the change. The maximum hourly emissions will be either a maximum achieved and maximum achievable hourly emissions, measured on an input or an output basis. The supplemental notice will include proposed regulatory language for the maximum achieved and achievable options (input and output basis for each). The supplemental notice will also include data, information, and analyses concerning the impacts of the proposed options. The supplemental notice will also include an option in which the current regulations (annual emissions test) are retained, but the baseline period is extended from 5 to 10 years.

Statement of Need:

Utilization of this rulemaking's alternative NSR applicability test for existing EGUs would encourage increased utilization at the more efficient units by displacing energy production at less efficient ones.

Summary of Legal Basis:

Parts C and D of title I of the Clean Air Act; CAA section 111(a)(4)

Alternatives:

The proposed basis for the applicability test is a comparison of maximum hourly emissions, which will enhance the implementation and environmental benefits for existing EGUs. We request

comment on alternative bases for an alternative applicability test.

Anticipated Cost and Benefits:

Cost and benefit information will be developed as appropriate, as the rulemaking proceeds.

Risks:

Risk information will be developed as appropriate, as the rulemaking proceeds.

Timetable:

Action	Date	FR Cite
NPRM	10/20/05	70 FR 61081
Supplemental NPRM	12/00/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, Local, State, Tribal

Additional Information:

SAN No. 4794.2; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-AIR/2005/October/ Day-20/a20983.htm; Split from RIN 2060-AM95.

URL For More Information:

www.epa.gov/nsr

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RIN: 2060–AN28

EPA

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

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:

Final, Judicial, September 1, 2008, Court–ordered schedule.

Abstract:

On October 5, 1978 the EPA promulgated primary and secondary NAAQS for lead under section 109 of the Act (43 FR 46258). Both primary and secondary standards were set at a level of 1.5 μg/m3 as a quarterly average (maximum arithmetic mean averaged over a calendar quarter). Subsequent to this initial standard-setting, the Clean Air Act requires that the standard be reviewed periodically. The last such review occurred during the period 1986-1990. For that review, an Air Quality Criteria Document (AQCD) was completed in 1986 with a supplement in 1990. Based on information contained in the AQCD, an EPA Staff Paper and Exposure Assessment were prepared. Following the completion of these documents, the agency did not propose any revisions to the 1978 Pb NAAQS. The current review of the Pb air-quality criteria was initiated in November 2004 by EPA's National Center for Environmental Assessment (NCEA) with a general call for information published in the Federal Register. In January 2005, NCEA released a work plan for the review and revision of the Pb AQCD. Workshops were held to provide author feedback on a developing draft of the AQCD in August 2005. The draft AQCD was released December 1, 2005. The EPA Office of Air Quality Planning and Standards will prepare a Staff Paper for the Administrator, which will evaluate the policy implications of the key studies and scientific information contained in the AQCD and additional technical analyses, and identify critical elements that EPA staff believe should be considered in reviewing the standards. The AQCD and Staff Paper 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 lead NAAQS review is completed, the Administrator's proposal to reaffirm or revise the lead NAAQS will be published with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

Statement of Need:

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

Summary of Legal Basis:

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

Alternatives:

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

Anticipated Cost and Benefits:

Costs and benefits of revising or reaffirming the national ambient air quality standards for lead cannot be determined at present; a regulatory analysis will be conducted along with the review of the standards.

Risks:

The current national ambient air quality standards for lead are intended to protect against public health risks associated with neurological effects in children and cardiovascular effects in adult males. During the course of this review, a risk assessment will be conducted to evaluate health risks associated with the retention or revision of the lead standards. Welfare effects will also be reviewed in relation to retention or revision of the current standard.

Timetable:

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

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Undetermined

Federalism:

Undetermined

Additional Information:

SAN No. 5059

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RIN: 2060–AN83

EPA

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

Priority:

Other Significant

Legal Authority:

15 USC 2603

CFR Citation:

40 CFR 790 – 799

Legal Deadline:

None

Abstract:

EPA is issuing test rules under section 4(a) of the Toxic Substances Control Act (TSCA) to require testing and recordkeeping requirements for certain high production volume (HPV) chemicals (i.e., chemicals 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. When finalized on March 16, 2006, the number of chemicals included in the first final rule was reduced to 17 based on new information on annual production volumes, worker exposure, and commitments to the voluntary HPV Challenge Program. Subsequent test rules, including a proposed rule scheduled to be published in spring of 2007 will require similar screening level testing for other unsponsored HPV Challenge Program chemicals.

Statement of Need:

EPA has found that, of those non-polymeric organic substances produced or imported in amounts equal to or greater than 1 million pounds per year based on 1990 reporting for EPA's Inventory Update Rule (IUR), only 7% have a full set of publicly available internationally recognized basic health and environmental fate/effects screening test data. Of the over 2,800 HPV chemicals based on 1990 data, 43% have no publicly available basic hazard data. For the remaining chemicals, limited amounts of the data are available. This lack of available hazard data compromises EPA's and others' ability to determine whether these HPV chemicals pose potential risks to human health or the environment, as well as the public's right-to-know about the hazards of chemicals that are found in their environment, their homes, their workplaces, and the products that they buy. It is EPA's intent to close this knowledge gap. EPA believes that for most of the HPV chemicals, insufficient data are readily available to reasonably determine or predict the effects on health or the environment from the manufacture (including importation), distribution in commerce, processing, use, or disposal of the chemicals, or any combination of these activities. EPA has concluded that a program to collect and, where needed, develop basic screening level toxicity data is necessary and appropriate to provide information in order to assess the potential hazards/risks that may be posed by exposure to HPV chemicals. On April 21, 1998, a national initiative, known as the "Chemical Right-To-Know" Initiative, was announced in order to empower citizens with knowledge about the most widespread chemicals in commerce— chemicals that people may be exposed to in the places where they live, work, study, and play. A primary component of EPA's Chemical Right-To-Know (ChemRTK) initiative is the voluntary HPV Challenge Program, which was created in cooperation with industry, environmental groups, and other interested parties, and is designed to assemble basic screening level test data on the potential hazards of HPV chemicals while avoiding unnecessary or duplicative testing. Data needs which remain unmet in the voluntary HPV Challenge Program, may be addressed through the international efforts or rulemaking.

Summary of Legal Basis:

These test rules will be issued under section 4(a)(1)(B) of TSCA. Section 2(b)(1) of TSCA states that it is the policy of the United States that "adequate data should be developed with respect to the effect of chemical substances and mixtures on health and the environment and that the development of such data should be the responsibility of those who manufacture [which is defined by statute to include import] and those who process such chemical substances and mixtures[.]" To implement this policy, TSCA section 4(a) mandates that EPA require by rule that manufacturers and processors of chemical substances and mixtures conduct testing if the Administrator finds that: (1)(A)(i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment, (ii) there are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and (iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; or (B)(i) a chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to such substance or mixture, (ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and (iii) testing of such substance or mixture with respect to such effects is necessary to develop such data.

Alternatives:

The strategy and overall approach that EPA is using to address data collection needs for U.S. HPV chemicals includes

a voluntary component (the HPV Challenge Program), certain international efforts, and these rulemakings under TSCA. The issuance of a rulemaking is often the Agency's final mechanism for obtaining this important information.

Anticipated Cost and Benefits:

The potential benefits of these test rules are substantial, as no one — whether in industry, government, or the public — can make reasoned risk management decisions in the absence of reliable health and environmental information. The cost of the baseline screening testing that would be imposed is estimated to be about $200,000 per chemical for a full set of tests. It is unlikely, however, for a chemical to need a full set of tests, which would only occur if none of the data in question already exists.

Risks:

Data collected and/or developed under these test rules, when combined with information about exposure and uses, will allow the Agency and others to evaluate and prioritize potential health and environmental effects and take appropriate follow up action.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81658
Final Action	03/16/06	71 FR 13709
Second NPRM	09/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses

Government Levels Affected:

Federal

Additional Information:

SAN No. 3990; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-TOX/2000/ December/Day-26/t32497.htm; EPA Docket information: EPA-HQ-OPPT-2005-0033

Sectors Affected:

325 Chemical Manufacturing; 32411 Petroleum Refineries

URL For More Information:

www.epa.gov/opptintr/chemtest

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RIN: 2070–AD16

EPA

108. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS

Priority:

Other Significant

Legal Authority:

7 USC 136; 7 USC 136i; 7 USC 136w

CFR Citation:

40 CFR 171; 40 CFR 156; 40 CFR 152

Legal Deadline:

None

Abstract:

The EPA is proposing change to Federal regulations guiding the certified pesticide applicator program (40 CFR 171). Change is sought to strengthen the regulations so that they may better protect pesticide applicators and the public from harm due to pesticide exposure. Changes would include having occupational users of pesticides demonstrate competency by meeting minimum competency requirements, and requiring additional competency determinations of those who use the most toxic pesticides in a manner that could result in significant exposure to the public. The need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the need for changes to the regulation.

Statement of Need:

The regulations governing the Federal and State certification of pesticide applicators, 40 CFR part 171, were originally promulgated in 1974. Since that time State certification programs have gone beyond the Federal regulations in a number of areas. In 1997 a group of stakeholders, the Certification and Training Assessment Group (CTAG) was established to evaluate the current situation and future direction of the program. CTAG, comprised of representatives of state pesticide regulatory agencies, cooperative extension services, and EPA Regions and Headquarters, and tribes, offered suggestions for change to the certification program to improve protections for public health and the environment.

Summary of Legal Basis:

7 U.S.C. 136w

Alternatives:

EPA is considering various alternatives to regulation change based upon stakeholder input. The Agency is in the formative stages of this regulatory effort, and alternatives have not yet been fully identified and evaluated.

Anticipated Cost and Benefits:

EPA will develop an economic analysis to support this rule.

Risks:

The proposed regulation would require that occupational users of pesticides meet minimum competency standards and require additional competency determinations of those who use the most toxic pesticides in a manner that could result in significant exposure to the public. These changes would strengthen the regulations that protect pesticide applicators and the public from potential harm due to pesticide exposure.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required:

Undetermined

Small Entities Affected:

Businesses

Government Levels Affected:

Federal, State, Tribal

Additional Information:

SAN No. 5007

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RIN: 2070–AJ20

EPA

109. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

Priority:

Other Significant

Legal Authority:

7 USC 136; 7 USC 136w

CFR Citation:

40 CFR 156; 40 CFR 170

Legal Deadline:

None

Abstract:

The EPA is developing a proposal to revise the Federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are intended to help agricultural workers protect themselves from potential exposure to pesticides and pesticide residues. In addition, EPA is proposing to make adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to establish a right-to-know Hazard Communication program and make improvements to pesticide safety training, with improved worker safety the intended outcome. The need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

Statement of Need:

The regulations governing the protection of agricultural workers, 40 CFR part 170, were promulgated in 1992. Since that time, stakeholders provided input on areas to improve the regulation, particularly to better protect agricultural field workers and handlers from pesticide risks.

Summary of Legal Basis:

7 U.S.C. 136w

Alternatives:

EPA is considering various alternatives to regulation change based upon stakeholder input. The Agency is in the formative stages of this regulatory effort, and alternatives have not been fully identified and evaluated.

Anticipated Cost and Benefits:

EPA will develop an economic analysis to support this rule.

Risks:

This proposal would reduce the risks to agricultural workers from potential exposure to pesticides and pesticide exposure.

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. 5006

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RIN: 2070–AJ22

EPA

110. PESTICIDE AGRICULTURAL CONTAINER RECYCLING PROGRAM

Priority:

Other Significant

Legal Authority:

7 USC 136 to 136y

CFR Citation:

40 CFR 165

Legal Deadline:

None

Abstract:

EPA will propose to require that manufacturers of agricultural and professional specialty pesticides support (either by managing and operating, or contracting with another organization) a container recycling program that meets the standards of the American National Standards Institute (ANSI). The proposed regulation will ensure the continued operation of an existing but endangered nationwide infrastructure for voluntary recycling of plastic pesticide containers.

Statement of Need:

State regulatory agencies and large pesticide manufacturers have requested that EPA issue a regulation. The current voluntary pesticide container recycling program is not self-sustainable and the program is in danger of collapsing in spite of a nationwide infrastructure that has developed to support the collection and recycling of pesticide containers. Over the past 12 years, the Agricultural Container Recycling Council (ACRC) has operated a voluntary recycling

program and has recycled over 80 million pounds of plastic pesticide containers with an annual budget of less than $4 million. The voluntary program is at risk of collapse because not all registrants participate financially and some companies have resigned, or plan to resign. If the existing system fails, the infrastructure would be lost and would have to be replaced. In addition, without a recycling program, less desirable or improper disposal of at least 8 to 10 million additional pounds of plastic containers would be inevitable. The containers would be burned, added to landfills or buried, in many cases jeopardizing ground water.

Summary of Legal Basis:

FIFRA sections 19(e) and (f) mandate container design requirements and procedures and standards for the safe removal of pesticides from containers before disposal. This rule would facilitate safe recycling as a part of safe disposal or reuse. FIFRA sections 3, 6, 19(a) and 25 provide authority for EPA to promulgate a rule making participation in a recycling program a condition of registration.

Alternatives:

The following non-regulatory approaches have been considered: 1) Continue to pursue a voluntary program. This is not likely to be successful because it would rely heavily on a few registrants to cover program costs for all other registrants. The lack of support by non-participating registrants would not change. 2) Support the development of state laws. States want a national program to eliminate the inefficiencies that would be inherent in 50 separate infrastructures. 3) Encourage non-monetary incentives such as awards. This would not resolve the inequities inherent in the current voluntary system. 4) Encourage a phase-out of disposable containers. This would not be effective since most member companies are using refillable containers. The following regulatory approach was considered: Propose a detailed rule prescribing how recycling would be accomplished and by whom. This would significantly increase the cost of the rule and would reduce flexibility without much added benefit.

Anticipated Cost and Benefits:

The existing voluntary program has an annual budget of less than $4 million. Current estimates are that ACRC member companies account for 80 to 85% of the pesticides sold annually in the agricultural pesticide market. We would need to estimate the sales and container usage of registrants in the professional specialty pesticides market and identify the remaining sales in the agricultural market. The proposed rule is in line with EPA's mission to protect human health and safeguard the environment. By providing an opportunity for end users nationwide to recycle plastic pesticide containers, we will reduce the use of less desirable disposal methods, leading to less litter, reduced soil and ground water contamination from burial and/or land filling, and less air pollution from the open burning of containers. Also, containers would have to be properly rinsed before being recycled, leading to less possibilities for illness and injury from pesticides and their residues.

Risks:

This proposal would reduce risks to human health and the environment by lessening the amount of litter, reducing soil and ground water contamination caused by burial and/or land filling, and less air pollution from the open burning of containers. Also, proper rinsing prior to recycling would reduce risks of illness and injury from pesticides and their residues.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required:

Undetermined

Small Entities Affected:

Businesses

Government Levels Affected:

None

Additional Information:

SAN No. 5050

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RIN: 2070–AJ29

EPA

111. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE, 40 CFR PART 112

Priority:

Other Significant

Unfunded Mandates:

Undetermined

Legal Authority:

33 USC 1321

CFR Citation:

40 CFR 112

Legal Deadline:

None

Abstract:

EPA will propose to amend 40 CFR part 112, which includes the Spill Prevention, Control, and Countermeasure (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 associated with the Notices of Data Availability has been completed and in relation to EPA guidance.

Statement of Need:

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

Summary of Legal Basis:

The legal basis is 33 USC 1321 et seq.

Alternatives:

Undetermined.

Anticipated Cost and Benefits:

Undetermined.

Risks:

Undetermined.

Timetable:

Action	Date	FR Cite
Notice Clarifying Certain Issues	05/25/04	69 FR 29728
NPRM 1 Year Compliance Extension	06/17/04	69 FR 34014
Final 18 Months Compliance Extension	08/11/04	69 FR 48794
NODA re: Certain Facilities	09/20/04	69 FR 56184
NODA re: Oil-filled and Process Equipment	09/20/04	69 FR 56182
NPRM	02/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 2634.2; Split from RIN 2050-AC62.

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RIN: 2050-AG16

EPA

112. 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 most Resource Conservation and Recovery Act (RCRA) hazardous waste management requirements when the wastes 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 and to ensure that energy sources are managed only to the degree necessary to protect human health and the environment, 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.

Statement of Need:

EPA is considering expanding the comparable fuels program. This program allows specific industrial wastes to be excluded from the Resource Conservation and Recovery Act (RCRA) when they are used for energy production and do not contain hazardous constituent levels exceeding those in a typical benchmark fuel that facilities would otherwise use. If EPA is successful in finding other industrial wastes that could be used for energy, this would not only save energy by reducing the amount of hazardous waste that would be otherwise treated and disposed, but also promote energy production from a domestic, renewable source and reduce our use of fossil fuels. EPA is also examining the effectiveness of the current comparable fuel program to determine whether changes could be made to the existing program to make it more effective.

Summary of Legal Basis:

This action is descretionary on the Agency's part.

Alternatives:

To make significant changes to the existing comparable fuels standard, EPA must modify the existing regulations. EPA intends to first propose and seek comment on potential regulatory modifications.

Anticipated Cost and Benefits:

When the existing comparable fuel exemption was established, EPA estimated that the rule would result in annual savings of 11 to 36 million dollars for generators and would result in annual costs of 3 to 13 million dollars for hazardous waste combustors. The savings to generators were made up of avoided hazardous waste combustion costs and revenues from sale of comparable fuels, less the analytical costs. Costs to hazardous waste combustion facilities stem from lost revenue from wastes are diverted to the comparable fuels market. EPA has not conducted a preliminary estimate of costs and benefits from modifications to the existing comparable fuels rule, as options to be proposed have not been selected. Prior to proposing options, EPA intends to reach out to a broad group of stakeholders to receive input on potential regulatory approaches that could be proposed. When EPA selects the approaches to be proposed, we will be in a position to estimate costs and benefits of any regulatory actions.

Risks:

The rationale for the Agency's approach to establishing the existing comparable fuels standards is that if a hazardous waste-derived fuel is comparable to a fossil fuel in terms of hazardous and other key constituents and has a heating value indicative of a fuel, EPA has discretion to classify such material as a fuel product, not as a waste. Given that a comparable fuel would have legitimate energy value and the same hazardous constituents in comparable concentrations to those in fossil fuel (and satisfies other parameters related to comparability as well), classifying such material as a fuel product and not as a waste promotes RCRA's resource recovery goals without creating any risk greater than those posed by the commonly used commercial fuels. If EPA maintains this "benchmark" approach in its revisions, the risks associated with any changes will remain unchanged. Until EPA establishes what approaches to propose for modifications to the comparable fuel standards, it is not possible to provide a description of the risks associated with such a proposal.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

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

EPA

113. • DEFINITION OF SOLID WASTES REVISIONS

Priority:

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

Legal Authority:

42 USC 6903 "RCRA Section 1004"

CFR Citation:

40 CFR 261.2

Legal Deadline:

None

Abstract:

On October 28, 2003 (68 FR 61558), EPA proposed revisions to the definition of solid waste for hazardous secondary materials being reclaimed in a continuous process in the generating industry in an effort to increase the recycling of such materials. The Agency also took comment on a broader proposal to exclude hazardous secondary materials from being a solid waste under RCRA Subtitle C. This proposal was in part prompted by various court decisions about the extent of RCRA jurisdiction over hazardous secondary materials being recycled. In the same notice, the Agency also proposed criteria for determining whether or not hazardous secondary materials are recycled legitimately; the legitimacy criteria would apply to both those hazardous secondary materials that were excluded, as well as those that would remain subject to regulation under Subtitle C of RCRA. EPA received numerous comments on the proposal. In addition, EPA has conducted studies of recycling practices and the circumstances under which recycling of hazardous secondary materials are reclaimed in an environmentally sound manner, as well as when such reclamation has caused environmental problems. Based on the comments received and the new information being made available for public comment, the Agency will be issuing a supplemental proposal that would exclude from being a solid waste certain hazardous secondary materials that are reclaimed. We are also taking comment on revisions being considered to the legitimacy criteria, as well as taking comment on a variance process regarding hazardous secondary materials that are recycled.

Statement of Need:

EPA is revising the definition of solid waste to increase recycling.

Summary of Legal Basis:

Association of Battery Recyclers v. EPA, 203 F. 2d 1047 (D.C. Cir. 2000); American Mining Congress v. EPA, 824 F. 2d 1177 (D.C. Cir. 1987) and other cases

Alternatives:

We have solicited comment in the proposal on several alternative regulatory options, including a broad exclusion for legitimately recycled materials, and are evaluating public comments on all available options.

Anticipated Cost and Benefits:

We expect that this rule will increase the recycling of wastes covered by the rule. We have prepared an economic analysis for the proposed rule, and we are presently developing preliminary costs and benefits for all our regulatory options. When an option is chosen and a final rule is drafted, we will prepare a detailed economic analysis quantifying the costs and benefits.

Risks:

We are developing conditions for the rule so that there will be no negative impacts on human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	10/28/03	68 FR 61558
Supplemental NPRM	12/00/06	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State

Additional Information:

SAN No. 4670.1; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-WASTE/2003/October/ Day-28/f26754.htm; Split from RIN 2050-AE98.

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RIN: 2050–AG31

EPA

FINAL RULE STAGE

114. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) RESIDUAL RISK STANDARDS

Priority:

Other Significant

Legal Authority:

42 USC 7412

CFR Citation:

40 CFR 63

Legal Deadline:

Final, Statutory, April 22, 2003.

Final, Judicial, December 15, 2006, Court ordered deadline for final rule.

Abstract:

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

Statement of Need:

Section 112(f) of the Clean Air Act requires EPA to assess residual risks that remain after implementation of technology-based standards for each category of major sources of air-toxic emissions. Section 112(f) also mandates EPA to develop additional emission standards for these sources, as necessary, to provide an ample margin of safety. This rule will cover the major sources of air emissions within the synthetic organic chemical industry.

Summary of Legal Basis:

Clean Air Act Section 112

Alternatives:

Option 1 is no revision to NESHAP. Option 2 requires additional controls on equipment leaks and controls on some storage tanks and process vents that are controlled under the current rule.

Anticipated Cost and Benefits:

Under Option 2 exposures for 450,000 people would be reduced from above 1 in a million to below 1 in a million at an annualized cost of $13 million.

Risks:

Baseline cancer incidence is 0.1 cases per year and risk to most exposed individual is 100 in a million.

Timetable:

Action	Date	FR Cite
NPRM	06/14/06	71 FR 34421
Final Action	01/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 4659; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-AIR/2006/June/Day-14/a5219.htm

Sectors Affected:

325 Chemical Manufacturing

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RIN: 2060-AK14

EPA

115. NESHAP: HALOGENATED SOLVENT CLEANING—RESIDUAL RISK STANDARDS

Priority:

Other Significant

Legal Authority:

42 USC 7412

CFR Citation:

40 CFR 63

Legal Deadline:

Final, Statutory, December 2, 2002.

Final, Judicial, December 15, 2006, Consent Decree.

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.

Statement of Need:

Section 112(f) of the Clean Air Act requires EPA to assess residual risks that remain after implementation of technology-based standards for each category of major sources of air-toxic emissions. Section 112(f) also mandates EPA to develop additional emission standards for these sources, as necessary, to provide an ample margin of safety. This rule will cover the major sources of air emissions within the halogenated solvent cleaning industry.

Summary of Legal Basis:

Section 112(f) of the Clean Air Act.

Alternatives:

Based on its findings, EPA is co-proposed and sought comment on two options to amend to the existing standards. Both options would impose an annual cap on emissions of the solvents methylene chloride, perchloroethylene and trichloroethylene and provide cost savings to the industry. The proposed emission caps provide affected facilities with the flexibility to reduce their emissions using any traditional methods available to reduce emissions from their degreasing operations.

Anticipated Cost and Benefits:

Costs and benefits were summarized in the NPRM. The differences between the two options is that the annual costs for Option 1 are completely offset by the solvent savings of up to $1 million when compared to the annual costs of Option 2. Option 2 establishes a more stringent emission cap, reduces more individual risks compared to Option 1 and moves more people into the range that EPA considers acceptable with a margin of safety. Option 2 will require an increased number of facilities with risks already less than 1-in-a-million to comply with the standard. No significant small business impacts are expected under either Options 1 or 2.

Risks:

Risk information was summarized in the NPRM. EPA completed a risk assessment to evaluate the risks remaining now that hazardous air emissions have been controlled at these facilities through MACT. Residual risks were found to exist from a number of facilities. Also in preparation for the proposed action, EPA completed a technology review to determine if it was necessary to revise the existing standards to account for developments in work practices, processes, and control technologies.

Timetable:

Action	Date	FR Cite
NPRM	08/17/06	71 FR 47669
NPRM Comment Period End	10/02/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required:

Undetermined

Small Entities Affected:

Businesses

Government Levels Affected:

Federal

Federalism:

Undetermined

Additional Information:

SAN No. 4668; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-17/a6927.htm

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

EPA

116. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES

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 7521

CFR Citation:

40 CFR Part 80; 40 CFR Part 86

Legal Deadline:

NPRM, Judicial, February 28, 2006, Consent Decree.

Final, Judicial, February 9, 2007, Consent Decree.

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.

Statement of Need:

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.

Summary of Legal Basis:

Clean Air Act Section 202

Alternatives:

The current proposal considers 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.

Anticipated Cost and Benefits:

These controls would significantly reduce emissions of benzene and other mobile source air toxics such as 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, and naphthalene. This proposal would result in additional substantial benefits to public health and welfare by significantly reducing emissions of particulate matter from passenger vehicles. We project annual nationwide benzene reductions of 35,000 tons in 2015, increasing to 65,000 tons by 2030. Total reductions in mobile source air toxics would be

147,000 tons in 2015 and over 350,000 tons in 2030. Passenger vehicles in 2030 would emit 45% less benzene. Gas cans meeting the new standards would emit almost 80% less benzene. Gasoline would have 37% less benzene overall. We estimate that these reductions would have an average cost of less than 1 cent per gallon of gasoline and less than $1 per vehicle. The average cost for gas cans would be less than $2 per can. The reduced evaporation from gas cans would result in significant fuel savings, which would more than offset the increased cost for the gas can.

Risks:

Benzene is a known human carcinogen, and mobile sources are responsible for the majority of benzene emissions. The other mobile source air toxics are known or suspected to cause cancer or other serious health effects.

Timetable:

Action	Date	FR Cite
NPRM	03/29/06	71 FR 15804
Final Action	02/00/07	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

Additional Information:

SAN No. 4748; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-AIR/2006/March/Day-29/a2315a.htm

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

EPA

117. CLEAN AIR FINE PARTICLE IMPLEMENTATION RULE

Priority:

Other Significant

Legal Authority:

42 USC 7410; 42 USC 7501 et seq

CFR Citation:

40 CFR 51

Legal Deadline:

None

Abstract:

In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). EPA designations of 39 nonattainment areas for the PM2.5 standards became effective on April 5, 2005. The Clean Air Fine Particle Implementation Rule, which was proposed in the Federal Register on November 1, 2005, includes requirements and guidance for State and local air pollution agencies to follow in developing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 standards. These SIP development activities include technical analyses to identify effective strategies for reducing emissions contributing to PM-2.5 levels, and the adoption of regulations as needed in order to attain the standards. 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.

Statement of Need:

This rule is needed in order to provide guidance to State and local agencies in preparing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 PM-2.5 standards. The implementation requirements for nonattainment areas are generally described in subpart 1 of section 172 of the Clean Air Act. This rule provides further interpretation of those requirements for the PM-2.5 standards.

Summary of Legal Basis:

42 USC 7410 and 42 USC 7501 et seq.

Alternatives:

Alternatives will be explored as the proposal is developed.

Anticipated Cost and Benefits:

This information will be provided as the proposal is developed.

Risks:

The risks addressed by this rule are those addressed by the 1997 NAAQS rule — i.e., the health and environmental risks associated with nonattainment of the NAAQS. These risks were summarized in detail in the analyses accompanying the 1997 NAAQS rule.

Timetable:

Action	Date	FR Cite
NPRM	11/01/05	70 FR 65984
Final Action	01/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 4752; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-AIR/2005/November/Day-01/a20455.htm

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RIN: 2060–AK74

EPA

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

Priority:

Other Significant

Legal Authority:

42 USC 7401 et seq

CFR Citation:

40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21

Legal Deadline:

None

Abstract:

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

Statement of Need:

The current New Source Review program provides for emissions from multiple projects to be aggregated (aggregation) as one single project under certain circumstances. Similarly, when making a PSD applicability calculation, emissions from units whose effective capacity and potential to emit have been increased as a result of a modification to another unit (debottlenecked units), must be included in the initial PSD applicability calculations. Specific questions regarding the application of these two terms have been addressed on a case-by-case basis. By completing this rulemaking, regulated entities and regulatory agencies will be provided an additional level of certainty in addressing applicability issues.

Summary of Legal Basis:

42 USC 7411(a)(4)

Alternatives:

Alternatives will be developed as the rulemaking proceeds.

Anticipated Cost and Benefits:

Cost and benefit information will be developed as appropriate as the rulemaking proceeds.

Risks:

Risk information will be developed as appropriate as the rulemaking proceeds.

Timetable:

Action	Date	FR Cite
NPRM	09/14/06	71 FR 54235
Final Action	05/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, Local, State

Additional Information:

SAN No. 4793

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RIN: 2060–AL75

EPA

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

Priority:

Other Significant

Legal Authority:

15 USC 2001 to 2003; 15 USC 2005 to 2006; 15 USC 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 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.

Statement of Need:

Section 774 of the Energy Policy Act of 2005 requires EPA to update the fuel economy label calculation methodology to reflect a variety of factors not currently accounted for in the existing test procedures. Possible factors EPA will consider include how well the methodology reflects real-world driving conditions and advances in automotive technology.

Summary of Legal Basis:

Section 774 of the Energy Policy Act of 2005.

Alternatives:

EPA is considering several options, including adding new fuel economy tests and revising adjustment factors.

Anticipated Cost and Benefits:

Costs and benefits were summarized in the NPRM.

Risks:

Risk information was summarized in the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	02/01/06	71 FR 5425
Final Action	12/00/06	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal

Additional Information:

SAN No. 4962; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-AIR/2006/February/Day-01/a451.htm; EPA Docket information: EPA-HQ-OAR-2005-0169

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RIN: 2060–AN14

EPA

120. 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.

Statement of Need:

Congress selected Yucca Mountain as the Nation's only candidate site for a repository for nuclear spent fuel and high-level radioactive waste. The Energy Policy Act of 1992 requires EPA to set Yucca-Mountain-specific standards. Standards were promulgated in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame.

Summary of Legal Basis:

The Energy Policy Act of 1992 requires EPA to set Yucca-Mountain-specific standards. Standards were promulgated in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame.

Alternatives:

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. Alternatives addressing that recommendation will be developed as the rulemaking proceeds.

Anticipated Cost and Benefits:

Cost and benefit information will be developed as the rulemaking proceeds.

Risks:

Risk information will be developed as the rulemaking proceeds.

Timetable:

Action	Date	FR Cite
NPRM	08/22/05	70 FR 49014
Final Action	12/00/06	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal

Additional Information:

SAN No. 4964; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-AIR/2005/August/Day-22/a16193.htm

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RIN: 2060–AN15

EPA

121. RENEWABLE FUELS STANDARD RULE

Priority:

Other Significant

Legal Authority:

Pub. L. 109–58

CFR Citation:

40 CFR 80.1101

Legal Deadline:

Final, Statutory, August 6, 2006, The Energy Policy Act of 2005 requires that EPA promulgate RFS regulations by 08/06/2006.

Abstract:

The Energy Policy Act of 2005 (the "Act"), signed into law on August 8, 2005, requires EPA to promulgate regulations implementing the Renewable Fuels Standard (RFS) within one year of enactment. The RFS requires specific volumes of renewable fuel to be in gasoline sold in the U.S. starting with 4.0 billion gal/yr in 2006 up to 7.5 billion gal/yr in 2012. The Act provides that if EPA fails to promulgate regulations within one year, then a default value of 2.78% renewable fuel in gasoline will be in effect for 2006. We recently promulgated a rule ("Renewable Fuel Standards Requirements for 2006," 70 FR 77325, 12/30/05) to implement the default standard. The Agency must complete its obligation under the Act by promulgating a rule that implements the RFS for years 2007 and beyond. Such rule must establish how the renewable fuel standard is defined and calculated, what parties are liable, and how compliance with the standard is to be determined. In addition, the rule must establish a system by which renewable fuel credits can be generated, and traded/sold between parties. This statutory provision is subject to multiple interpretations of key terms. The "Renewable Fuel Standard Requirements for 2006" that we promulgated on 12/30/05 interprets the default provision so that it can be implemented with certainty in the event EPA fails to promulgate the RFS within one year of enactment. It provides for refiners, importers and blenders to meet the 2.78% requirement collectively, rather than on an individual basis. Since our projections show that this value is highly likely to be met in 2006 under planned practices of the refining industry, we do not anticipate any impacts on the industry in general, nor any on small businesses. It will have no effect on State, local or tribal governments.

Statement of Need:

In The Energy Policy Act of 2005 (PL 109-58), Congress directed EPA to undertake this rulemaking to support the goal of increasing the production and use of renewable fuels.

Summary of Legal Basis:

The Energy Policy Act of 2005 (PL 109-58) requires EPA to promulgate regulations that implement the renewable fuels standard (RFS), which applies to refineries, importers and blenders as appropriate. The Act specifies required amounts of renewable fuel that must be in gasoline sold in the United States. EPA's regulations must define how the standard is to be computed, who is liable, and it must also include a credit trading system which is stipulated in the Act.

Alternatives:

The Energy Policy Act of 2005 set forth requirements for the use of Renewable Fuels. EPAct set forth specific requirements for the minium volume of renewable fuels, a schedule to increase use, and requirements for establishing a credit and trading program. This rule intends to comply directly with EPAct requirements.

Anticipated Cost and Benefits:

On average, EPA estimates the cost of this increase in renewable fuels to range from 0.3 to 1 cent per gallon of gasoline. As part of the final rulemaking, EPA plans to include an updated analysis. However, currently, renewable fuel demand is projected to exceed the levels required by the Energy Policy Act. The RFS does, however, establish a baseline that provides market certainty that at least a minimum amount of renewable fuel will be used should market conditions change. Depending on the volume of renewable fuel anticipated to be used in 2012, EPA estimates that this transition to renewable fuels will reduce petroleum consumption by 2.3 to 3.9 billion gallons or roughly 1.0 to 1.6 percent of the petroleum that would otherwise be used by the transportation sector. The preliminary analysis of the emissions and air quality impacts of the expanded use of renewable fuels indicates that carbon monoxide emissions from gasoline-powered vehicles and equipment will be reduced by 1.3 to 3.6 percent, benzene (a mobile source air toxic) emissions will be reduced by 1.7 to 6.2 percent and carbon dioxide equivalent greenhouse gas emissions will be reduced by 9 to 14 million tons or about 0.4 to 0.6 percent of the anticipated greenhouse gas emissions from the transportation sector in the United States in 2012. At the same time, other vehicle emissions may increase as a result of greater renewable fuel use. Nationwide, EPA estimates between a 28,000 and 97,000 ton increase in volatile organic compounds plus nitrogen oxides (VOC + NOx) emissions. However, the effects will vary significantly by region. EPA estimates that areas such as New York City, Chicago, and Los Angeles will experience no increase, while other areas may see an increase VOC emissions from 3 to 5 percent and an increase in NOx emissions from 4 to 6 percent from gasoline powered vehicles and equipment.

Risks:

Failure to comply with EPAct statutory mandate would void intention of providing stability and certainty for renewable market growth and support for expanding domestic energy production and reduced reliance on foreign sources of petroleum.

Timetable:

Action	Date	FR Cite
NPRM	09/22/06	71 FR 55552
NPRM Comment Period End	11/12/06	
Final Action	03/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

Additional Information:

SAN No. 5048

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RIN: 2060–AN76

EPA

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

Priority:

Other Significant

Legal Authority:

42 USC 7410; 42 USC 7501 et seq

CFR Citation:

40 CFR 51

Legal Deadline:

None

Abstract:

In 1997, EPA promulgated National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM2.5). EPA designations of 39 nonattainment areas for the PM2.5 standards became effective on April 5, 2005. The Clean Air Fine Particle Implementation Rule, which was proposed in the Federal Register on November 1, 2005, includes requirements and guidance for State and local air pollution agencies to follow in developing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 standards. The proposed rule also included the New Source Review (NSR) provisions for implementing the PM2.5 program. In this final action, we have split the NSR provisions of the proposed rule as a separate package. This rule will address the applicability of NSR to precursors, Major Source Threshold and Significant Emissions Rate for PM2.5, preconstruction monitoring requirements, offset provisions and interpollutant trading of offsets and finally the transition provisions.

Statement of Need:

This rule is needed in order to provide guidance to State and local agencies in preparing State implementation plans (SIPs) designed to bring areas into attainment with the 1997 PM-2.5 standards. The implementation requirements for nonattainment areas are generally described in subpart 1 of section 172 of the Clean Air Act. This rule provides further interpretation of those requirements for the PM-2.5 standards.

Summary of Legal Basis:

42 USC 7410 and 42 USC 7501 et seq.

Alternatives:

Alternatives will be explored as the final rule is developed.

Anticipated Cost and Benefits:

This information will be provided as the final rule is developed.

Risks:

The risks addressed by this rule are those addressed by the 1997 NAAQS rule — i.e., the health and environmental risks associated with nonattainment of the NAAQS. These risks were summarized in detail in the analyses accompanying the 1997 NAAQS rule.

Timetable:

Action	Date	FR Cite
Final Action	02/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, Local, State, Tribal

Additional Information:

SAN No. 4752.2; Split from RIN 2060-AK74.

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RIN: 2060–AN86

EPA

123. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS

Priority:

Other Significant

Legal Authority:

7 USC 136 to 136y

CFR Citation:

40 CFR 158

Legal Deadline:

None

Abstract:

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

partners in the regulated community, would attain a better understanding and could better prepare for the pesticide registration process.

Statement of Need:

Since the data requirements were first published in 1984, the information needed to support the registration of a pesticide has evolved along with the expanding knowledge base of pesticide chemical technology. Over the years, updated data requirements have been applied on a case-by-case basis. The codified data requirements have not been revised to keep pace with the updated data requirements. The proposed changes update and revise the data requirements, reformat the structure of part 158 and update procedures and policies for data submission. The changes are intended to provide stakeholders with a more transparent and improved clarity of the potential data requirements, more focused use patterns that reflect current practice, and a more efficient registration process.

Summary of Legal Basis:

The final rule will describe data and information needed to support multiple pesticide mandates under two statutes: the registration, reregistration, registration review, and experimental use permit programs under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and the tolerance-setting and reassessment program under the Federal Food, Drug and Cosmetic Act (FFDCA). These programs are authorized under FIFRA sections 3, 4, and 5 and FFDCA sec 408.

Alternatives:

The Agency is required by its various statutory mandates to establish data requirements that support its regulatory decisions. It is incumbent on the Agency to reevaluate those data requirements in light of scientific advances, analytical improvements, and new technology, in order to provide a sound scientific basis for those decisions. The Agency also considers whether alternative regulatory methods, such as restrictions on use, would obviate the need for data, and explores means of introducing flexibility and clarity to reduce burdens on the regulated community.

Anticipated Cost and Benefits:

Using the currently codified requirements as the baseline for the impact analysis, the total annual impact of the proposed revisions to the pesticide industry is estimated to be about $51 million. Of this estimated total annual impact, about $28.9 million per year represents new data requirements that have been imposed over the years but are not codified in the CFR. In addition, about $21.6 million represents the cost of the proposed modified or expanded existing data requirements for certain tests and use patterns, and about $1.9 million represents the cost of proposed new data requirements for data that have not yet been routinely required. The qualified benefits include improved usability and transparency for registrants, improved scientific basis for pesticide regulatory decisions, enhanced international harmonization with less duplication of data.

Risks:

The proposed revisions to the data requirements, like the existing requirements in part 158, would require an applicant for pesticide registration to supply the Agency with information on the pesticide: composition, toxicity, potential human exposure, environmental properties, and ecological effects. This information is used to assess the human health and environmental risks associated with the product. The data that will be required by this regulation form the foundation of EPA's risk assessment for pesticides, and provide a sound scientific basis for any licensing decisions that impose requirements that mitigate or reduce risks, and that ensure that pesticide resides in food meet the "reasonable certainty of no harm" risk standard of the Federal Food Drug and Cosmetic Act (FFDCA).

Timetable:

Action	Date	FR Cite
NPRM	03/11/05	70 FR 12277
Notice of Public Meeting	04/01/05	70 FR 16785
NPRM: Extension of Comment Period	06/08/05	70 FR 33414
Final Action	04/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses

Government Levels Affected:

Federal, State

Additional Information:

SAN No. 2687; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-PEST/2005/March/Day-11/p4466.htm; Individual Document id in the EPA docket: http://www.regulations.gov

Sectors Affected:

32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information:

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

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RIN: 2070–AC12

EPA

124. LEAD–BASED PAINT ACTIVITIES; AMENDMENTS FOR RENOVATION, REPAIR, AND PAINTING

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

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

Legal Authority:

15 USC 2682 and 2684 (TSCA sections 402 and 404)

CFR Citation:

40 CFR 745

Legal Deadline:

Final, Statutory, October 28, 1996.

Abstract:

The Environmental Protection Agency is developing a comprehensive program for the management of renovation, repair and painting activities involving lead based paint hazards. The program will be comprised of a combination of approaches including an extensive education and outreach campaign for lead-safe work practices and training for industry, an outreach campaign

designed to expand consumer awareness and create demand for the use of lead-safe work practices and the proposal of regulatory requirements. On January 10, 2006, the EPA proposed regulatory requirements for renovation, repair and painting contractors involved in activities where, as a result of their work, lead hazards are created. [Modifications to the abatement requirements will also be considered to ensure compatibility between the existing requirements and any future renovation requirements.]

Statement of Need:

Childhood lead poisoning is a pervasive problem in the United States, with almost a million young children having more than 10 ug/dl of lead in their blood (Center for Disease Control's level of concern). Although there have been dramatic declines in blood-lead levels due to reductions of lead in paint, gasoline, and food sources, remaining paint in older houses continues to be a significant source of childhood lead poisoning. These rules will help insure that individuals and firms conducting lead-based paint activities will do so in a way that safeguards the environment and protects the health of building occupants, especially children under 6 years old.

Summary of Legal Basis:

This regulation is mandated by TSCA section 402(c). TSCA Section 402(c) directs EPA to address renovation and remodeling activities by first conducting a study of the extent to which persons engaged in various types of renovation and remodeling activities are exposed to lead in the conduct of such activities or disturb lead and create a lead-based paint hazard on a regular basis. Section 402(c) further directs the Agency to revise the lead-based paint activities regulations (40 CFR Part 745 Subpart L) to include renovation or remodeling activities that create lead-based paint hazards. In order to determine which contractors are engaged in such activities the Agency is directed to utilize the results of the study and consult with the representatives of labor organizations, lead-based paint activities contractors, persons engaged in remodeling and renovation, experts in health effects, and others.

Alternatives:

TSCA Section 402(c) states that should the Administrator determine that any category of contractors engaged in renovation or remodeling does not require certification, the Administrator may publish an explanation of the basis for that determination.

Anticipated Cost and Benefits:

EPA's quantitative cost estimates fall into four categories: Training Costs, Work Practice Costs, Clearance Testing Costs, and Administrative Costs. The estimates vary depending upon the option selected. In most cases we expect that requirements related to Clearance Testing and Work Practices will contribute the most to overall rule cost. The benefits analysis will not provide direct quantitative measures of each (or any) option. EPA does not have a complete risk assessment (with dose-response functions) that would permit direct quantitative estimates. We do have other data, such as estimated loadings of Pb generated by renovation work, number and type of renovation events, demographics of the exposed population, and the costs of various health effects previously linked to Pb exposure. With the available information we are able utilize several qualitative approaches to frame the benefits associated with an effective renovation rule.

Risks:

These rules are aimed at reducing the prevalence and severity of lead poisoning, particularly in children. The Agency has concluded that many R&R work activities can produce or release large quantities of lead and may be associated with elevated blood lead levels. These activities include, but are not limited to: sanding, cutting, window replacement, and demolition. Lead exposure to R&R workers appears to be less of a problem than to building occupants (especially young children). Some workers (and homeowners) are occasionally exposed to high levels of lead. Any work activity that produces dust and debris may create a lead exposure problem.

Timetable:

Action	Date	FR Cite
NPRM	01/10/06	71 FR 1588
Notice of Availability; Supplemental Economic Analysis	03/02/06	71 FR 10628
Notice of Availability; Draft Pamphlet	03/08/06	71 FR 11570
Request for Comment; Lead Paint Test Kit Development	03/16/06	71 FR 13561
NPRM: Extension of Comment Period	04/06/06	71 FR 17409
Final Action	06/00/08	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected:

Federal, Local, State, Tribal

Additional Information:

SAN No. 3557; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-TOX/2006/January/Day-10/t071.htm; EPA Docket information: EPA-HQ-OPPT-2005-0049; Individual Document id in the EPA docket: www.regulations.gov

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:

www.epa.gov/oppt/lead/pubs/renovation.htm

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RIN: 2070–AC83

EPA

125. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS

Priority:

Other Significant

Legal Authority:

7 USC 136 to 136y

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.

Statement of Need:

The Agency is in the process of updating its data requirements for pesticides. Current data requirements for biochemical and microbial pesticides were originally promulgated in 1984. Since the data requirements were first published in 1984, the information needed to support the registration of a biochemical or microbial pesticide has evolved along with the expanding knowledge base of pesticide chemical technology. Over the years, updated data requirements have been applied on a case-by-case basis. The codified data requirements have not been revised to keep pace with the updated data requirements. EPA has proposed to update and revise the data requirements. These revisions build upon those previously proposed for conventional chemicals, tailored to the lesser data needs for biochemical and microbial pesticides. The changes are intended to provide stakeholders with a more transparent and improved clarity of the potential data requirements, more focused use patterns that reflect current practice, and a more efficient registration process.

Summary of Legal Basis:

7 U.S.C. 136 to 136y

Alternatives:

The Agency is required by its various statutory mandates to establish data requirements that support its regulatory decisions. It is incumbent on the Agency to reevaluate those data requirements in light of scientific advances, analytical improvements, and new technology, in order to provide a sound scientific basis for those decisions. On a case by case basis, the Agency also considers whether alternative regulatory methods, such as restrictions on use, would obviate the need for data, and explores means of introducing flexibility and clarity to reduce burdens on the regulated community.

Anticipated Cost and Benefits:

EPA has analyzed several economic alternatives for the proposed revisions to the biochemical and microbial pesticide data requirements, based upon consultations with stakeholders in industry, academia and individual registrants. EPA has considered both a low-cost and a high-cost alternative to the proposal.The rule is expected to reduce burdens and costs to registrants of biochemical and microbial pesticides. Current estimated savings are in the range of $3 million annually, or $63,000 per company. The qualified benefits include improved usability and transparency for registrants, improved scientific basis for pesticide regulatiory decisions, and enhanced international harmonization with less duplication of data.

Risks:

The proposed revisions to the data requirements, like the existing requirements in part 158, would require an applicant for pesticide registration to supply the Agency with information on the pesticide: composition, toxicity, potential human exposure, environmental properties and ecological effects. This information is used to assess the human health and environmental risks associated with the product. The data that will be required by this regulation form the foundation of EPA's risk assessment for pesticides, and provide a sound scientific basis for any licensing decisions that impose requirements that mitigate or reduce risks, and that ensure that pesticide resides in food meet the "reasonable certainty of no harm" risk standard of the Federal Food Drug and Cosmetic Act (FFDCA).

Timetable:

Action	Date	FR Cite
NPRM	03/08/06	71 FR 12071
Final Action	06/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State

Additional Information:

SAN No. 4596; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-PEST/2006/March/Day-08/p2185.htm

Sectors Affected:

32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information:

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

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RIN: 2070–AD51

EPA

126. 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)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. As part of OMB's Regulatory Reform of the U.S. Manufacturing Sector Report (2005), industry commented that the existing TSCA section 12(b) regulations do not provide a low-level cut-off for the export notification requirements. To address that concern, EPA committed to OMB that it would consider potential changes to the TSCA section 12(b) regulation within the scope of existing statutory authority and issue a proposed amendment to address the concern expressed by January 2006. EPA issued proposed amendments to the 12(b) export notification regulations on February 9, 2006 that included a de minimis concentration level below which notification would not be required along with several other changes. The public comment period on the proposed rule has ended and EPA is proceeding with development of a rule to finalize the proposed changes. Legislation is currently pending to address the implementation in the US of the Rotterdam Convention on Prior Informed Consent (PIC), which itself includes export notification requirements.

Statement of Need:

Industry nominated the implementing regulations for reform consideration twice. First in the annual report on the costs and benefits of regulations, entitled "Stimulating Smarter Regulation: 2002 Report to Congress on the Costs and Benefits of Regulations and Unfunded Mandates on State, Local, and Tribal Entities," that is prepared by the Office of Management and Budget (OMB) and submitted to Congress each year. (See OMB's compilation of comments, summary no. 190, pg 10, commenter no. 12 available at http://www.whitehouse.gov/omb/inforeg/key_comments.html.) And then again in 2004, see no. 39 in OMB's Regulatory Reform of the U.S. Manufacturing Sector Report (2005). The industry nominations stated that: many notifications are for minor substance/product ingredients or impurities that are not an imminent concern; compliance with export notification requirements is a significant cost to industry and a paper work burden to EPA; and that the scope and number of notifications has created confusion among importing countries. After careful consideration of these nominations, EPA published proposed amendments to the 12(b) export notification regulations that, if finalized, will reduce the reporting burden on industry and EPA and also focus importing governments' attention on those chemicals for which EPA has proposed to make or has made a definitive finding that a chemical "presents or will present" an unreasonable risk to human health or the environment.

Summary of Legal Basis:

Section 12(b)(2) of the Toxic Substances Control Act (TSCA).

Alternatives:

In the proposed rule, EPA requested public comments on alternative approaches that could be considered, including whether there are more appropriate de minimis thresholds that should be used.

Anticipated Cost and Benefits:

The Economic Analysis for the proposed rule estimated that the proposed amendments would save the regulated community $440,000 in costs over 20 years and would save the Federal government $450,000 over 20 years.

Risks:

None.

Timetable:

Action	Date	FR Cite
NPRM	02/09/06	71 FR 6733
Final Action	12/00/06	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal

Additional Information:

SAN No. 4858; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-TOX/2006/February/Day-09/t1797.htm; EPA Docket information: EPA-HQ-OPPT-2005-0058

URL For More Information:

www.epa.gov/opptintr/chemtest/12b.htm

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RIN: 2070–AJ01

EPA

127. TESTING AGREEMENT FOR PERFLUOROOCTANOIC ACID (PFOA)

Priority:

Other Significant

Legal Authority:

15 USC 2603 "TSCA 4"

CFR Citation:

40 CFR 790 to 799

Legal Deadline:

None

Abstract:

PFOA is a synthetic (man-made) chemical that does not occur naturally in the environment. EPA identified data gaps regarding the sources and exposure pathways of PFOA and is seeking additional data concerning the potential relationship between fluoropolymer and fluorotelomer based polymer chemicals and PFOA. EPA has invited interested parties to monitor and participate in negotiations for developing several industry sponsored testing programs concerning fluoropolymers and fluorotelomer based polymers 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.

Statement of Need:

In the late 1990's, EPA received information indicating that perfluorooctyl sulfonates (PFOS) were widespread in the blood of the general population, and presented concerns for persistence, bioaccumulation, and toxicity. Following discussions between EPA and 3M, the manufacturer of PFOS, the company terminated production of these chemicals. Findings on PFOS led EPA to review similar chemicals, including PFOA, starting in 2000, to determine whether they might present concerns similar to those associated with PFOS. PFOA is very persistent in the environment and was being found at very low levels both in the environment and in the blood of the general U.S. population. Studies indicated that PFOA can cause developmental and other adverse effects in laboratory animals. PFOA also appears to remain in the human body for a long time. All of these factors, taken together, prompted the Agency to investigate whether PFOA might pose a risk to human health and the environment at the levels currently being found, or at levels that might be reached in the future as more PFOA continues to be released into the environment. EPA does not have a full understanding of how people are exposed to PFOA, which is used an essential processing aid in the manufacture of fluoropolymers, and may also be a breakdown product of other related chemicals, called fluorinated telomers. In April 2003, EPA released a preliminary risk assessment for PFOA and started a public process to identify and generate additional information to better understand the sources of PFOA and the pathways of human exposure. EPA is negotiating with multiple parties to produce missing information on PFOA through Enforceable Consent Agreements (ECAs), memoranda of understanding, and voluntary commitments. The ECA activities related to PFOA are addressed by the Regulatory Agenda entry.

Summary of Legal Basis:

These Consent Orders which incorporate Enforceable Consent Agreements (ECAs) will be issued under section 4(a) of TSCA. Section 2(b)(1) of TSCA states that it is the policy of the United States that "adequate data should be developed with respect to the effect of chemical substances and mixtures on health and the environment and that the development of such data should be the responsibility of those who manufacture [which is defined by statute to include import] and those who process such chemical substances and mixtures[.]" To implement this policy, TSCA section 4(a) of TSCA authorizes EPA to require manufacturers and processors of chemical substances and mixtures to test these chemicals to determine whether they have adverse health or environmental effects. Section 4(a) empowers the Agency to promulgate rules which require such testing. In addition, EPA has authority to enter into ECAs requiring testing where they provide procedural safeguards equivalent to those that apply where testing is conducted by rule (see 40 CFR 790).

Alternatives:

EPA identified the need to improve its understanding of the sources and pathways of exposure to PFOA in 2003 and initiated a process to develop needed new date on the issue. This new information will assist the Agency in determining if there are potential risks and what risk management steps may be appropriate. Specifically, EPA is working with industry and other stakeholders to obtain additional monitoring information on PFOA, exposures resulting from incineration or loss from products as they are used over time, and telomer biodegradation as a potential source of PFOA. The Agency is developing formal TSCA Section 4 Enforceable Consent Agreements (ECAs) and Memoranda of Understanding (MOUs) with industry in a public process involving a large number of interested parties, and is cooperating on voluntary research activities. Data needs which remain unmet through the MOUs and voluntary commitments may be addressed through additional ECAs and/or rulemaking.

Anticipated Cost and Benefits:

The potential benefits of these ECAs are substantial, as no one — whether in industry, government, or the public — can make reasoned risk management decisions in the absence of reliable health/environmental effects and exposure information. These ECAs are expected to reduce scientific uncertainties and to enable EPA and the public to more fully understand the pathways of human exposure and potential risks from PFOA. The costs of the testing that would be imposed is estimated to be on the order of several hundred thousand dollars for each.

Risks:

PFOA is very persistent in the environment and was being found at very low levels both in the environment and in the blood of the general U.S. population. Studies indicated that PFOA can cause developmental and other adverse effects in laboratory animals. PFOA also appears to remain in the human body for a long time. Data collected and/or developed under these Consent Orders/ECAs, when combined with information about hazard, will allow the Agency and others to evaluate and prioritize potential health and environmental effects and take appropriate follow up action.

Timetable:

Action	Date	FR Cite
Final: ECA and CO for Fluoropolymer Chemicals Incineration	07/08/05	70 FR 39630
Final: ECA and CO for Fluorotelomer–based Polymer Chemicals Incineration	07/08/05	70 FR 39624
Notice: Measurement of PFOA Generated from Thermal Degradation of Fluoropolymer Chemicals	12/00/06	
Stewardship Program	12/00/06	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses

Government Levels Affected:

Federal

Additional Information:

SAN No. 3493.1; EPA publication information: Final: ECA and CO for Fluorotelomer-based Polymer Chemicals Incineration - http://www.epa.gov/fedrgstr/ EPA-TOX/2005/July/Day-08/t13492.htm; EPA Docket information: OPPT-2003-0012

URL For More Information:

www.epa.gov/oppt/pfoa/index.htm

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RIN: 2070–AJ06

EPA

128. 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 June 16, 2005. The May 2001 proposed rule included: (1) Electronic file formats for the manifest data elements; (2) electronic signature options; and (3) computer security controls aimed at ensuring data integrity and reliable systems. Subsequently in May 2004, a stakeholder meeting collected additional stakeholder views on the future direction of the electronic manifest. Based on the record developed for the proposed standards and the additional views from stakeholders at the May 2004 meeting, EPA is considering final action on the proposed standards. However, since the publication of the proposed rule in 2001, EPA has found that there is a fairly broad consensus in favor of the development of a national e-manifest system by EPA. EPA is now considering the option of developing a national system, but EPA's ability to pursue this option will depend on new funding being authorized or on new authority for EPA to collect user fees.

Statement of Need:

The regulation is necessary to establish the standards and procedures under which hazardous waste handlers will be authorized to use electronic manifests in lieu of the existing paper manifest forms. The current regulations only allow the use of prescribed paper forms which must be carried physically with the waste shipment, signed by hand with each change of custody, and filed among each waste handler's operating records. This regulation will remove impediments in the current regulations to using electronic manifests, and it will specify the conditions under which electronic manifests may be obtained, completed, electronically signed, and transmitted, so that the electronic manifests may be used and accepted as the legal equivalent of the current paper forms.

Summary of Legal Basis:

There is currently not in place a statute or court order which requires EPA to adopt the electronic manifest regulation. However, members of Congress are currently considering a Bill that would mandate the development of an electronic manifest system by EPA, and such a Bill, if enacted during the 109th Congress, could include a regulatory deadline for promulgating a regulation authorizing the use of electronic manifests. Whether or not there is such a statutory mandate, EPA could develop a regulation addressing the e-Manifest under the authority of RCRA Section 3002(a)(5), which authorizes EPA to promulgate regulations establishing standards for generators of hazardous waste, including standards on "the use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste generated is designated for treatment, storage, or disposal in and arrives at" permitted facilities.

Alternatives:

Based on comments submitted on the proposed rule, and additional stakeholder input received at public meetings, EPA's preferred alternative is now the development of a consistent, national e-Manifest system that would be developed and operated under a Federal contract funded by user fees, and hosted on EPA's Central Data Exchange reporting system. Other alternatives include a national system that would be developed entirely privately; a decentralized option like the one suggested in the proposed rule, under which various private entities would develop numerous e-Manifest systems adhering to standards announced by EPA; and a no action alternative, under which all manifesting would continue only with paper manifests.

Anticipated Cost and Benefits:

The estimated 1st year or start-up costs for a national e-Manifest system are projected to be in the range of $3.98 million to $5.32 million. Annual operation and maintenance (O&M) costs for such a system are projected in the range $2.03 million to $2.48 million. Economic benefits from such a system include net savings to manifest users and to State RCRA agencies of about $100 million per year, assuming that 75 percent of manifests can be completed electronically. These projected savings can also be expressed as a net unit savings of $23 to $40 per manifest. Non-economic benefits expected from the e-Manifest include: Better quality and more timely waste shipment data; nearly real time shipment tracking capabilities for users; enhanced inspection and compliance monitoring capabilities for regulators; more rapid notification and response to problems or discrepancies with waste shipments; more efficient or "one-stop" submission of manifest data to EPA and States; and new possibilities to manage manifest data and to simplify or consolidate existing systems for reporting and tracking manifest and biennial report data.

Risks:

This action addresses administrative requirements for tracking hazardous waste shipments and does not involve the control of "risks" in the sense that RCRA regulations typically address the risks posed by the management of hazardous wastes. There is not a formal

risk assessment developed for this action. Since the e-manifest regulation could authorize the use of an information technology (IT) system that would be developed to create and transmit electronic manifests, there would be information system management risks and information security risks associated with developing and operating such an IT system. EPA will assess and manage these information technology and security risks as part of the Capital Planning and Investment Control (CPIC) process that governs the management of EPA's IT investments.

Timetable:

Action	Date	FR Cite
NPRM	05/22/01	66 FR 28240
Notice of Public Meeting	04/01/04	69 FR 17145
NODA	04/18/06	71 FR 19842
Final Action	04/00/08	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State

Additional Information:

SAN No. 31471; EPA publication information: NPRM - http://www.gpo.gov/su__ docs/aces/fr-cont.html; Split from RIN 2050-AE21; EPA Docket information: EPA-HQ-RCRA-2001-0032

Sectors Affected:

325 Chemical Manufacturing; 2211 Electric Power Generation, Transmission and Distribution; 332 Fabricated Metal Product Manufacturing; 2122 Metal Ore Mining; 2111 Oil and Gas Extraction; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 323 Printing and Related Support Activities; 3221 Pulp, Paper, and Paperboard Mills; 482 Rail Transportation; 484 Truck Transportation; 5621 Waste Collection; 56221 Waste Treatment and Disposal; 483 Water Transportation

URL For More Information:

www.epa.gov/epaoswer/hazwaste/gener/manifest/

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RIN: 2050–AG20

EPA

129. OIL POLLUTION PREVENTION; SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) REQUIREMENTS—AMENDMENTS

Priority:

Economically Significant

Legal Authority:

33 USC 1321

CFR Citation:

40 CFR 112

Legal Deadline:

None

Abstract:

On September 20, 2004, the Environmental Protection Agency (EPA or the Agency) issued two Notices of Data Availability (NODAs) concerning certain facilities and oil-filled and process equipment. Based on its review of the information received from the NODAs, EPA proposed to amend the Spill Prevention, Control, and Countermeasure (SPCC) Plan requirements to reduce the regulatory burden for certain facilities by: providing an option that would allow owners/operators of facilities that store less than 10,000 gallons of oil and meet other qualifying criteria to self-certify their SPCC Plans, in lieu of review and certification by a Professional Engineer; providing an alternative to the secondary containment requirement, without requiring a determination of impracticability, for facilities that have certain types of oil-filled equipment; defining and providing an exemption for motive power containers; and exempting airport mobile refuelers from the specifically sized secondary containment requirements for bulk storage containers. In addition, the Agency also proposed to remove and reserve certain SPCC requirements for animal fats and vegetable oils and proposed a separate extension of the compliance dates for farms (see 70 FR 73524, December 12, 2005). In proposing these changes, EPA is significantly reducing the burden imposed on the regulated community in complying with the SPCC requirements, while maintaining protection of human health and the environment. EPA has also requested comments on the potential scope of future rulemaking.

Statement of Need:

The Office of Management and Budget (OMB) targeted certain rulemakings across the U.S. Environmental Protection Agency (EPA), including the SPCC rule, for regulatory reform on an expedited schedule. (Progress in Regulatory Reform: 2004 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities ("Thompson Report")). This rulemaking will provide streamlined, alternative approaches for compliance with oil spill prevention requirements for certain entities, and to improve net welfare by reducing the costs of regulation and improving compliance, resulting in greater environmental protection.

Summary of Legal Basis:

Section 311(j)(1)(C) of the Clean Water Act (CWA or the Act), 33 U.S.C. 1321(j)(1)(C), requires the President to issue regulations establishing procedures, methods, equipment, and other requirements to prevent discharges of oil from vessels and facilities and to contain such discharges. The President delegated the authority to regulate non-transportation-related onshore facilities to EPA in Executive Order 11548 (35 FR 11677, July 22, 1970), which has been replaced by Executive Order 12777 (56 FR 54757, October 22, 1991). No aspects of this action are required by statute or court orders.

Alternatives:

EPA considered alternative options for various aspects of this rulemaking in the December 2005 proposed rule, following receipt of public comments, and through logical outgrowth of the proposed rule. To address streamlined requirements for a defined set of "qualified facilities," alternative options included: (1) providing an

indefinite extension of deadlines or a suspension of all SPCC requirements; and (2) a multi-tiered structure of requirements based on a facility's total regulated storage based on the SBA proposal described in the Certain Facilities NODA published last year. To address streamlined requirements for small oil-filled operational equipment, alternative approaches considered included: (1) an option similar to the qualified facilities proposal, in which eligibility of a facility with oil-filled operational equipment would be determined by considering capacity thresholds and reportable discharge history from any oil-filled operational equipment; (2) a tiered set of requirements for electrical and other oil-filled operational equipment; (3) providing an indefinite extension of the Plan revision and implementation dates for certain types of oil-filled operational equipment; and (4) suspending all SPCC requirements for certain types of oil-filled operational equipment. For motive power containers greater than 55 gallons in size, alternative options included: (1) exemption of all motive power containers, except motive power containers on aircraft and mining equipment; (2) exemption of all motive power containers below a certain gallon threshold; and (3) exclusion of motive power containers only from the facility storage capacity calculation and bulk storage container requirements.

Anticipated Cost and Benefits:

Considered separately and applying a 7 percent discount rate, today's proposed regulatory changes could yield annualized compliance cost savings, in 2005 dollars, of about $38 million for the "Qualified Facility" option, $39 to $67 million for "Oil-Filled Equipment" option (assuming 25 to 75 percent of facilities with oil-filled equipment affected); $1 million to $5 million for the "Motive Power" exemption (assuming 10 to 50 percent of facilities with motive power containers affected); and $17 million to $51 million for the "Mobile Refuelers" exemption (assuming 25 to 75 percent of facilities with mobile refuelers affected). The main benefit of the rule is the reductions in compliance costs due to streamlined requirements. EPA does not believe that these cost reductions would be offset by any significant losses in environmental protection.

Risks:

EPA has designed the final rule to minimize increases in environmental risk. Although the final rule may increase the risk of discharge by an unknown magnitude by streamlining the rule for certain owners and operators of facilities, EPA believes that any environmental impact will be minimal, and will be offset by the benefits of increased compliance with the SPCC rule.

Timetable:

Action	Date	FR Cite
NODA re: Certain Facilities	09/20/04	69 FR 56184
NODA re: Oil–filled and Process Equipment	09/20/04	69 FR 56182
NPRM	12/12/05	70 FR 73524
Final Action	12/00/06	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State, Local, Tribal

Additional Information:

SAN No. 2634.3; EPA publication information: NODA re certain facilities - http://www.epa.gov/fedrgstr/ EPA-WATER/2004/September/Day-20/w21065.htm; Split from RIN 2050-AG16.

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RIN: 2050–AG23

EPA

130. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR PEAK WET WEATHER DISCHARGES FROM PUBLICLY OWNED TREATMENT WORK TREATMENT PLANTS SERVING SANITARY SEWER COLLECTION SYSTEMS POLICY

Priority:

Other Significant

Legal Authority:

33 USC 1311, 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. Based on a review of all the information received, EPA has decided not to finalize the policy as proposed in November 2003. On December 22, 2005, EPA requested public comment on an alternative Peak Flows Policy that is significantly different than the 2003 draft policy.

Statement of Need:

Regulatory agencies, municipal operators of wastewater facilities, and representatives of environmental advocacy groups have expressed uncertainty about the appropriate regulatory interpretation for peak wet weather diversions at publicly owned treatment works (POTW) treatment plants serving separate sanitary sewer collection systems. This policy is needed to clarify NPDES permit requirements for such wet weather diversions and to ensure a comprehensive regulatory approach reduces peak wet diversions.

Summary of Legal Basis:

33 USC 1251 et seq.

Alternatives:

On November 7, 2003, EPA requested public comment on a proposed policy which would have provided an alternative regulatory interpretation. Under the proposed interpretation in the November 7, 2003 proposed policy, a wet weather diversion around biological treatment units that was blended with the wastewaters from the biological units prior to discharge would not have been considered to constitute a prohibited bypass if the six criteria specified in the November 7, 2003 proposed policy were met. EPA received significant public comment on the proposed policy, including over 98,000 comments opposing the policy due to concerns about human health risks. On May 19, 2005, EPA indicated that after consideration of the comments, the Agency had no intention of finalizing the 2003 proposal. On July 26, 2005, Congress enacted the FY 2006 Department of the Interior, Environment, and Related Agencies Appropriations Act (P.L. 109-54). Section 203 of the Appropriations Act provides that none of the funds made available in the Act could be used to finalize, issue, implement or enforce the November 7, 2003 proposed blending policy. On December 22, 2005, EPA requested public comment on an alternative Peak Flows Policy that is significantly different than the 2003 draft policy.

Anticipated Cost and Benefits:

The costs and benefits associated with this policy have not been evaluated.

Risks:

The collection and treatment of municipal sewage and wastewater is vital to public health. During significant rain events, high volumes of water entering a sewage collection system can overwhelm the collection system or treatment plant. Operators of wastewater treatment plants must manage these high flows to both ensure the continued operation of the treatment process and to prevent backups and overflows of raw wastewater in basements or city streets. The proposed policy seeks to reduce public health risks by encouraging municipalities to make investments in ongoing maintenance and capital improvements to improve their system's long-term performance.

Timetable:

Action	Date	FR Cite
1st Draft Policy	11/07/03	68 FR 63042
2nd Draft Policy	12/22/05	70 FR 76013
Final Policy	12/00/06	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Governmental Jurisdictions

Government Levels Affected:

Local, State, Tribal

Federalism:

Undetermined

Additional Information:

SAN No. 4690; EPA publication information: 2nd Draft Policy - http://www.epa.gov/fedrgstr/ EPA-WATER/2005/December/Day-22/w7696.htm; EPA Docket information: EPA-HQ-OW-2005-0523

Sectors Affected:

22132 Sewage Treatment Facilities

URL For More Information:

www.epa.gov/npdes

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RIN: 2040–AD87

EPA

131. CONCENTRATED ANIMAL FEEDING OPERATION RULE

Priority:

Other Significant

Legal Authority:

CWA 301, 304, 306, 307, 308, 402, 501

CFR Citation:

40 CFR Part 122; 40 CFR Part 412

Legal Deadline:

None

Abstract:

This rulemaking is in response to the Second Circuit's February 28, 2005, decision in Waterkeeper Alliance vs. EPA, which vacated provisions in the Concentrated Animal Feeding Operations (CAFO) rule found at 40 CFR 412. Two vacatures from the case affect the 1) duty that all CAFOs need to apply for an NPDES permit, and 2) provisions that nutrient management plans (NMPs) need only be kept on-site. This proposed rule would remove the duty to apply for all CAFOs and replace it with a requirement for CAFOs to apply for a permit if they discharge or propose to discharge. The proposed rule also would establish a process to address the court's concerns that the information within NMPs be available for public comment, reviewed by the permit authority, and incorporated into the permit. It is EPA's intention to make only those changes necessary to address the issues raised by the court.

Statement of Need:

EPA is revising the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs) in response to the decision issued by the Second Circuit Court of Appeals in Waterkeeper Alliance v. EPA, 399 F.3d 486 (2nd Cir. 2005), which vacated certain aspects of the 2003 CAFO rule and remanded other aspects for clarification. This rule responds to the court's decision while furthering the statutory goal of restoring and maintaining the nation's water quality and effectively ensuring that CAFOs properly manage manure generated by their operations.

Summary of Legal Basis:

Congress passed the Federal Water Pollution Control Act (1972), also known as the Clean Water Act (CWA), to "restore and maintain the chemical, physical, and biological integrity of the nation's waters" (33 U.S.C. 1251(a)). Among the core provisions, the CWA establishes the NPDES permit program to authorize and regulate the discharge of pollutants from point sources to waters of the U.S. 33 U.S.C. 1342. Section 502(14) of the CWA specifically includes CAFOs in the definition of the term "point source." Section 502(12) defines the term "discharge of a pollutant" to mean "any addition of any pollutant to navigable waters from any point source" (emphasis added). EPA has issued comprehensive regulations that implement the NPDES program at 40 CFR part 122. The Act also provides for the development of technology-based and water quality-

based effluent limitations that are imposed through NPDES permits to control the discharge of pollutants from point sources. CWA sections 301(a) and (b).

Alternatives:

Because this rulemaking is in response to the decision issued by the Second Circuit Court of Appeals in Waterkeeper Alliance v. EPA vacating or remanding certain aspects of the 2003 CAFO rule, there are no non-regulatory options that would satisfy the requirements of the court.

Anticipated Cost and Benefits:

Since there is no change in technical requirements, changes in impacts on respondents are estimated to result exclusively from changes in the information collection burden. EPA estimates that CAFOs will experience a net reduction in administrative burden of approximately $15.4 million due to the court decision. At the same time, however, permitting authorities would have to bear a net $0.5 million annual increase in administrative burden. In total, the administrative burden under the proposed rule is projected to decline to a total of approximately $64 million annually for both regulated facilities and permit authorities, which constitutes a reduction of more than $14.9 million compared to the 2003 CAFO rule.

Risks:

None

Timetable:

Action	Date	FR Cite
NPRM	06/30/06	71 FR 37744
Final Action	06/00/07	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Federal, State

Additional Information:

SAN No. 4996; NPRM - http://www.epa.gov/fedrgstr/ EPA-WATER/2006/June/Day-30/w5773.htm

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RIN: 2040–AE80

EPA

132. WATER TRANSFERS RULE

Priority:

Other Significant

Legal Authority:

33 USC 1251 et seq

CFR Citation:

40 CFR 122.3

Legal Deadline:

None

Abstract:

This rulemaking addresses the question of whether the National Pollutant Discharge Elimination System (NPDES) permitting program under Section 402 of the Clean Water Act (CWA) is applicable to water control facilities that merely convey or connect navigable waters. For purposes of this action, the term "water transfer" refers to any activity that conveys or connects navigable waters (as that term is defined in the CWA) without subjecting the water to intervening industrial, municipal, or commercial use. This rulemaking focuses exclusively on water transfers and is not relevant to whether any other activity is subject to the CWA permitting requirement.

Statement of Need:

This rulemaking is needed to clarify that NPDES permits are not required for water transfers. In 2004, this question was presented before the Supreme Court in South Florida Water Management District v. Miccosukee Tribe of Indians. The Court declined to rule directly on the issue and remanded it back to the District Court for further deliberation, generating uncertainty among the potentially regulated community and other stakeholders.

Summary of Legal Basis:

The legal basis is 33 USC 1251 et seq.

Alternatives:

On August 5, 2005, EPA issued a legal memorandum entitled "Agency Interpretation on Applicability of Section 402 of the Clean Water Act to Water Transfers." Based on the statute as a whole, this memo concluded that Congress intended for water transfers to be subject to oversight by water resource management agencies and State non-NPDES authorities, rather than the NPDES permitting program. The interpretive memo stated that the Agency would initiate a rulemaking to this effect. The issuance of a rulemaking will provide the greatest certainty for stakeholders.

Anticipated Cost and Benefits:

There are no costs and benefits associated with this rulemaking.

Risks:

There are no risks associated with this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/07/06	71 FR 32887
Final Action	03/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

State

Additional Information:

SAN No. 5040; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-WATER/2006/June/Day-07/w8814.htm

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RIN: 2040–AE86

EPA

133. • IMPLEMENTATION GUIDANCE FOR MERCURY WATER QUALITY CRITERIA

Priority:

Other Significant

Legal Authority:

33 USC 1251 et seq

CFR Citation:

None

Legal Deadline:

None

Abstract:

In the 2001 Federal Register notice of the availability of EPA's recommended water quality criterion for methylmercury, EPA stated that it would develop associated procedures and guidance for implementing the criterion. For States and authorized tribes exercising responsibility under CWA section 303(c), this document provides technical guidance on how they might want to use the recommended 2001 fish tissue-based criterion to develop and implement their own water quality standards for methylmercury. The guidance addresses topics related to adoption and revision of standards, monitoring, waterbody assessment, TMDL development, and NPDES permitting. Also, EPA published a national advisory for fish consumption due to mercury in March 2003; the implementation guidance will clarify the relationship between this advisory and the recommended criterion. Since atmospheric deposition is considered to be a major source of mercury for many waterbodies, implementing this criterion involves coordination across many media and program areas.

Statement of Need:

The methylmercury criterion is expressed as a fish and shellfish tissue value, and this raises both technical and programmatic implementation questions. EPA expects that, as a result of the revised methylmercury water quality criterion, together with a more sensitive method for detecting mercury in effluent and the water column, and increased monitoring of previously unmonitored waterbodies, the number of waterbodies that states report on CWA section 303(d) lists as impaired due to methylmercury contamination might continue to increase. Development of water quality standards, NPDES permits, and TMDLs present challenges because these activities typically have been based on a water concentration (e.g., as a measure of mercury levels in effluent). This guidance addresses issues associated with states and authorized tribes adopting the new water quality criterion into their water quality standards programs and implementation of the revised water quality criterion in TMDLs and NPDES permits. Further, because atmospheric deposition serves as a large source of mercury for many waterbodies, implementation of the criterion involves coordination across various media and program areas.

Summary of Legal Basis:

N/A

Alternatives:

N/A

Anticipated Cost and Benefits:

The costs and benefits associated with this guidance have not been evaluated.

Risks:

N/A

Timetable:

Action	Date	FR Cite
Final Document	01/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

State, Tribal

Additional Information:

SAN No. 5098; FDMS Docket number: Docket ID No. EPA-HQ-OW-2006-0656

URL For More Information:

www.epa.gov/waterscience/criteria/methylmercury

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RIN: 2040–AE87

EPA

134. 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.

Statement of Need:

EPA is looking to explore various options with the intention of identifying a specific burden reduction initiative that effectively lessens the burden on facilities but at the same time ensures that TRI continues to provide communities with the same high level of significant chemical release and other waste management information.

Summary of Legal Basis:

Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990.

Alternatives:

Still under analysis.

Anticipated Cost and Benefits:

Still under analysis.

Risks:

Not Applicable.

Timetable:

Action	Date	FR Cite
NPRM	10/04/05	70 FR 57822
Final Action	12/00/06	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State

Additional Information:

SAN No. 4896; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/ EPA-WASTE/2005/October/Day-04/f19710.htm

URL For More Information:

www.epa.gov/tri

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ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL 8209-2]

Fall 2006 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
- Rules and major policymakings completed or canceled since the last agenda.

TO BE PLACED ON THE AGENDA MAILING LIST: If you would like to subscribe, please call 800-490-9198 or, until November 15, send an e-mail with your name and address to: ncepimal@one.net. Afer November 15, send it to nscep@bps-lmit.com. There is no charge for a single copy 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.

SUPPLEMENTARY INFORMATION:

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

Our primary objective is to protect human health and the environment. One way we achieve this objective is through the development of regulations. In the United States, Congress passes laws and authorizes certain Government agencies, including EPA, to create and enforce regulations. EPA regulations cover a range of environmental and public health protection issues, from setting standards for clean water to establishing requirements for proper handling of toxic wastes to controlling air pollution from industry and other sources.

To ensure that our regulatory decisions are scientifically sound, cost-effective, fair, and effective in achieving environmental goals, we conduct high quality scientific, economic, and policy analyses. These analyses are planned and initiated at early stages in the regulatory development process, so that Agency decisionmakers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches. It is also important that we continue to apply new and improved methods to protect the environment, such as: Building flexibility into regulations from the very beginning, creating strong partnerships with the regulated community, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. We seek collaborative solutions to shared challenges. Research, testing, and adoption of new environmental protection methods are also a central tenet in environmental problemsolving. The integration of all of these elements via a well-managed regulatory development process and a strong commitment to innovative solutions will ensure that we all benefit from significant environmental improvements that are fair, efficient, and protective. Our overall success is measured by our effectiveness in protecting human health and the environment. For a more expansive discussion of our regulatory philosophy and priorities please see the Statement of Priorities in the FY 2007 Regulatory Plan (www.epa.gov/regagenda).

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

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

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

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**(FR). To be most effective, comments should contain information and data that support your position, and you also should explain why we should incorporate your suggestion in the rule or non-regulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

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

EPA

Democracy gives real power to individual citizens, but with that power comes responsibility. We urge you to become involved in EPA's rule and policymaking process.

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

EPA includes regulations and certain major policy documents in the agenda. However, there is no legal significance to the omission of an item from the agenda, and we generally do not include minor amendments or the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers.
- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes.
- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins.
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations.
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions.
- Under the Clean Water Act: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States.
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

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

EPA's and other agencies' regulatory plans are published together in part 2 of the **Federal Register** on the same day that the regulatory agenda is published. To save money, we do not include detailed information on actions that are included in the Plan in the regulatory agenda itself; rather, we cross-reference the plan entries.

To Find the Regulatory Plan:

EPA's FY 06 regulatory plan is located in part 2 of this issue of the **Federal Register**. Within a day or two of publication, on-line versions will be located at http://www.epa.gov/REGAGENDA and at

http://ciir.cs.umass.edu/ua/Fall2006/regplan/ENVIRONMENTAL__PROTECTION__AGENCY__(EPA).html.

D. How Is the Agenda Organized?

We have organized the Agenda:

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

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

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

1. Prerulemaking—Prerulemaking actions are generally intended to determine whether EPA should
2. 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.
3. Proposed Rule—This section includes EPA rulemaking actions that are within a year of proposal
4. (publication of Notices of Proposed Rulemakings (NPRMs)).
5. Final Rule—This section includes rules that will be issued as a final rule within a year.
6. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action is after October 2008.
7. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2006 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

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part of our periodic review of existing rules under section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 610).

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

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

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

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or

3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

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

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

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

Legal Authority: The sections of the United States Code (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 RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

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

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

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

Unfunded Mandates: Section 202 of the Unfunded Mandates Reform Act generally requires an assessment of anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than $100 million in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If we expect to exceed this $100 million threshold, we note it in this section.

Energy Impacts: Indicates whether the action is a significant energy action under E.O. 13211.

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

SAN Number: An identification number that EPA uses to track rulemakings and other actions under development.

URLs: For some of our actions we include the Internet addresses for: Reading copies of rulemaking documents; submitting comments on proposals; and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to our electronic docket which is at: www.regulations.gov. Once there, follow the on-line instructions to access the docket and submit comments. A Docket identification (ID) number will assist in the search for materials. We include this number in the additional information section of many of the agenda entries that have already been proposed.)

RIN: The 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 ANPRM or an NPRM in the **Federal Register**, the Agency may establish a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a

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

2. EPA Web sites

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

3. Regulatory Agenda Web sites

If you have access to the Internet, you can use 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. We are working on making the site easier to use to provide more frequent updates. If you have any thoughts or suggestions, please contact us at: http://yosemite.epa.gov/OPEI/smallbus.nsf/Contactus?openform. RISC's searchable databases are at http://ciir.cs.umass.edu/ua/.

4. Agenda Indexes

There are five indexes that provide:

a. A list of the existing rules that we are reviewing under section 610 of the RFA
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 that 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 E.O. 13132.

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

5. Listservers

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

For more information and to subscribe via our FR Web site, visit: http://www.epa.gov/fedrgstr/subscribe.htm. If you have e-mail without full Internet access, please send an e-mail to envsubset@epa.gov to request instructions for subscribing to the EPA **Federal Register** listservers.

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

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

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities (SISNOSE). We have no section 610 reviews planned until 2008.

H. Thank You for Collaborating with Us.

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

Dated: September 6, 2006.

Louise P. Wise,

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

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3003	SAN No. 4292 Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions	2020–AA42
3004	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest	2030–AA67

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GENERAL—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3005	SAN No. 4904 Security Requirements for Toxic Substances Control Act Confidential Business Information Access for Contractors	2030–AA88
3006	SAN No. 4903 Award Term Contracting	2030–AA89
3007	SAN No. 4931 Accessibility Standards for Contract Deliverables (Section 508)	2030–AA90

GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3008	SAN No. 3580 Incorporation of Class Deviations Into EPAAR	2030–AA37
3009	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements	2020–AA39
3010	SAN No. 5092 Implementation of 2 CFR Part 180	2030–AA94
3011	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
3012	SAN No. 3240 Public Information and Confidentiality Regulations	2025–AA02

GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3013	SAN No. 5062 Implementation of Authority To Appoint Research Scientists	2030–AA91
3014	SAN No. 5063 Simplified Acquisition Financing	2030–AA92
3015	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

CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3016	SAN No. 5093 Risk and Technology Review Phase II	2060–AN85

CLEAN AIR ACT (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3017	SAN No. 4768 Amendment to Subparts H and I for Emissions of Radionuclides Other Than Radon From DOE Facilities	2060–AK81
3018	SAN No. 4266 Review of the National Ambient Air Quality Standards for Carbon Monoxide **(Reg Plan Seq No. 100)**	2060–AI43
3019	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives	2060–AJ61
3020	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings)	2060–AF72
3021	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins-Amendments	2060–AH47
3022	SAN No. 4782 Petition To Delist Hazardous Air Pollutant: 4,4'-Methylene Diphenyl Diisocyanate	2060–AK84

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

Sequence Number	Title	Regulation Identifier Number
3023	SAN No. 4309 National VOC Emission Standards for Consumer Products; Amendments	2060–AI62
3024	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	2060–AK26
3025	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems	2060–AJ86
3026	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
3027	SAN No. 4871 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder **(Reg Plan Seq No. 101)**	2060–AM06
3028	SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations	2060–AM09
3029	SAN No. 4859 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization	2060–AM14
3030	SAN No. 4882 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment **(Reg Plan Seq No. 102)**	2060–AM34
3031	SAN No. 4884 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers	2060–AM44
3032	SAN No. 4885 Flexible Air Permit Rule	2060–AM45
3033	SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use with Substitute Refrigerants	2060–AM49
3034	SAN No. 4906 NESHAP: Area Source Standards—Clay Ceramics Industry	2060–AM53
3035	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	2060–AM55
3036	SAN No. 4699.1 Request for Comments on Potentially Inadequate Monitoring in Clean Air Applicable Requirements and on Methods to Improve Such Monitoring	2060–AM63
3037	SAN No. 4889 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing	2060–AM71
3038	SAN No. 4907 NESHAP: Gasoline Distribution Area Source Standards	2060–AM74
3039	SAN No. 4908 NESHAP: General Provisions (Once In Always In) — Amendments	2060–AM75
3040	SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment	2060–AM84
3041	SAN No. 4927 NESHAP: Iron and Steel Foundries; Amendments	2060–AM85
3042	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments	2060–AM87
3043	SAN No. 4940 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions	2060–AM91
3044	SAN No. 4699.2 Implementing Periodic Monitoring in Federal and State Operating Permit Programs **(Reg Plan Seq No. 103)**	2060–AN00
3045	SAN No. 4958 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Amendments	2060–AN10
3046	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
3047	SAN No. 4978 NESHAP: Autobody Refinishing - Area Source Rule	2060–AN21
3048	SAN No. 5008 Review of the National Ambient Air Quality Standards for Ozone **(Reg Plan Seq No. 104)**	2060–AN24
3049	SAN No. 4794.2 Prevention of Significant Deterioration, Nonattainment New Source Review, and New Source Performance Standards: Emissions Test for Electric Generating Units **(Reg Plan Seq No. 105)**	2060–AN28
3050	SAN No. 4991 Protection of Stratospheric Ozone: Revision to Listing of Carbon Dioxide Total Flooding Fire Extinguishing Systems Restricting Use to Only Unoccupied Areas	2060–AN30
3051	SAN No. 4866.1 NESHAP: Site Remediation Amendments—Response to Litigation	2060–AN36
3052	SAN No. 4910.1 NESHAP: Organic Liquid Distribution (Non-Gasoline); Amendments	2060–AN37
3053	SAN No. 5011 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed on or Before December 9, 2004	2060–AN43
3054	SAN No. 5017 Protection of Stratospheric Ozone: Amending Requirements To Import Used Ozone-Depleting Substances for Destruction in the United States	2060–AN48
3055	SAN No. 5020 Action on Petition To List Diesel Exhaust as a Hazardous Air Pollutant	2060–AN49
3056	SAN No. 5052 Protection of Stratospheric Ozone: Ban on the Import of Pre-Charged Products	2060–AN58
3057	SAN No. 4752.1 Transition to New or Revised Particulate Matter (PM) National Ambient Air Quality Standards	2060–AN59
3058	SAN No. 5025 Revisions to the Definition of Potential to Emit (PTE)	2060–AN65
3059	SAN No. 5029 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule	2060–AN68
3060	SAN No. 5030 National Volatile Organic Compound Emission Standards for Aerosol Coatings	2060–AN69
3061	SAN No. 5035 New Source Performance Standards (NSPS): Equipment Leaks-Subparts VV & GGG	2060–AN71
3062	SAN No. 5036 Petroleum Refineries-New Source Performance Standards (NSPS)-Subpart J	2060–AN72
3063	SAN No. 5043 Defect Reporting for On-Highway Motor Vehicles and Engines	2060–AN73
3064	SAN No. 5045 Revision to Definition of Volatile Organic Compounds-Exclusion of Compounds	2060–AN75

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

Sequence Number	Title	Regulation Identifier Number
3065	SAN No. 5055 National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing: Amendments	2060–AN80
3066	SAN No. 5056 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2007	2060–AN81
3067	SAN No. 5057 Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU)	2060–AN82
3068	SAN No. 5059 Review of the National Ambient Air Quality Standards for Lead **(Reg Plan Seq No. 106)**	2060–AN83
3069	SAN No. 5076 *Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reasonable Possibility in Recordkeeping*	2060–AN88
3070	SAN No. 5089 Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institutional Steam Generating Units	2060–AN97
3071	SAN No. 5094 Clean Air Mercury Rule: Federal Plan	2060–AN98
3072	SAN No. 4625.6 Phase 2 of the Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard—Notice of Reconsideration	2060–AO00

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

CLEAN AIR ACT (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3073	SAN No. 4070 General Conformity Regulations; Revisions	2060–AH93
3074	SAN No. 3975 Review of New Sources and Modifications in Indian Country	2060–AH37
3075	SAN No. 4752 Clean Air Fine Particle Implementation Rule **(Reg Plan Seq No. 117)**	2060–AK74
3076	SAN No. 3380 NSPS: SOCMI—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60	2060–AE94
3077	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements (40 CFR 60, Appendix F, Procedure 3)	2060–AH23
3078	SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment to Implement Court Remand	2060–AJ78
3079	SAN No. 4668 NESHAP: Halogenated Solvent Cleaning—Residual Risk Standards **(Reg Plan Seq No. 115)**	2060–AK22
3080	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements	2060–AK54
3081	SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards **(Reg Plan Seq No. 114)**	2060–AK14
3082	SAN No. 4604 *Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an* Individual Baseline	2060–AJ82
3083	SAN No. 4748 Control of Hazardous Air Pollutants From Mobile Sources **(Reg Plan Seq No. 116)**	2060–AK70
3084	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations	2060–AI03
3085	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO2) Area	2008–AA00
3086	SAN No. 5047 NESHAP: National Emisson Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Reconsideration of the Particulate Matter Standard)	2050–AG29
3087	SAN No. 5047.1 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)	2050–AG35
3088	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
3089	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition	2060–AK69
3090	SAN No. 4793 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation and Project Netting **(Reg Plan Seq No. 118)**	2060–AL75
3091	SAN No. 4809 Control of Emissions of Air Pollution from New Motor Vehicles: On-Board Diagnostic Requirements for Heavy-Duty Engines & Vehicles Above 14,000 Pounds & In-Use, Not-To-Exceed Emission Standard Testing	2060–AL92
3092	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide	2060–AL94
3093	SAN No. 4830 Alternative Work Practice for Leak Detection and Repair	2060–AL98
3094	SAN No. 4875 NESHAP: Oil and Natural Gas Production Facilities-Area Source Rule	2060–AM16
3095	SAN No. 4866 NESHAP: Site Remediation: Amendments	2060–AM30
3096	SAN No. 4900 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels	2060–AM46
3097	SAN No. 4918 Protection of Stratospheric Ozone: Listing of Substitutes in the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy (SNAP) Program	2060–AM54
3098	SAN No. 3259.2 Nonattainment Major New Source Review (NSR): Final Rules	2060–AM59
3099	SAN No. 4757.1 Component Durability Procedures for New Light-Duty Vehicles, Light-Duty Trucks and Heavy-Duty Vehicles	2060–AN01

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

Sequence Number	Title	Regulation Identifier Number
3100	SAN No. 4959 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances in Foam Blowing	2060–AN11
3101	SAN No. 4962 Fuel Economy Labeling of Motor Vehicles: Revisions to Improve Calculation of Fuel Economy Estimates **(Reg Plan Seq No. 119)**	2060–AN14
3102	SAN No. 4969 Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program and the NOx Budget Trading Program	2060–AN16
3103	SAN No. 4970 Standards of Performance for New Stationary Sources, Emission Guidelines for Existing Sources, and Federal Plan: Small Municipal Waste Combustors: Amendments	2060–AN17
3104	SAN No. 4951 Revisions to Air Emissions Reporting Requirements	2060–AN20
3105	SAN No. 4625.4 Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification	2060–AN26
3106	SAN No. 4987 Industrial, Commercial, and Institutional Boiler and Process Heater NESHAP, Reconsideration of Emissions Averaging Provision and Technical Corrections	2060–AN32
3107	SAN No. 5010 Air Quality: Revision to Definition of Volatile Organic Compounds-Exclusion of HFE-7300	2060–AN34
3108	SAN No. 4998 Treatment of Data Influenced by Exceptional Events	2060–AN40
3109	SAN No. 5013 NESHAP for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, Primary Nonferrous Metals (Zinc, Cadmium, and Beryllium)	2060–AN45
3110	SAN No. 5051 Protection of Stratospheric Ozone: 2007 Critical Use Exemptions for Methyl Bromide	2060–AN54
3111	SAN No. 5022 Requirements for Reformulated Gasoline (RFG) Under the 8-Hour Ozone Standard for Bump-Up Areas Designated Attainment for the 1-Hour Ozone Standard Prior to Revocation	2060–AN63
3112	SAN No. 5027 Amendment to Tier 2 Vehicle Emission Standards and Gasoline Sulfur Requirements: Exemption for U.S. Territories	2060–AN66
3113	SAN No. 5044 Interpretive Rulemaking To Clarify the Scope of Certain Monitoring Requirements for Federal and State Operating Permits Programs	2060–AN74
3114	SAN No. 5048 Renewable Fuels Standard Rule **(Reg Plan Seq No. 121)**	2060–AN76
3115	SAN No. 5049 Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Corn Milling Facilities Under the "Major Emitting Facility" Definition	2060–AN77
3116	SAN No. 5061 Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Revisions to Initial Performance Test Provisions	2060–AN84
3117	SAN No. 4752.2 Final Rule for Implementation of the New Source Review (NSR) Program for PM2.5 **(Reg Plan Seq No. 122)**	2060–AN86
3118	SAN No. 4697.1 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries	2060–AN87
3119	SAN No. 4839.5 Final Extension of the Deferred Effective Date of Nonattainment Designations for 8-Hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas	2060–AN90
3120	SAN No. 5073 Other Solid Waste Incineration Units: Response to Petition for Reconsideration	2060–AN91
3121	SAN No. 5077 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Removal of Vacated Elements	2060–AN92
3122	SAN No. 5079 Rule Interpreting the Scope of Title V Operating Permit Modifications Where EPA Has Approved Alternative Monitoring and Testing Provisions	2060–AN93
3123	SAN No. 5080 Regulation of Fuels and Fuel Additives: Updated Volatility Standard for Alaska only	2060–AN94
3124	SAN No. 5083 Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources — Other Solid Waste Incineration Units: Technical Amendment	2060–AN95
3125	SAN No. 5084 Standards of Performance for New Industrial-Commercial-Institutional Steam Generating Units: Amendment for Facility-Specific NOx Standard	2060–AN96

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

CLEAN AIR ACT (CAA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3126	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation	2009–AA00
3127	SAN No. 3569 Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant	2009–AA01
3128	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
3129	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand)	2060–AA61

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

Sequence Number	Title	Regulation Identifier Number
3130	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas	2060–AH01
3131	SAN No. 4657 NESHAP: Group II Polymers and Resins-Residual Risk Standards	2060–AK13
3132	SAN No. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines-Petition to Delist	2060–AK73
3133	SAN No. 4689 Section 126 Rule Withdrawal Provision	2060–AK41
3134	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions	2060–AH31
3135	SAN No. 4348 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule	2060–AI97
3136	SAN No. 4722 California Gasoline Technical Correction	2060–AK56
3137	SAN No. 4796 Section 126 Rule: Withdrawal of Findings for Sources in Michigan	2060–AL83
3138	SAN No. 4797 Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")	2060–AL84
3139	SAN No. 4799 Consideration of Industry Petition to Remove the Two-Piece Can Subcategory from the Clean Air Act Hazardous Air Pollutant Source Category List	2060–AL86
3140	SAN No. 4846 NESHAP & NSPS for Municipal Solid Waste Landfills—Amendments	2060–AM08
3141	SAN No. 4873 NESHAP: Area Source Standards—Glass Manufacturing Industry	2060–AM12
3142	SAN No. 4874 NESHAP: Area Source Standards—Industrial Inorganic Chemicals Manufacturing	2060–AM19
3143	SAN No. 4849 Petition To Delist a Hazardous Air Pollutant from Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK)	2060–AM20
3144	SAN No. 4865 Strategy for Addressing Air Emissions from Animal Feeding Operations	2060–AM26
3145	SAN No. 4879 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries	2060–AM36
3146	SAN No. 4886 NESHAP: Area Source Standards—Plating and Polishing	2060–AM37
3147	SAN No. 4676.3 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMRR); Maintenance and Repair Amendments	2060–AM62
3148	SAN No. 4888 Area Source NESHAP for Secondary Nonferrous Metals	2060–AM70
3149	SAN No. 4915 Standards of Performance for Stationary Spark Ignited Internal Combustion Engines	2060–AM81
3150	SAN No. 4988 National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production, Amendments	2060–AN33
3151	SAN No. 4993 Optional Chassis Certification for Diesel Vehicles	2060–AN39
3152	SAN No. 5009 Notice for Information on Determining the Emissions Reductions Achieved From Limiting the VOC Content of Architectural Coatings	2060–AN42
3153	SAN No. 5012 NESHAP: Acrylic/Modacrylic Fibers, Chemical Manufacturing: Chromium Compounds, Flexible Foam Fabrication and Foam Production, Carbon Black Production, Lead Acid Battery Manufacturing, Wood Preserving	2060–AN44
3154	SAN No. 5015 NESHAP: Area Source Standards—Chemical Preparations Industry	2060–AN46
3155	SAN No. 5016 NESHAP: Area Source Standards—Paint and Allied Products	2060–AN47
3156	SAN No. 5014 NESHAP: Area Source Standards—Reciprocating Internal Combustion Engines	2060–AN62
3157	SAN No. 5095 NESHAP: Mercury Cell Chlor-Alkali Plants—Amendments	2060–AN99

CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3158	SAN No. 4695 NESHAP: Off-Site Waste and Recovery Operations Residual Risk Standard	2060–AK68
3159	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter	2060–AI44
3160	SAN No. 2915 Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51	2060–AF83
3161	SAN No. 3900 Addition of Method 207 to Appendix M of 40 CFR 51 Method for Measuring Isocyanates in Stationary Source Emissions	2060–AG88
3162	SAN No. 4161 Update of Continuous Instrumental Test Methods	2060–AK61
3163	SAN No. 4310 NESHAP: Printing and Publishing Industry; Amendments	2060–AI66
3164	SAN No. 4653 NESHAP: Aerospace Manufacturing and Rework Facilities Residual Risk Standards	2060–AK08
3165	SAN No. 4654 NESHAP: Ethylene Oxide for Sterilization Facilities-Residual Risk Standards	2060–AK09
3166	SAN No. 4655 NESHAP: Gasoline Distribution (Stage I) Residual Risk and MACT Standards Review	2060–AK10
3167	SAN No. 4660 NESHAP: Industrial Process Cooling Towers Residual Risk Standards	2060–AK16

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

Sequence Number	Title	Regulation Identifier Number
3168	SAN No. 4661 NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations-Residual Risk Standard	2060–AK17
3169	SAN No. 4662 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards	2060–AK18
3170	SAN No. 4665 NESHAP: Secondary Lead Smelting Residual Risk Standards	2060–AK19
3171	SAN No. 4666 NESHAP: Shipbuilding and Ship Repair Surface Coating—Residual Risk Standards	2060–AK20
3172	SAN No. 4667 NESHAP: Wood Furniture Manufacturing Operations—Residual Risk Standards	2060–AK21
3173	SAN No. 4669 NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard	2060–AK23
3174	SAN No. 4664 NESHAP: Printing and Publishing Industry—Residual Risk Standards	2060–AK24
3175	SAN No. 4663 NESHAP: Petroleum Refineries—Residual Risk Standards	2060–AK25
3176	SAN No. 4750 National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks—Residual Risk Standards	2060–AK72
3177	SAN No. 4656 NESHAP: Group I Polymers and Resins—Residual Risk Standards	2060–AK12
3178	SAN No. 4658 NESHAP: Group IV Polymers and Resins—Residual Risk Standards	2060–AK15
3179	SAN No. 5018 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7) **(Completion of a Section 610 Review)**	2050–AG26
3180	SAN No. 5047.2 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Revising the Effective Date of the Particulate Matter Standard Amendment)	2050–AG33
3181	SAN No. 4421 Ambient Air Quality Monitoring Regulations: Revisions	2060–AJ25
3182	SAN No. 4570 Control of Air Pollution From Motor Vehicles and Engines: Alternative Low-Sulfur Highway Diesel Fuel Transition Program for Alaska	2060–AJ72
3183	SAN No. 4804 Protection of Stratospheric Ozone: Various Minor Amendments to the Regulations Implementing the Allowance System for Controlling HCFC Production, Import, and Export	2060–AL90
3184	SAN No. 4810 NESHAP: Ferroalloys Production: Ferromanganese and Silicomanganese Residual Risk Standards	2060–AL93
3185	SAN No. 4825 Mineral Wool Production Residual Risk Standard	2060–AL96
3186	SAN No. 4829 5-Year Review of MACT Standards for Large MWC	2060–AL97
3187	SAN No. 4831 NESHAP for Flexible Polyurethane Foam Production: Residual Risk Standards	2060–AL99
3188	SAN No. 4832 NESHAP: Pharmaceuticals Production: Residual Risk Standards	2060–AM00
3189	SAN No. 4861 NESHAP: Area Source Standards—Paint Stripping	2060–AM07
3190	SAN No. 4860 NESHAP: Area Source Standards—Acrylic/ Modacrylic Fiber (AMF) Production	2060–AM13
3191	SAN No. 4851 Protection of Stratospheric Ozone: Restriction on the Sales of Pre-Charged Split Systems	2060–AM15
3192	SAN No. 4847 NESHAP: Oil and Natural Gas Production Residual Risk Standards	2060–AM18
3193	SAN No. 4854 Amendments to Vehicle Inspection and Maintenance Program Requirements to Address New 8-Hour Ozone Standard	2060–AM21
3194	SAN No. 4848 NESHAP: Total Facility Low Risk Determination (TFLRD) for Residual Risk	2060–AM22
3195	SAN No. 4857 Fire Suppression and Explosion Protection Listing Under SNAP	2060–AM24
3196	SAN No. 4867 NESHAP: Hydrochloric Acid Production Amendments	2060–AM25
3197	SAN No. 4853 Requirements for Transmix Processing and Blending Under the Reformulated Gasoline and Gasoline Sulfur Rules	2060–AM27
3198	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
3199	SAN No. 4881 Prevention of Significant Deterioration for Nitrogen Oxides	2060–AM33
3200	SAN No. 4891 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing; Amendments	2060–AM43
3201	SAN No. 4905 National Volatile Organic Compound Emission Standards for Architectural Coatings—Amendments	2060–AM47
3202	SAN No. 4899 Control of Ultra Low Sulfur Diesel Fuel Lubricity: Notice of Proposed Rulemaking	2060–AM48
3203	SAN No. 4887 Area Source NESHAP for Primary Nonferrous Metals—Zn, Cd, Be	2060–AM69
3204	SAN No. 4909 NESHAP: Integrated Iron and Steel; Amendments	2060–AM76
3205	SAN No. 4910 NESHAP: Organic Liquid Distribution-Amendments	2060–AM77
3206	SAN No. 4914 Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	2060–AM82
3207	SAN No. 4930 Regulation of Fuels and Fuel Additives: Refiner and Importer Quality Assurance Requirements for Downstream Oxygenate Blending	2060–AM88
3208	SAN No. 4934 Part 63 General Provisions—Response to Petition to Reconsider SSM	2060–AM89
3209	SAN No. 4937 NESHAP for Refractory Products Manufacturing—Amendments	2060–AM90
3210	SAN No. 4794.1 Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule	2060–AM95
3211	SAN No. 4956 Rule on Section 126 Petition From NC To Reduce Interstate Transport of Fine PM and O3; FIPs To Reduce Interstate Transport of Fine PM & O3; Revisions to CAIR Rule; Revisions to Acid Rain Program	2060–AM99
3212	SAN No. 4955 NESHAP: Plastic Parts and Products (Surface Coating)—Area Source Rule	2060–AN08
3213	Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations	2060–AN22

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

Sequence Number	Title	Regulation Identifier Number
3214	SAN No. 4986 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2006	2060–AN29
3215	SAN No. 4571.2 CAMR 111 Reconsideration and Revision of 112(n) Finding Reconsideration	2060–AN50
3216	SAN No. 4571.3 Revision of 112(n) Finding Reconsideration	2060–AN53
3217	SAN No. 4681.1 NSPS Combustion Turbines-Subpart GG: Amendments	2060–AN55
3218	SAN No. 4794.3 Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule): Reconsideration	2060–AN57
3219	SAN No. 5042 PM2.5 De Minimis Emission Levels for General Conformity Applicability	2060–AN60
3220	SAN No. 4890.1 NESHAP for Miscellaneous Coating Manufacturing; Amendments	2060–AN61
3221	SAN No. 5034 Deterioration Factor Provisions for Heavy-Duty Diesel Engine Certification and Part 86 Technical Amendments	2060–AN70
3222	SAN No. 5053 Technical Amendments to the Highway and Nonroad Diesel Regulations	2060–AN78
3223	SAN No. 3744.1 *Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements (PS-1)*-Corrections Notice	2060–AN89

ATOMIC ENERGY ACT (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3224	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste	2060–AH63
3225	SAN No. 4003 Technical Change to Dose Methodology for 40 CFR 190, Subpart B and 40 CFR 191, Subpart A	2060–AH90

ATOMIC ENERGY ACT (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3226	SAN No. 4964 *Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada* **(Reg Plan Seq No. 120)**	2060–AN15

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

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

Sequence Number	Title	Regulation Identifier Number
3227	SAN No. 4728 Endocrine Disrupter Screening Program (EDSP); Implementing the Screening and Testing Phase **(Reg Plan Seq No. 98)**	2070–AD61
3228	SAN No. 4985 Pesticides; Determination of Status of Prions as Pests	2070–AJ26

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

Sequence Number	Title	Regulation Identifier Number
3229	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials	2070–AD30
3230	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes	2070–AD49
3231	SAN No. 5007 Pesticides; Competency Standards for Occupational Users **(Reg Plan Seq No. 108)**	2070–AJ20
3232	SAN No. 5006 Pesticides; Agricultural Worker Protection Standard Revisions **(Reg Plan Seq No. 109)**	2070–AJ22
3233	SAN No. 5005 Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)	2070–AJ27
3234	SAN No. 5031 Pesticides; Expansion of Crop Grouping Program	2070–AJ28
3235	SAN No. 5050 Pesticide Agricultural Container Recycling Program **(Reg Plan Seq No. 110)**	2070–AJ29

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

Sequence Number	Title	Regulation Identifier Number
3236	SAN No. 5082 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)	2070–AJ32

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

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

Sequence Number	Title	Regulation Identifier Number
3237	SAN No. 2687 Pesticides; Data Requirements for Conventional Chemicals **(Reg Plan Seq No. 123)**	2070–AC12
3238	SAN No. 4596 Pesticides; Data Requirements for Biochemical and Microbial Products **(Reg Plan Seq No. 125)**	2070–AD51
3239	SAN No. 3222 Groundwater and Pesticide Management Plan Rule	2070–AC46

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

Sequence Number	Title	Regulation Identifier Number
3240	SAN No. 4027 Pesticides; Tolerance Processing Fees	2070–AJ23
3241	SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants	2070–AD55
3242	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	2070–AD56
3243	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations	2020–AA44
3244	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
3245	SAN No. 4175 Pesticide Tolerance Reassessment Program	2070–AD24
3246	SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment	2070–AB95
3247	SAN No. 4170 Pesticides; Procedures for the Registration Review Program	2070–AD29

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3248	SAN No. 4876 Voluntary Children's Chemical Evaluation Program (VCCEP)	2070–AC27
3249	SAN No. 5058 Nanoscale Materials Under TSCA	2070–AJ30

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3250	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce	2070–AB20
3251	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances	2070–AB79
3252	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals **(Reg Plan Seq No. 107)**	2070–AD16

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

Sequence Number	Title	Regulation Identifier Number
3253	SAN No. 4512 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture	2070–AD48
3254	SAN No. 4878 TSCA Inventory Nomenclature for Enzymes and Proteins	2070–AJ04
3255	SAN No. 2150.1 Polychlorinated Biphenyls (PCBs); Exemption Request from U.S. Maritime Administration (MARAD)	2070–AJ05
3256	SAN No. 4984 Clarification on Guidance for Activated Phosphors	2070–AJ21

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

TOXIC SUBSTANCES CONTROL ACT (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3257	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban	2070–AC21
3258	SAN No. 3557 Lead-Based Paint Activities; Amendments for Renovation, Repair, and Painting **(Reg Plan Seq No. 124)**	2070–AC83
3259	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders	2070–AB27
3260	SAN No. 4983 Significant New Use Rule (SNUR); Mercury Switches in Motor Vehicles	2070–AJ19
3261	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules	2070–AB08
3262	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules	2070–AB11
3263	SAN No. 1923 Follow-Up Rules on Existing Chemicals	2070–AA58
3264	SAN No. 4176 Voluntary High Production Volume (HPV) Chemical Challenge Program	2070–AD25
3265	SAN No. 4858 Notification of Chemical Exports under TSCA Section 12(b) **(Reg Plan Seq No. 126)**	2070–AJ01
3266	SAN No. 3493.1 Testing Agreement for Perfluorooctanoic Acid (PFOA) **(Reg Plan Seq No. 127)**	2070–AJ06
3267	SAN No. 3493.4 Testing Agreement for Diethanolamine	2070–AJ09
3268	SAN No. 3493.5 Testing Agreement for Hydrogen Fluoride	2070–AJ10
3269	SAN No. 3493.7 Testing Agreement for Phthalic Anhydride	2070–AJ11
3270	SAN No. 3493.6 Testing Agreement for Maleic Anhydride	2070–AJ13
3271	SAN No. 4974 Significant New Use Rule, Perfluoroalkyl Sulfonates (PFAS)	2070–AJ18
3272	SAN No. 1923.1 Significant New Use Rule for Chloranil	2070–AJ31

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

Sequence Number	Title	Regulation Identifier Number
3273	SAN No. 3148 Asbestos Model Accreditation Plan Revisions	2070–AC51
3274	SAN No. 4376 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule	2070–AC64
3275	SAN No. 4597 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues	2070–AD52
3276	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers	2070–AD58
3277	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances	2070–AA59
3278	SAN No. 3493 Future Testing for Existing Chemicals (Overview Entry)	2070–AB94
3279	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs)	2070–AC76
3280	SAN No. 3882 Test Rule; Certain Metals	2070–AD10
3281	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives	2070–AD28
3282	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity	2070–AD44
3283	SAN No. 3528 Significant New Use Rule (SNUR); Refractory Ceramic Fibers (RCFs)	2070–AC37
3284	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)	2070–AD53
3285	SAN No. 4777 Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing	2070–AD64
3286	SAN No. 3493.2 Testing Agreement for Aryl Phosphates (ITC List 2)	2070–AJ07
3287	SAN No. 3493.3 Test Rule; Brominated Flame Retardants (BFRs)	2070–AJ08
3288	SAN No. 4975 Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA	2070–AJ15

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TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3289	SAN No. 4870 Significant New Use Rule (SNUR); Certain Polybrominated Diphenyl Ethers (PBDEs)	2070–AJ02
3290	SAN No. 3301.2 TSCA Inventory Update Reporting Rule; Electronic Reporting	2070–AJ25

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

Sequence Number	Title	Regulation Identifier Number
3291	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
3292	SAN No. 2425.4 TRI; Response to Petition To Delete Chromium, Antimony, Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory	2025–AA16
3293	SAN No. 2425.3 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
3294	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
3295	SAN No. 4896 Toxics Release Inventory Reporting Burden Reduction Rule **(Reg Plan Seq No. 134)**	2025–AA14

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

Sequence Number	Title	Regulation Identifier Number
3296	SAN No. 3215 Emergency Planning and Community Right-to-Know Act: Amendments and Streamlining Rule	2050–AE17
3297	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation	2025–AA11
3298	SAN No. 2425.1 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals	2025–AA17

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

Sequence Number	Title	Regulation Identifier Number
3299	SAN No. 4595 Rulemaking To Change Toxic Release Inventory (TRI) Reporting Requirements from Standard Industrial Classification (SIC) Codes to North American Industrial Classification System (NAICS) Codes	2025–AA10
3300	SAN No. 5054 Reportable Quantity Adjustment for Isophorone Diisocyanate	2050–AG32

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3301	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers **(Reg Plan Seq No. 99)**	2050–AE81

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

Sequence Number	Title	Regulation Identifier Number
3302	SAN No. 3856 Management of Cement Kiln Dust (CKD)	2050–AE34
3303	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes	2050–AE51
3304	SAN No. 4743 Land Disposal Restrictions: Modifying the Land Disposal Treatment Standard for Radioactive Lead Solids and Hazardous Debris; Definition of Macroencapsulation	2050–AF12
3305	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
3306	SAN No. 4977 Expanding the Comparable Fuels Exclusion under RCRA **(Reg Plan Seq No. 112)**	2050–AG24
3307	SAN No. 4670.1 Definition of Solid Wastes Revisions **(Reg Plan Seq No. 113)**	2050–AG31
3308	SAN No. 5070 Revisions to Land Disposal Restrictions Treatment Standards and Amendments to Recycling Requirements for Spent Petroleum Refining Hydrotreating and Hydrorefining Catalysts	2050–AG34
3309	SAN No. 4565 Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York	2090–AA29
3310	SAN No. 4828 RCRA Incentives for Performance Track Members	2090–AA34

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

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

Sequence Number	Title	Regulation Identifier Number
3311	SAN No. 3545 *Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered* Materials	2050–AE23
3312	SAN No. 4411 Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System To Produce Synthesis Gas	2050–AE78
3313	SAN No. 3147.1 Hazardous Waste Manifest Revisions-Standards and Procedures for Electronic Manifests **(Reg Plan Seq No. 128)**	2050–AG20
3314	SAN No. 5019 Criteria for Safe and Environmentally Protective Use of Granular Mine Tailings	2050–AG27

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

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

Sequence Number	Title	Regulation Identifier Number
3315	SAN No. 4469 Standards for the Management of Coal Combustion Wastes—Non—Power Producers and Minefilling	2050–AE83
3316	SAN No. 4735 RCRA Smarter Waste Reporting	2050–AF01
3317	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
3318	SAN No. 4606 Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development	2050–AE93
3319	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision)	2050–AC71
3320	SAN No. 4778 Revisions of the Lead-Acid Battery Export Notification and Consent Requirements	2050–AF06
3321	SAN No. 4920 Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories	2050–AG18

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3322	SAN No. 4230 Revisions to Solid Waste Landfill Criteria—Leachate Recirculation on Alternative Liners	2050–AE67
3323	SAN No. 4092 Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations	2050–AE52
3324	SAN No. 4651 Increase Metals Reclamation from F006 Waste Streams	2050–AE97
3325	SAN No. 4670 Revisions to the Definition of Solid Waste Final Rule	2050–AE98

EPA

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3326	SAN No. 4815.1 Extension of Site-Specific Regulations for NE Labs XL Project	2001–AA01

OIL POLLUTION ACT (OPA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3327	SAN No. 2634.2 Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule, 40 CFR Part 112 **(Reg Plan Seq No. 111)**	2050–AG16

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

OIL POLLUTION ACT (OPA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3328	SAN No. 2634.3 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Requirements—Amendments **(Reg Plan Seq No. 129)**	2050–AG23

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

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

Sequence Number	Title	Regulation Identifier Number
3329	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules	2050–AD75

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

Sequence Number	Title	Regulation Identifier Number
3330	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
3331	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities	2050–AF03
3332	SAN No. 4971 National Contingency Plan Revisions to Align With the National Response Plan	2050–AG22

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3333	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
3334	SAN No. 4736 Administrative Reporting Exemption for Certain Air Releases of NOx	2050–AF02

EPA

CLEAN WATER ACT (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3335	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces-Phase II	2040–AD39
3336	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
3337	SAN No. 3663.1 Availability of and Procedures for Removal Credits	2040–AE88

CLEAN WATER ACT (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3338	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
3339	SAN No. 4690 National Pollutant Discharge Elimination System Permit Requirements for Peak Wet Weather Discharges from Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy **(Reg Plan Seq No. 130)**	2040–AD87
3340	SAN No. 4950 Test Procedures for the Analysis of E. coli, Enterococci, Fecal Coliforms, and Salmonella Under the Clean Water Act	2040–AE68
3341	SAN No. 4965 2006 Effluent Guidelines Program Plan	2040–AE76
3342	SAN No. 4995 Rulemaking on Direct Application of Pesticides to Waters of the United States in Compliance with FIFRA	2040–AE79
3343	SAN No. 4996 Concentrated Animal Feeding Operation Rule **(Reg Plan Seq No. 131)**	2040–AE80
3344	SAN No. 5040 Water Transfers Rule **(Reg Plan Seq No. 132)**	2040–AE86
3345	SAN No. 5098 Implementation Guidance for Mercury Water Quality Criteria **(Reg Plan Seq No. 133)**	2040–AE87

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

CLEAN WATER ACT (CWA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3346	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements	2050–AE87
3347	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
3348	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act	2040–AC75
3349	SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring	2040–AC92
3350	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures	2040–AC93
3351	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
3352	SAN No. 3786 NPDES Applications Revisions	2040–AC84
3353	SAN No. 4746 Regulations for Gray and Black Water Discharges from Cruise Ships Operating in Certain Alaskan Waters	2040–AD89
3354	SAN No. 4822 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines	2040–AE61
3355	SAN No. 4948 Effluent Limitations Guidelines and Standards for Airport Deicing Operations	2040–AE69
3356	SAN No. 4949 Effluent Limitations Guidelines and Standards for Drinking Water Supply and Treatment	2040–AE74
3357	SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters	2040–AE77
3358	SAN No. 4980 Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process	2040–AE82
3359	SAN No. 5064 2008 Effluent Guidelines Program Plan	2040–AE89

EPA

CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3360	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
3361	SAN No. 4979 Amendments to NPDES Regulations for Storm Water Discharges from Oil/Gas Exploration, Production, Processing, or Treatment Operations, or Transmission Facilities	2040–AE81

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3362	SAN No. 4745 Drinking Water Contaminant Candidate List 3	2040–AD99
3363	SAN No. 4821 Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List	2040–AE60

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3364	SAN No. 4770 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions	2040–AD93
3365	SAN No. 4981 National Primary Drinking Water Regulations for Lead and Copper: Short-Term Regulatory Revisions and Clarifications	2040–AE83

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

Sequence Number	Title	Regulation Identifier Number
3366	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040–AA94
3367	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb	2040–AC13
3368	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR	2040–AD54
3369	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements	2040–AD94
3370	SAN No. 4236 Underground Injection Control: Update of State Programs	2040–AD40
3371	SAN No. 4966 Drinking Water Regulations for Aircraft Public Water System	2040–AE84
3372	SAN No. 5066 Second 6-Year Review of Existing National Primary Drinking Water Regulations	2040–AE90

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3373	SAN No. 2340 National Primary Drinking Water Regulations: Ground Water Rule	2040–AA97

SHORE PROTECTION ACT (SPA)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3374	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations	2040–AB85

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

General

3003. PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT AND ASSESSING THE ENVIRONMENTAL EFFECTS ABROAD OF EPA ACTIONS

Priority: Other Significant

Legal Authority: 42 USC 4321

CFR Citation: 40 CFR 6

Legal Deadline: None

Abstract: The Environmental Protection Agency is proposing to amend its procedures for implementing the requirements of the National Environmental Policy Act of 1969 (NEPA). The proposed rule would also include minor, technical amendments to the Agency's procedures for implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: SAN No. 4292;

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RIN: 2020–AA42

3004. REVISIONS TO ACQUISITION REGULATION CONCERNING CONFLICT OF INTEREST

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Action	03/00/07	

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

3005. 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	02/00/07	

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

3006. AWARD TERM CONTRACTING

Priority: Info./Admin./Other

Legal Authority: 41 USC 418(b); 5 USC 301, sec 205(c); 63 Stat 390, as amended

EPA—General

Proposed Rule Stage

CFR Citation: 48 CFR 1516; 48 CFR 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	10/00/07	
Final Action	01/00/08	

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

3007. ACCESSIBILITY STANDARDS FOR CONTRACT DELIVERABLES (SECTION 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	03/00/07	
Final Action	09/00/07	

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

Environmental Protection Agency (EPA)

General

Final Rule Stage

3008. INCORPORATION OF CLASS DEVIATIONS INTO EPAAR

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 1537; 48 CFR 1552

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/06	

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

3009. 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	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

EPA—General — Final Rule Stage

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4056;

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RIN: 2020–AA39

3010. • IMPLEMENTATION OF 2 CFR PART 180

Priority: Info./Admin./Other

Legal Authority: 33 USC 1251 et seq; 42 USC 7401 et seq; sec 2455, PL 103–355, 108 Stat 3327 (31 USC 6101 note); EO 11738 (3 CFR 1973 comp, p 799); EO 12549 (3 CFR 1986 comp, p 189); EO 12689 (3 CFR 1989 comp, p 235)

CFR Citation: 2 CFR 1532

Legal Deadline: Final, Statutory, February 2007.

Abstract: OMB has been working with the Interagency Suspension and Debarment Committee (ISDC) on a streamlining initiative to make the rules on nonprocurement suspension and debarment easier to find and use. This EPA rule is the final step of four in which it adopts 2 CFR Part 180 with appropriate agency specific information.

Timetable:

Action	Date	FR Cite
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5092

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RIN: 2030–AA94

3011. PROJECT XL SITE SPECIFIC RULEMAKING FOR NASA WHITE SANDS TEST FACILITY ELECTRONIC REPORTING IN LAS CRUCES, NEW MEXICO (PHASES I–II)

Priority: Info./Admin./Other

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

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/31/01	66 FR 55050
NPRM Comment Period End	11/30/01	
Final Action	12/00/06	

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

3012. 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

EPA—General **Long-Term Actions**

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

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3240; EPA publication information: NPRM 1-Withdrawn 12/21/2000, 65 FR 80395;

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RIN: 2025-AA02

Environmental Protection Agency (EPA) — Completed Actions

General

3013. IMPLEMENTATION OF AUTHORITY TO APPOINT RESEARCH SCIENTISTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 18

Completed:

Reason	Date	FR Cite
Direct Final Action	04/04/06	71 FR 16699

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2030-AA91

3014. SIMPLIFIED ACQUISITION FINANCING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 1532; 40 CFR 1552

Completed:

Reason	Date	FR Cite
NPRM	03/13/06	71 FR 12660
Final Action	06/05/06	71 FR 32282

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2030-AA92

3015. PROJECT XL SITE SPECIFIC RULEMAKING FOR THE NASA WHITE SANDS TEST FACILITY IN LAS CRUCES, NEW MEXICO (PHASES III-VI)

Priority: Info./Admin./Other

CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Withdrawn	08/25/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2090-AA35

Environmental Protection Agency (EPA) — Prerule Stage

Clean Air Act (CAA)

3016. • RISK AND TECHNOLOGY REVIEW PHASE II

Priority: Other Significant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

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

EPA—Clean Air Act (CAA) **Prerule Stage**

processes and control technologies according to Section 112(d)(6) of the CAA. EPA will combine the remaining MACT source categories requiring residual risk and technology reviews into several groups to enable us to more closely meet statutory dates, raise and resolve programmatic issues in one action, minimize resources by using available data and focusing on high risk sources, and provide consistent review and analysis. We will use available data including emissions from the most recent 2002 national emission inventory (NEI) and augment it with available site-specific data. We will focus this action on 33 MACT standards with compliance dates of 2002 and earlier and will model each MACT source category to obtain inhalation risks, including cancer risk and incidence, population cancer risk, and non-cancer effects (chronic and acute). We will follow the Benzene Policy to identify the source categories as low risk, acceptable risk, or unacceptable risk. We then plan to publish the emissions data and risk results in an ANPRM before the end of the 2006 calendar year and solicit public comments and corrections, including better source data. We will then remodel the categories based on the updated data. EPA will then set aside low-risk source categories and persistent bio-accumulative (PB) source categories. The PB source categories require multi-pathway analysis and will be addressed on a slower track. EPA will then focus on the remaining categories, evaluating the effectiveness and cost of additional risk reduction options and making acceptability and ample-margin-of-safety determinations. We intend to propose an NPRM in the spring of 2007, address public comments, and promulgate the final action in spring of 2008 on the first group of MACT categories. Where additional controls are identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards. For source categories where additional standards are needed to provide an ample margin of safety, a low risk exemption would be provided and EPA would use an analysis to identify low risk source characteristics that would exempt a portion of the source category from additional requirements. Site-specific risk assessments could also be used to show low risk. A total facility low risk determination (TFLRD) will be presented as a voluntary approach where a facility can perform a site specific risk assessment to determine if it is low risk. Low risk facilities would satisfy all of their residual risk requirements by demonstrating compliance with the TFLRD approach.

The 33 MACT source categories are listed below.

1. Chromium Electroplating
2. Polymers & Resins II
3. Secondary Lead Smelters
4. Petroleum Refineries
5. Aerospace
6. Marine Vessels
7. Wood Furniture
8. Shipbuilding
9. Printing & Publishing
10. Off-site Waste Treatment
11. Polymers & Resins I
12. Polymers & Resins IV
13. Primary Aluminum
14. Pulp & Paper MACT I and III
15. Pharmaceuticals
16. Flexible Polyurethane Foam
17. Ferroalloys
18. Polyether Polyols
19. Mineral Wool
20. Primary Lead Smelting
21. Phosphoric Acid
22. Phosphate Fertilizers
23. Wool Fiberglass
24. Portland Cement
25. Oil & Natural Gas
26. Natural Gas Transmission
27. Steel Pickling
28. GMACT I Acetal Resins
29. GMACT II Acrylic/Modacrylic fibers
30. GMACT III Hydrogen Fluoride
31. GMACT IV Polycarbonates
32. POTW
33. Secondary Aluminum

Timetable:

Action	Date	FR Cite
ANPRM	12/00/06	
NPRM	06/00/07	
Final Rule	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5093;

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

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RIN: 2060–AN85

Environmental Protection Agency (EPA)

Proposed Rule Stage

Clean Air Act (CAA)

3017. 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 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
NPRM	04/00/07	

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

3018. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE

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

RIN: 2060–AI43

3019. EVALUATION OF UPDATED TEST PROCEDURES FOR THE CERTIFICATION OF GASOLINE DEPOSIT CONTROL ADDITIVES

Priority: Substantive, Nonsignificant

Legal Authority: CAA 211

CFR Citation: 40 CFR 80

Legal Deadline: None

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

Timetable:

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

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

3020. 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	06/00/07	
Final Action	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3649;

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RIN: 2060–AF72

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

3021. 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 63.480–63.506 (Revision); 40 CFR 63.1310–63.1335 (Revision)

Legal Deadline: None

Abstract: During the development of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for elastomers (Group I polymers and resins) and thermoplastics (Group IV polymers and resins) (RINs 2060-AD56 and 2060-AE37), many of the provisions contained in the Hazardous Organic NESHAP (HON) were referenced directly by these polymers and resins regulations due to similarities in processes, emission characteristics, and control technologies. On January 17, 1997, the EPA promulgated changes to the HON to remove ambiguity, to clearly convey EPA intent, and to make the rule easier to understand and implement in response to industry petitions. It is necessary to make parallel changes to the polymers and resins NESHAP; otherwise inconsistencies will exist for NESHAPs regulating similar source categories. An ANPRM was published in the Federal Register on 11/25/96 (61 FR 59849), to explain the nature of changes planned. Subsequently, six litigants have petitioned for review of the elastomers and thermoplastics regulations. Four companies have petitioned EPA to reconsider specific provisions in the thermoplastics regulation. Revisions will be proposed to parallel HON changes and to resolve petitioners' issues.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/96	61 FR 59849
Direct Final–Pet Jud Rev	03/09/99	64 FR 11536
NPRM–Pet Jud Rev	03/09/99	64 FR 11555
Direct Final–Comp Ext	05/07/99	64 FR 24511
Direct Final–Pet Rec Equip Leaks	06/08/99	64 FR 30406
NPRM 2	06/08/99	64 FR 30453
NPRM 3	06/08/99	64 FR 30456
Direct Final–Stay Notice	06/30/99	64 FR 35023
NPRM–Stay Notice	06/30/99	64 FR 35107
Direct Final00	08/29/00	65 FR 52319
NPRM00	08/29/00	65 FR 52392
Direct Final 4	10/26/00	65 FR 64161
Final Action01	02/23/01	66 FR 11233
Direct Final Comp.	02/26/01	66 FR 11543
NPRM Compliance01	02/26/01	66 FR 1550
Final 1	07/16/01	66 FR 36924
Final 2	08/06/01	66 FR 40903
NPRM	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3939; EPA publication information: ANPRM-Petitions for Jud. Rev-Dow, UCC, Exxon)

Sectors Affected: 325211 Plastics Material and Resin Manufacturing

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RIN: 2060–AH47

3022. PETITION TO DELIST HAZARDOUS AIR POLLUTANT: 4,4'–METHYLENE DIPHENYL DIISOCYANATE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Clean Air Act requires EPA to regulate 188 compounds that are listed as air toxics, also known as hazardous air pollutants. Air toxics are those pollutants known, or suspected, to cause cancer and other human health problems. The law allows EPA to consider petitions to modify the list, by adding or removing substances. Individuals seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment. The Agency received a petition to remove 4,4'-Methylene Diphenyl Diisocyanate (MDI) from the American Chemistry Council on December 26, 2002. Once EPA receives a petition, it conducts two reviews: A completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition. The EPA also requests and considers information from the public. After a comprehensive technical review of both the petition and the information received from the public to determine whether the petition satisfies the requirements of the CAA, the review team is required to make a recommendation to the Administrator on whether to grant the petition. If the Administrator decides to grant a petition, a proposed rule is published in the Federal Register which proposes a modification of the HAP list and presents the reasoning for doing so. The proposed rule is open to public comment and public hearing and all additional substantive information received during the public's involvement is evaluated prior to the decision on the issuance of a final rule. However, if the Administrator decides to deny a petition, a notice setting forth an explanation of the reasons for denial is published instead. A notice of denial constitutes final Agency action of nationwide scope and applicability, and is subject to judicial review as provided in the CAA.

Timetable:

Action	Date	FR Cite
Notice of Complete Petition	05/26/05	70 FR 30407
NPRM	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4782;

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RIN: 2060–AK84

3023. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	
Final Action	10/00/07	

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

3024. 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 – 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. Provisions in this rule could include specific conditions on the use of nPB as a solvent, such as limiting the specific applications in which it may be used to those with low emissions and requiring exposure limits consistent with industry practices. Any conditions would be for the purpose of ensuring that nPB is used in a manner that is safe and environmentally protective. OSHA does not currently regulate nPB. If EPA establishes any use conditions in a final rule, we would revise our ruling to adopt whatever OSHA requires if OSHA later regulates the use of nPB.

Timetable:

Action	Date	FR Cite
NPRM	06/03/03	68 FR 33283
NPRM Correction	10/02/03	68 FR 56809
Supplemental NPRM	02/00/07	
Final Action	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4599; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2003/June/Day-03/a13254.htm; Split from RIN 2060-AJ58. The previous ANPRM was under SAN No. 3525.; EPA Docket information: EPA-HQ-OAR-2002-0064

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

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

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RIN: 2060–AK26

3025. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC7412(b)(5) et seq

CFR Citation: 40 CFR 63 Subpart SS; 40 CFR 63.8; 40 CFR 60 Appendix B; 40 CFR 60 Appendix F

Legal Deadline: None

Abstract: The PS-17 and QA Procedure 4 would apply to continuous parameter monitoring systems (CPMS) that are required under an applicable subpart to parts 60, 61, or 63. Therefore, this rulemaking would not require the installation or operation of additional CPMS. The specific types of CPMS covered by the proposed PS-17 and QA Procedure 4 are those that are used to measure and record temperature, pressure, liquid flow rate, gas flow rate, mass flow rate, pH, or conductivity on a continuous basis. The proposed PS-17 establishes procedures and other requirements that will help to ensure that CPMS are properly selected, installed, and placed into operation. The proposed QA Procedure 4 specifies procedures that will help to ensure that CPMS provide quality data on an ongoing basis. The proposed amendments to QA Procedure 1, of 40 CFR 60, appendix F, add provisions to address CEMS that are used to monitor multiple pollutants and are subject to PS-9 or PS-15. The amendments to 40 CFR 63, subpart A, ensure consistency among the proposed PS-17, QA Procedure 4, and the General Provisions to part 63. The amendments to section 63.996(c) of 40 CFR 63, subpart SS, ensure consistency among PS-17, QA Procedure 4, and the monitoring requirements of subpart SS.

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

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

3026. PERFORMANCE–BASED MEASUREMENT SYSTEM FOR FUELS: CRITERIA FOR SELF–QUALIFYING ALTERNATIVE TEST METHODS; DESCRIPTION OF OPTIONAL STATISTICAL QUALITY CONTROL MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7545

CFR Citation: 40 CFR 80

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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

3027. CONTROL OF EMISSIONS FROM NEW LOCOMOTIVES AND NEW MARINE DIESEL ENGINES LESS THAN 30 LITERS PER CYLINDER

Regulatory Plan: This entry is Seq. No. 101 in part II of this issue of the **Federal Register**.

RIN: 2060–AM06

3028. PROTECTION OF STRATOSPHERIC OZONE: AMENDMENTS TO THE SECTION 608 LEAK REPAIR REGULATIONS

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

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 82, subpart F

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4856;

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

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RIN: 2060–AM09

EPA—Clean Air Act (CAA) Proposed Rule Stage

3029. NESHAP: AREA SOURCE STANDARDS—ETHYLENE OXIDE HOSPITAL STERILIZATION

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, November 30, 2000.
NPRM, Judicial, October 31, 2006, Consent decree.
Final, Judicial, December 20, 2007, Consent decree.

Abstract: The Clean Air Act requires that EPA list area source categories that contribute to the emissions of 30 listed urban 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, a listed area source category, is a major contributor of ethylene oxide emissions in urban areas.

Timetable:

Action	Date	FR Cite
NPRM	11/06/06	71 FR 64907
NPRM Comment Period End	01/05/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4859;

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RIN: 2060–AM14

3030. CONTROL OF EMISSIONS FROM NONROAD SPARK–IGNITION ENGINES AND EQUIPMENT

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

RIN: 2060–AM34

3031. 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 Section 112

CFR Citation: 40 CFR Part 63

Legal Deadline: Final, Statutory, November 30, 2000.
Final, Judicial, December 15, 2007, Court's decision calls for EPA to issue standards for categories of area sources under 112(c)(6) by December 15, 2007.

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112(k) requires development of standards for area sources which account for 90 percent of the emissions in urban areas of the 33 urban hazardous pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. These area source standards can require control levels which are equivalent to either maximum achievable control technology (MACT) or generally available control technology (GACT). The Integrated Air Toxics Strategy lists industrial boilers and commercial/institutional boilers as area source categories. Both industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: SAN No. 4884;

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RIN: 2060–AM44

3032. 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	01/00/07	
Final Action	10/00/07	

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

3033. 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	12/00/06	
Final Action	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4916;

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

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RIN: 2060–AM49

3034. NESHAP: AREA SOURCE STANDARDS—CLAY CERAMICS INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 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	04/00/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4906;

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RIN: 2060–AM53

3035. 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 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	03/00/07	
Final Action	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4901;

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RIN: 2060-AM55

3036. REQUEST FOR COMMENTS ON POTENTIALLY INADEQUATE MONITORING IN CLEAN AIR APPLICABLE REQUIREMENTS AND ON METHODS TO IMPROVE SUCH MONITORING

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60; 40 CFR 61

Legal Deadline: None

Abstract: New Division Director briefed; additional information on existing rules requested. Work assignment prepared to collect that information.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/05	70 FR 7905
60 day extension to public comment period 1	04/15/05	70 FR 19914
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4699.1; EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/February/Day-16/a2995.htm; Split from RIN 2060-AK29; Individual Document id in the EPA docket: http://www.epa.gov/edocket

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RIN: 2060-AM63

3037. NESHAP FOR STAINLESS AND NONSTAINLESS STEEL ELECTRIC ARC FURNACE (EAF) MANUFACTURING

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR 63

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

Abstract: There are approximately 93 small steel mills (minimills) that melt steel scrap in 142 electric arc furnaces (EAF). Minimills account for roughly half of U.S. steel production (50 million tons per year). The scrap charged to the furnace is the source of HAP emissions. A major source of scrap is recycled automobiles, which may contain mercury switches, lead components, oil, grease, plastics, and other materials that can contribute to HAP emissions. Pollutants of interest for the EAF NESHAP are manganese, lead, chromium, nickel, and mercury.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 4889; EPA Docket information: OAR-2004-0083

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RIN: 2060-AM71

3038. NESHAP: GASOLINE DISTRIBUTION AREA SOURCE STANDARDS

Priority: Other Significant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, December 1, 2006, Original court ordered deadline-10/31/06-new order extends to 12/1/06.
Final, Judicial, December 20, 2007, Court-ordered deadline.

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 Area Sources". However, it 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. Vehicle refueling operations has been separated when this source category was listed since it is currently regulated under CAA sections 182(b)(3) and 202(a)(6). 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	11/09/06	71 FR 66064
NPRM Comment Period End	01/08/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

EPA—Clean Air Act (CAA)

Proposed Rule Stage

Additional Information: SAN No. 4907

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RIN: 2060–AM74

3039. NESHAP: GENERAL PROVISIONS (ONCE IN ALWAYS IN) — AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.1

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4908;

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RIN: 2060–AM75

3040. 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	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4926;

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RIN: 2060–AM84

3041. NESHAP: IRON AND STEEL FOUNDRIES; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for iron and steel foundries on April 22, 2004. EPA was subsequently petitioned by industry concerning several issues. EPA has engaged in negotiations with industry concerning these issues and is issuing these amendments to address the concerns. The amendments clarify several sections of the rule and provide clearer and more consistent directions on complying with the standards. The amendments are being promulgated in two groups, denoted by "1" and "2" in the schedule below.

Timetable:

Action	Date	FR Cite
Final Action 1	05/20/05	70 FR 29400
Proposed Amendment	01/00/07	
Final Amendment	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: SAN No. 4927; EPA publication information: Final Action 1 - http://www.epa.gov/fedrgstr/EPA-AIR/2005/May/Day-20/a9592.htm;

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RIN: 2060–AM85

3042. NESHAP: TACONITE IRON ORE PROCESSING; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4929;

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RIN: 2060–AM87

3043. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NON–ATTAINMENT NEW SOURCE REVIEW (NSR): RECONSIDERATION OF INCLUSION OF FUGITIVE EMISSIONS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title I

CFR Citation: 40 CFR 51 and 52

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	
Final Action	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4940;

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RIN: 2060–AM91

3044. IMPLEMENTING PERIODIC MONITORING IN FEDERAL AND STATE OPERATING PERMIT PROGRAMS

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

RIN: 2060–AN00

3045. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SURFACE COATING OF AUTOMOBILES AND LIGHT–DUTY TRUCKS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 63 subpart IIII

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

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

3046. 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

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

Abstract: In this action, EPA is responding to a petition for reconsideration of a final rule we issued under section 110 of the Clean Air Act (CAA) related to the interstate transport of nitrogen oxides (NOx). On April 21, 2004, EPA issued a final rule that required the State of Georgia to submit SIP revisions that prohibit specified amounts of NOx emissions—one of the precursors to ozone (smog) pollution—for the purposes of reducing NOx and ozone transport across state boundaries in the eastern half of the United States. Subsequently, the Georgia Coalition for Sound Environmental Policy filed a petition for reconsideration requesting that EPA reconsider the inclusion of the state of Georgia in the rule and also requested a stay of the applicability of the requirements as to the state of Georgia. In response to that petition, EPA proposed to stay the effectiveness of the 2004 rule on March 1, 2005 (70 FR 9897), and is undertaking the rulemaking described here to address the issues raised by the petitioners.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4960;

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RIN: 2060–AN12

3047. NESHAP: AUTOBODY REFINISHING – AREA SOURCE RULE

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: These standards are being developed under the Clean Air Act, section 112(k). Under section 112(k), EPA developed a national strategy to address air-toxic pollution from "area" sources, which are sources that emit hazardous air pollutants (HAP) below the major source level of 10 tons/year of a single HAP or 25 tons/year of all HAP. As part of that strategy, Autobody Refinishing, Paint Stripping, and Plastic Parts and Products (Surface Coating) source categories were listed for regulation. These standards will establish requirements to control pollution from facilities engaged in autobody refinishing, paint stripping, and surface coating of miscellaneous parts and products comprised of metal and plastic substrates. Facilities in these source categories are known to emit benzene, cadmium compounds, chromium compounds, lead compounds, manganese compounds, and nickel compounds. Previously EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for major sources engaged in refinishing, paint stripping, and surface coating activities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4978;

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RIN: 2060–AN21

3048. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE

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

RIN: 2060–AN24

3049. PREVENTION OF SIGNIFICANT DETERIORATION, NONATTAINMENT NEW SOURCE REVIEW, AND NEW SOURCE PERFORMANCE STANDARDS: EMISSIONS TEST FOR ELECTRIC GENERATING UNITS

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

RIN: 2060–AN28

3050. PROTECTION OF STRATOSPHERIC OZONE: REVISION TO LISTING OF CARBON DIOXIDE TOTAL FLOODING FIRE EXTINGUISHING SYSTEMS RESTRICTING USE TO ONLY UNOCCUPIED AREAS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: Section 612 of the Clean Air Act requires EPA to identify alternatives to Class I and II ozone-depleting substances and to publish lists of acceptable and unacceptable substitutes. Producers of substitutes must notify EPA at least 90 days before alternatives are introduced into interstate commerce. Substitutes which are deemed by EPA to be unacceptable or acceptable subject to use restrictions must go through notice and comment rulemaking. Substitute lists are updated intermittently depending on the volume of notifications. Independent of any petitions or notifications received, EPA may also initiate updates to the substitute lists based on new data on either additional substitutes or on characteristics of substitutes previously reviewed. Based on new information on the continued and growing use of carbon dioxide total flooding fire extinguishing systems, EPA is revising its listing of carbon dioxide as an acceptable total flooding substitute for ozone-depleting halons to acceptable subject to narrowed use limits. Use would be limited to unoccupied areas

where personnel could not be exposed to lethal concentration of the agent. Recent changes to national fire protection industry standards reflect need to improve personnel safety requirements for carbon dioxide systems by limiting its applications. Carbon dioxide total flooding fire extinguishing systems are used in some industrial applications such as automobile paint rooms and in marine applications such as machinery spaces. Restricted use limits on carbon dioxide total flooding systems supports the use of substitutes that are not potentially lethal to personnel that could be exposed.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4991;

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RIN: 2060–AN30

3051. NESHAP: SITE REMEDIATION AMENDMENTS—RESPONSE TO LITIGATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63 subpart GGGGG

Legal Deadline: None

Abstract: The Site Remediation regulation was promulgated on October 8, 2003. We were challenged by the Sierra Club on several provisions in the rule. We anticipate that settlement negotiations will result in certain revisions to the rule's requirements. The revisions could remove an exemption for certain sources thereby increasing the compliance costs of the final rule by up to $7.7 million.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4866.1; Split from RIN 2060-AM30.; EPA Docket information: OAR-2002-0021

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RIN: 2060–AN36

3052. NESHAP: ORGANIC LIQUID DISTRIBUTION (NON–GASOLINE); AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Sec 112

CFR Citation: 40 CFR 63

Legal Deadline: NPRM, Judicial, October 31, 2006.

Abstract: We are currently in litigation/settlement discussions in response to a Petition for Reconsideration of the final rule. The outcome could result in an amendment to the rule that would require control of wastewater emission sources at OLD facilities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2060–AN37

3053. FEDERAL PLAN REQUIREMENTS FOR OTHER SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE DECEMBER 9, 2004

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 129 and 111(d)

CFR Citation: 40 CFR 62 (New)

Legal Deadline: Other, Statutory, December 16, 2007, See the legal deadline information in the additional information below.

Abstract: In this OSWI Federal plan rulemaking, EPA becomes an implementing authority in those instances where the State or local agency has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, this rulemaking would impose a Federal plan that applies to OSWI in any State, tribe, or locale that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the December 2005 rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap-filling measure until the State fulfills its statutory obligations. When the State submits an approvable State plan, the Federal plan will no longer apply to units in that State.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5011; Legal Deadline continued: Federal Plan must be promulgated 2 years after the final publication of the Emission Guidelines rule (December 16, 2005, 70 FR 74869, http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-16/a23716.htm); EPA Docket information: EPA-HQ-OAR-2006-0364

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RIN: 2060–AN43

3054. PROTECTION OF STRATOSPHERIC OZONE: AMENDING REQUIREMENTS TO IMPORT USED OZONE–DEPLETING SUBSTANCES FOR DESTRUCTION IN THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This regulation will streamline the process for importing used ozone-depleting substances for destruction in the United States. This will further reduce the amount of substances that could otherwise harm the ozone layer.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 5017

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RIN: 2060–AN48

3055. ACTION ON PETITION TO LIST DIESEL EXHAUST AS A HAZARDOUS AIR POLLUTANT

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, February 11, 2005.
NPRM, Judicial, November 15, 2006, Consent decree, under negotiation.
Final, Judicial, May 1, 2007, Tentative, under negotiation.

Abstract: EPA received a petition from Environmental Defense to list Diesel Exhaust as a Hazardous Air Pollutant (HAP). Upon initially reviewing the petition, we have decided the petition needs to be reviewed and evaluated by a workgroup to make a final determination on how to proceed. After technical evaluation, the workgroup will recommend to grant or deny the petition. Our current negotiated court ordered deadlines are to propose to list or issue notification of denial by September 14, 2006, with final action by May 1, 2007.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5020; EPA Docket information: EPA-HQ-OAR-2005-0489

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RIN: 2060–AN49

3056. PROTECTION OF STRATOSPHERIC OZONE: BAN ON THE IMPORT OF PRE–CHARGED PRODUCTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA is concerned with the environmental impacts that could result from the potential continued imports of HCFC pre-charged products after the phaseout of production and importation of bulk substances. Similar concerns resulted in the banning the imports of CFC pre-charged refrigeration products after the 1996 phaseout of production and import of bulk substances. Therefore, EPA intends to propose regulations banning the imports of HCFC pre-charged products under the provisions within title VI of CAAA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5052;

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

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RIN: 2060–AN58

3057. TRANSITION TO NEW OR REVISED PARTICULATE MATTER (PM) NATIONAL AMBIENT AIR QUALITY STANDARDS

Priority: Other Significant

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

CFR Citation: 40 CFR 51

Legal Deadline: Other, Statutory, January 31, 2006, The 12/20/05 PM

NAAQS proposal stated EPA will issue ANPRM for implementation by 1/2006.

Abstract: In 1997, EPA promulgated revised National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM-2.5). EPA will be proposing revised NAAQS for PM-2.5 and new standard PM10-2.5 on December 20, 2005. In order to provide insight for the public on what EPA is thinking in regards to implementing the revised standard for PM2.5 and the transition from a PM10 standard to a PM10-2.5 standard, EPA is providing this advance notice of proposed rulemaking. This ANPRM should also provide an opportunity for the public to provide input on the best way to implement these actions. Public comment period will be extended until July 10, 2006. A proposal will be developed after the PM NAAQS are finalized in September 2006.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/06	71 FR 6718
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4752.1; EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/February/Day-09/a1798.htm; Split from RIN 2060-AK74.

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RIN: 2060–AN59

3058. REVISIONS TO THE DEFINITION OF POTENTIAL TO EMIT (PTE)

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: EPA proposes to clarify the options that exist for limiting potential to emit (PTE) for sources that wish to avoid major source requirements. To that end, EPA proposes to revise the PTE definition, for several CAA programs to explain the types of limits that are effective in restricting a source's PTE regulated pollutants. EPA's requirement that PTE limits must be federally enforceable to be considered effective in restricting PTE is at issue as a result of three court decisions. EPA's proposal will address this requirement.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5025;

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RIN: 2060–AN65

3059. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: SAFETEA–LU HOV FACILITIES RULE

Priority: Other Significant

Legal Authority: 23 USC 1121

CFR Citation: 40 CFR 86

Legal Deadline: Final, Statutory, February 6, 2006, Language from Congress requires a final regulatory action by February 6, 2006.

Abstract: It is the sense of Congress to encourage the purchase and use of hybrid and other fuel efficient vehicles, which have been proven to minimize air emissions and decrease consumption of fossil fuels. This regulation establishes the criteria for certifying a vehicle as low emitting and energy-efficient. State HOV programs will reference this regulation in their request to Federal Highway Administration for exceptions to the 2-person minimum occupancy HOV requirement. These regulations are optional for states to implement and will sunset in 2009.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 5029;

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RIN: 2060–AN68

3060. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR AEROSOL COATINGS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7511b

CFR Citation: 40 CFR 59 subpart E

Legal Deadline: None

Abstract: Under section 183(e) of the Clean Air Act, the EPA is required to list and schedule for regulation those categories of consumer or commercial products that account for at least 80 percent of volatile organic compound (VOC) emissions, on a reactivity adjusted basis, in areas that violate the

National Ambient Air Quality Standard for ozone. This rule is intended to meet that requirement for the aerosol spray paint category listed on March 23, 1995. This national regulation will establish a uniform reactivity-based standard for aerosol spray paints modeled after the California Air Resource Board (CARB) Regulation for *Reducing the Ozone Formed from* Aerosol Coating Product Emissions. EPA granted final approval of the revisions to the California State Implementation Plan containing this regulation on September 13, 2005. Although mass-based VOC reductions have been made in the aerosol coating category, this reactivity-based approach will achieve additional reductions in ozone formation where further mass-based reductions have proven to be technologically infeasible. This national rule is projected to better control a product's contribution to ozone formation by encouraging reductions of higher reactivity VOCs, rather than treating all VOCs in a product alike through a mass-based approach.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5030;

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RIN: 2060–AN69

3061. NEW SOURCE PERFORMANCE STANDARDS (NSPS): EQUIPMENT LEAKS–SUBPARTS VV & GGG

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Statutory, October 31, 2006, Settlement Agreement.
Final, Statutory, October 31, 2007, Settlement Agreement.

Abstract: Section 111(b)(1)(B) of the Clean Air Act requires EPA to review new source performance standards at least every 8 years. Under this project, we will review and, if appropriate, revise the new source performance standards for equipment leaks (subparts VV and GGG in part 60). Equipment leaks are defined as leaks from valves, pumps, compressors, sampling connections, open-ended lines, and pressure relief valves at SOCMI sources (subpart VV) and oil refineries (subpart GGG). We will determine if actual emission reductions currently being achieved due to other programs are greater than the requirements in the current NSPS standards, and whether the current NSPS standards should be revised.

Timetable:

Action	Date	FR Cite
NPRM	11/07/06	71 FR 65302
NPRM Comment Period End	01/08/07	
Final Action	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5035;

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RIN: 2060–AN71

3062. PETROLEUM REFINERIES–NEW SOURCE PERFORMANCE STANDARDS (NSPS)–SUBPART J

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, April 28, 2007, Lawsuit by Sierra Club and Our Children's Earth Foundation.
Final, Judicial, April 28, 2008, Lawsuit by Sierra Club and Our Children's Earth Foundation.

Abstract: Section 111(b)(1)(B) of the Clean Air Act requires EPA to review new source performance standards at least every 8 years. Under this project, we will review and, if appropriate, revise the new source performance standards for petroleum refineries (subpart J in part 60). We will determine if actual emission reductions currently being achieved due to other programs are greater than the requirements in the current NSPS standards, and whether the current standards should be revised.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	
Final Action	04/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5036

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RIN: 2060–AN72

3063. DEFECT REPORTING FOR ON–HIGHWAY MOTOR VEHICLES AND ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: EPA regulations require manufacturers to report defects of emissions-related equipment or emissions control systems of on-highway motor vehicles and heavy-duty engines. Under the current regulations

a defect report is required when a manufacturer determines that the same defect has occurred in 25 or more vehicles or engines. This is an unreasonably small threshold for large engine families/test groups. This action would create new thresholds that would depend upon the size of the engine family/test group. It would also obligate manufacturers to conduct investigations under certain circumstances to determine if an emission-related defect is present. The investigations would be triggered by warranty information, parts shipments, and any other information which may be available indicate need for an investigation.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5043;

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RIN: 2060–AN73

3064. REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS–EXCLUSION OF COMPOUNDS

Priority: Substantive, Nonsignificant

Legal Authority: CAA

CFR Citation: 40 CFR 51.100

Legal Deadline: None

Abstract: The EPA is proposing to add four compounds (benzotrifluoride, dimethyl succinate, propylene carbonate, and dimethyl carbonate) to the list of negligibly reactive compounds in EPA's definition of VOC.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 5045;

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RIN: 2060–AN75

3065. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SEMICONDUCTOR MANUFACTURING: AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: CAA title III

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The promulgated National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing included process vent requirements for inorganic HAP streams or inorganic process HAP streams. However, a small minority of process vents in the industry contain emission streams that combine inorganic and organic HAPs. The purpose of this amendment is to add a definition for mixed stream process vents in order to clarify the rule requirements and avoid the confusion caused by the current rule. These amendments will not add additional burden or cost to the rule.

Timetable:

Action	Date	FR Cite
NPRM	10/19/06	71 FR 61701
NPRM Comment Period End	12/04/06	
Final Action	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5055;

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RIN: 2060–AN80

3066. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2007

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA is seeking to allocate essential use allowances for import and production of class I stratospheric ozone depleting substances for calendar 2007. Essential allowances enable a person to obtain newly produced or imported controlled class I ozone-depleting substances under the essential exemption to the regulatory phaseout of these chemical, which became effective on January 1, 1996. Essential uses include the manufacture of important medical devices such as asthma inhalers.

Timetable:

Action	Date	FR Cite
NPRM	11/03/06	71 FR 64669
NPRM Comment Period End	12/04/06	
Final Action	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5056;

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RIN: 2060–AN81

3067. TRANSPORTATION CONFORMITY RULE AMENDMENTS TO IMPLEMENT PROVISIONS CONTAINED IN THE 2005 TRANSPORTATION BILL (SAFETEA–LU)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7506

CFR Citation: 40 CFR 93; 40 CFR 51.390

Legal Deadline: Final, Statutory, August 9, 2007, SAFETEA–LU requires that EPA revise the transportation conformity rule to address the statutory provisions.

Abstract: The transportation conformity rule ensures that transportation planning is consistent with a State's plan for achieving the air quality standards. These amendments to the rule are necessary as a result of the changes to the Clean Air Act's transportation conformity provisions as mandated by the recent transportation bill, SAFETEA-LU. SAFETEA-LU revised a number of aspects of the Clean Air Act's transportation conformity provisions including: 1) Providing an additional 6 months to re-determine conformity after new state implementation plan (SIP) motor vehicle emissions budgets are either found adequate, approved or promulgated; 2) changing the frequency requirements for transportation conformity determinations; 3) providing an option for reducing the time period covered by conformity determinations; 4) providing procedures for areas to use in substituting or adding transportation control measures (TCMs) to approved SIPs; 5) adding a 1-year grace period for conformity lapses; and 6) streamlining requirements for conformity SIPs.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 5057;

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RIN: 2060–AN82

3068. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR LEAD

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

RIN: 2060–AN83

3069. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): REASONABLE POSSIBILITY IN RECORDKEEPING

Priority: Substantive, Nonsignificant

Legal Authority: parts C and D of title I of the Clean Air Act

CFR Citation: 40 CFR 51 App S; 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21

Legal Deadline: None

Abstract: This rulemaking would clarify the "reasonable possibility" recordkeeping standard that we promulgated in the NSR Reform rule of 2002. In June 2005, the D.C. Circuit Court remanded the rule for EPA to provide such clarification. For tracking and reporting, certain records must be kept only if there is a "reasonable possibility" that a proposed project will result in a significant emissions increase. We are proposing one or more scenarios under which the recordkeeping standard is applicable.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5076;

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RIN: 2060–AN88

3070. • RECONSIDERATION OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ELECTRIC UTILITY, INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL STEAM GENERATING UNITS

Priority: Substantive, Nonsignificant

Legal Authority: CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is granting reconsideration on the recently finalized boiler NSPS amendments. Issues under reconsideration include the appropriate averaging time for facilities using particulate matter continuous emission monitoring systems (PM CEMS) and appropriate parametric monitoring requirements for facilities without PM CEMS. Minor recordkeeping requirements will also be under reconsideration.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5089;

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RIN: 2060–AN97

3071. • CLEAN AIR MERCURY RULE: FEDERAL PLAN

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: CAA Section 111

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action is a Federal Plan to implement the requirements of the Clean Air Mercury Rule (CAMR) for any States that do not submit an approvable State Plan within the 2-year timeline specified in the final CAMR, as well as the two tribes affected by the rule. The Federal Plan implements the requirements of CAMR by requiring that these States and tribes participate in the EPA-administered CAMR cap-and-trade program. While this rule provides for Federal implementation of the cap and trade program, it makes no other substantive changes to the model cap and trade program already finalized as part of CAMR. During the CAMR rulemaking process, EPA conducted extensive analysis of the economic, environmental, and health impacts of CAMR. Because the requirements and major programmatic elements of CAMR remain the same under the Federal Plan, these analyses remain unchanged under this action, as do conclusions regarding consideration of Executive Orders. This rule also reflects any modifications based on the CAMR Final Action on Reconsideration.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

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

Additional Information: SAN No. 5094;

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RIN: 2060–AN98

3072. • PHASE 2 OF THE FINAL RULE TO IMPLEMENT THE 8–HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD—NOTICE OF RECONSIDERATION

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq; 23 USC 101

CFR Citation: 40 CFR 51; 40 CFR 81

Legal Deadline: Final, Judicial, December 15, 2006.
Other, Statutory, EPA is trying to expedite the OMB review on the proposal because we have a commitment to the court to go final by Dec. 15.

Abstract: In this notice, EPA would announce its decision to reconsider and take additional comment on three provisions in the final Phase 2, 8-hour ozone implementation rule: (1) The determination that electric generating units (EGUs) that comply with rules implementing the Clean Air Interstate Rule (CAIR) and are located in States where all required CAIR emissions reductions are achieved from EGUs meet the 8-hour ozone State implementation plan (SIP) requirement for application of reasonably available control technology (RACT) for nitrogen oxide (NOx) emissions; (2) a new source review (NSR) requirement allowing sources to use certain emission reductions as offsets under certain circumstances; and (3) an NSR provision addressing when requirements for the lowest achievable emission rate (LAER) and emission offsets may be waived. These issues are also issues in a petition for judicial review; the court has granted EPA a stay of litigation on these three issues until December 15, 2006, so the reconsideration action must be completed by then.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: SAN No. 4625.6; Split from RIN 2060-AJ99.

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Related RIN: Split from 2060–AJ99

RIN: 2060–AO00

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

Clean Air Act (CAA)

3073. 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
Final Action	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 4070;

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RIN: 2060–AH93

3074. REVIEW OF NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY

Priority: Other Significant

Legal Authority: 42 USC 7410

CFR Citation: 40 CFR 49

Legal Deadline: None

Abstract: As required by the Clean Air Act's New Source Review (NSR) provisions, the EPA is proposing Federal regulations governing preconstruction permitting of minor stationary sources throughout Indian country and major stationary sources of air pollution in nonattainment areas in Indian country. The proposed Federal NSR rules would require sources in Indian country, with certain exceptions, to obtain a permit prior to construction if they are: (1) New minor sources, (2) existing minor sources undergoing modification, (3) new major sources in nonattainment areas in Indian country, (4) existing major sources in nonattainment areas in Indian country undergoing minor modification, or (5) existing major sources in nonattainment areas in Indian country undergoing major modification. The proposed rule would also allow new or existing stationary sources of regulated NSR pollutants and HAPs to accept enforceable limits on their production capacity or hours of operation in order to be considered minor sources and avoid being subject to other Clean Air Act requirements such as the title V operating permits program. Pursuant to the Tribal Air Rule, eligible Indian Tribes may receive EPA authorization to develop and implement such programs, but these permitting programs would be implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization to manage such programs. These rules would not impose any mandates on Tribal governments to implement NSR permitting programs. Tribal governments may be affected, however, insofar as they own or operate sources that must obtain a permit from the EPA under the final Federal permitting program regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/21/06	71 FR 48696
NPRM Comment Period End	11/20/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Tribal

Additional Information: SAN No. 3975; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-21/a6926.htm;

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RIN: 2060–AH37

3075. CLEAN AIR FINE PARTICLE IMPLEMENTATION RULE

Regulatory Plan: This entry is Seq. No. 117 in part II of this issue of the **Federal Register**.

RIN: 2060–AK74

3076. NSPS: SOCMI—WASTEWATER AND AMENDMENT TO APPENDIX C OF PART 63 AND APPENDIX J OF PART 60

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7411

CFR Citation: 40 CFR 60, app J, SOCMI Wastewater NSPS; 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. In conjunction with the rule development for the NSPS, amendments to appendix C to part 63 were proposed on June 30, 2004. The final rule will encompass the clarifications and revisions to subpart YYY, appendix J, and 40 CFR part 63 appendix C.

Timetable:

Action	Date	FR Cite
NPRM (NSPS)	09/12/94	59 FR 46780
Supplemental NPRM 1	10/11/95	60 FR 52889
Supplemental NPRM 2	12/09/98	63 FR 67988
NPRM Amdmt	06/30/04	69 FR 39383
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3380; EPA publication information: Supplemental NPRM 2 - http://www.epa.gov/fedrgstr/EPA-AIR/1998/December/Day-09/a28472a.htm;

Sectors Affected: 3251 Basic Chemical Manufacturing

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RIN: 2060–AE94

3077. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (40 CFR 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 adds a procedure 3 to Appendix F of 40 CFR 60. This action provides quality assurance specifications for continuous opacity monitor system (COMS) installed for compliance. States may cite this procedure for sources with installed COMS subject to compliance limitations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/07	

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

3078. 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: Final, Judicial, December 8, 2006, Original settlement agreement –5/26/06, due to request for extension of public comments, litigants agreed to extend final–7/26/06–extended again 12/8/06.

Abstract: The Portland Cement Manufacturing Industry NESHAP was promulgated June 14, 1999, and has been codified in 40 Code of Federal Regulations 63, subpart LLL. The Sierra Club and the National Lime Association petitioned the court to review subpart LLL, while the American Portland Cement Alliance (APCA) opted to negotiate a settlement agreement. On December 15, 2000, a panel of the D.C. Circuit issued its opinion in National Lime Ass'n v. EPA. The Court remanded the three standards for which we established floors of no control (hydrogen chloride [HCl], total hydrocarbon [THC], and mercury [Hg]). The Court found that we committed 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	12/02/05	70 FR 72330
Extension of Public Comment Period	01/09/06	71 FR 1403
Reopening of Public Comment Period	07/18/06	71 FR 40679
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4585; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-02/a23419.htm; ; EPA Docket information: EPA-HQ-OAR-2002-0051

Sectors Affected: 32731 Cement Manufacturing

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EPA—Clean Air Act (CAA)

Final Rule Stage

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RIN: 2060–AJ78

3079. NESHAP: HALOGENATED SOLVENT CLEANING—RESIDUAL RISK STANDARDS

Regulatory Plan: This entry is Seq. No. 115 in part II of this issue of the Federal Register.

RIN: 2060–AK22

3080. 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. The amendments would also allow a source to avoid MACT by completely eliminating HAP emissions. We are promulgating these amendments to encourage and promote pollution prevention, which is our strategy of first choice in reducing HAP emissions. We expect these amendments to result in no additional burden for sources and air pollution control agencies. This effort is the product of discussions with State and local air pollution control officials.

Timetable:

Action	Date	FR Cite
NPRM	05/15/03	68 FR 26249
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4719; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2003/May/Day-15/a12180.htm;

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RIN: 2060–AK54

3081. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) RESIDUAL RISK STANDARDS

Regulatory Plan: This entry is Seq. No. 114 in part II of this issue of the Federal Register.

RIN: 2060–AK14

3082. MODIFICATION OF THE ANTI–DUMPING BASELINE DATE CUT–OFF LIMIT FOR DATA USED IN DEVELOPMENT OF AN INDIVIDUAL BASELINE

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Direct Final Action	01/00/07	

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

3083. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES

Regulatory Plan: This entry is Seq. No. 116 in part II of this issue of the Federal Register.

RIN: 2060–AK70

3084. 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 85, subpart P to allow entry into the United States of vehicles which are originally sold in Canada and which are identical to their U.S. counterparts, without obtaining a

certificate of conformity from EPA. This action is in response to a petition for review of import rules. The final rule also will address certain other issues in part 85, subpart P and subpart R, including: (1) Formalizing a long-standing EPA policy regarding the importation of owned vehicles that are proven to be identical to a vehicle certified for sale in the United States (2) establishing new emission standards applicable to imported nonconforming vehicles; (3) clarifying the regulatory language that concerns exclusions and exemptions from meeting Federal emission requirements; and (4) providing several minor clarifications to the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/24/94	59 FR 13912
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2665;

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RIN: 2060–AI03

3085. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO2) AREA

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 52

Legal Deadline: None

Abstract: The State of Montana submitted a sulfur dioxide (SO2) State Implementation Plan (SIP) for the Billings/Laurel, Montana area. On May 2, 2002, and May 22, 2003, 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	07/12/06	71 FR 39259
NPRM Comment Period End	09/11/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4542; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-12/a6096.htm;

Sectors Affected: 32411 Petroleum Refineries

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RIN: 2008–AA00

3086. NESHAP: NATIONAL EMISSON STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (RECONSIDERATION OF THE PARTICULATE MATTER STANDARD)

Priority: Other Significant

Legal Authority: 42 USC 7412; 42 USC 7414

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: EPA promulgated national emission standards for hazardous air pollutants for hazardous waste combustors on October 12, 2005. Following promulgation of the final rule, the EPA Administrator received four petitions for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act. Under this section of the Clean Air Act, the Administrator shall initiate reconsideration proceedings if the petitioner can show that it was impracticable to raise an objection to a rule within the public comment period or that the grounds for the objection arose after the public comment period. On March 23, 2006, EPA granted reconsideration of and requested comment on one issue raised in two of the petitions. The issue under reconsideration is the new source standard for particulate matter for cement kilns that burn hazardous wastes. In this final rule EPA plans to issue its final reconsideration determination of this emission standard.

Timetable:

Action	Date	FR Cite
NPRM	03/23/06	71 FR 14665
Administrative Stay	03/23/06	71 FR 14655
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5047; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-23/a2703.htm; ; EPA Docket information: EPA-HQ-OAR-2004-0022

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

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RIN: 2050–AG29

3087. • NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (RESPONSE TO PETITIONS FOR RECONSIDERATION)

Priority: Other Significant

Legal Authority: 42 USC 6924; 42 USC 6925; 42 USC 7412; 42 USC 7414

CFR Citation: 40 CFR 63 (Revision); 40 CFR 264 (Revision); 40 CFR 266 (Revision)

Legal Deadline: None

Abstract: On October 12, 2005, EPA promulgated national emission standards for hazardous air pollutants (NESHAP). Following promulgation of the final rule, the EPA Administrator

received four petitions for reconsideration pursuant to section 307(d)(7)(B) of the Clean Air Act. Under this section of the Clean Air Act, the Administrator shall initiate reconsideration proceedings if the petitioner can show that it was impracticable to raise an objection to a rule within the public comment period or that the grounds for the objection arose after the public comment period. In this proposed rule, EPA is proposing to grant reconsideration of and requesting comment on several issues raised in the petitions of the four petitioners. In addition, EPA is proposing several amendments and corrections to the final rule to clarify some compliance and monitoring issues.

Timetable:

Action	Date	FR Cite
NPRM	09/06/06	71 FR 52624
NPRM Comment Period End	10/23/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5047.1; Split from RIN 2050-AG29.; EPA Docket information: EPA-HQ-OAR-2004-0022

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

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RIN: 2050–AG35

3088. 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
NPRM Comment Period End	02/03/05	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4632; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/January/Day-04/a043.htm;

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RIN: 2060–AK02

3089. 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	04/00/07	

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

EPA—Clean Air Act (CAA) Final Rule Stage

3090. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): DEBOTTLENECKING, AGGREGATION AND PROJECT NETTING

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

RIN: 2060–AL75

3091. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MOTOR VEHICLES: ON–BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY–DUTY ENGINES & VEHICLES ABOVE 14,000 POUNDS & IN–USE, NOT–TO–EXCEED EMISSION STANDARD TESTING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 to 7671q

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA is 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
Final Action	01/00/07	

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

3092. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING EMERGENCY USES OF METHYL BROMIDE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: Under the Clean Air Act and the Montreal Protocol on substances that deplete the ozone layer, this rule will seek to create an exemption for emergency uses of methyl bromide, an ozone depleting substance, 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
Final Action	02/00/07	
NPRM	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4819;

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

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RIN: 2060–AL94

3093. 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: Other, Statutory, March 31, 2006, Thompson Report commitment date.

Abstract: This rule would amend existing regulations controlling emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAP)under the Clean Air Act. These regulations are codified at 40 CFR part 60, 61, 63, and 65. These regulations require periodic leak detection and repair (LDAR) of pumps, valves, and connectors. The current work practice requires each pump, valve, and connector to be individually monitored for leaks. Facilities have had LDAR programs in place for over 20 years and view them as burdensome because they are labor intensive. Newer image based monitoring technology is being developed 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	04/06/06	71 FR 17401
NPRM, Extension Comment Period	06/07/06	71 FR 32885
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

3094. NESHAP: OIL AND NATURAL GAS PRODUCTION FACILITIES–AREA SOURCE RULE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63.760 to 779

Legal Deadline: Final, Statutory, November 30, 2000.
NPRM, Judicial, June 30, 2005.
Final, Judicial, December 21, 2006, consent decree.

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 were listed as one of those categories, and this rulemaking will address measures to control pollution from ONG facilities. Oil and natural gas production processes are known to emit benzene, toluene, ethyl-benzene and xylene. In 1999, EPA promulgated the NESHAP for Oil and Natural Gas Production. A supplemental proposal was published in the Federal Register on July 8, 2005. We proposed two options—that the control requirements apply in all locations or to just facilities in Urban 1 and Urban 2 counties. The control requirements only apply to triethylene glycol dehydration units.

Timetable:

Action	Date	FR Cite
NPRM	07/08/05	70 FR 39441
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4875; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/July/Day-08/a13480.htm;

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RIN: 2060–AM16

3095. NESHAP: SITE REMEDIATION: AMENDMENTS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Other, Statutory, October 8, 2006, Compliance date.

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 (i.e., from point of extraction to point of treatment - as proposed in the original rule). We will also clarify that facilities with active remediations can use the 1 Mg HAP exemption if they qualify rather than limit it to new remediations. We will also clarify that facilities meeting equipment leak standards for part 61 or other part 63 standards are exempt from those similar provisions in 63 subpart GGGGG. Grammatical errors and incorrect section references will be corrected as well.

Timetable:

Action	Date	FR Cite
NPRM	05/01/06	71 FR 25531
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4866;

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RIN: 2060–AM30

3096. PROTECTION OF STRATOSPHERIC OZONE: IMPORT PETITIONING REQUIREMENTS FOR HALON–1301 AIRCRAFT FIRE EXTINGUISHING VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671 to 7671q

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: This rule will provide an exemption under the import petitioning requirements for used ozone-depleting substances. The petitioning requirements outline the information that importers must submit to the Administrator at least 40 working days before a shipment is to leave the foreign port of export. This rule will reduce the administrative burden of anyone petitioning to import aircraft fire extinguishing spherical pressure vessels containing halon-1301 ("halon bottles") for hydrostatic testing in the United States. The rule would require importers to adhere to all import petitioning requirements but would require one petition to be submitted annually for all shipments rather than submission of a petition for each individual shipment 40 working days prior to export. Halon bottles are individual bottles containing halon-1301 that are connected to a larger fire suppression system within an aircraft. The halon bottles are brought into the United States for hydrostatic testing in which the halon is removed, the bottles are tested to ensure durability and effectiveness, and the same amount or more of halon is replaced back in the bottles and exported once again. The halon bottles must be routinely tested under Federal Aviation Administration and United States Department of Transportation regulations. The exemption to minimize the import petitioning requirements is being initiated because the bottles are not

being imported for the eventual use or resale of the halon contained in the bottles and because hydrostatic testing of the bottles is required under FAA and DOT regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/11/06	71 FR 18259
Direct Final Action	04/11/06	71 FR 18219
Withdrawal of FRM	06/07/06	71 FR 32840
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4900; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/April/Day-11/a3462.htm;

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

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RIN: 2060–AM46

3097. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES IN THE MOTOR VEHICLE AIR CONDITIONING SECTOR UNDER THE SIGNIFICANT NEW ALTERNATIVES POLICY (SNAP) PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7671k

CFR Citation: 40 CFR 82.180

Legal Deadline: None

Abstract: This rulemaking will propose to list two new alternatives to ozone depleting substances in the motor vehicle air conditioning sector and outline the conditions necessary for their safe use. Our analysis indicates that these new alternatives have better energy efficiency and lower impacts on the environment than currently available systems. If EPA takes final action approving these systems under SNAP, EPA would expand the options available to the automotive industry. The automotive industry, if they chose to adopt these technologies, would be required to comply with the conditions necessary to deploy these systems in a safe manner.

Timetable:

Action	Date	FR Cite
NPRM	09/21/06	71 FR 55140
NPRM Comment Period End	10/23/06	
Final Action	02/00/07	

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

3098. 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 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).

Timetable:

Action	Date	FR Cite
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

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RIN: 2060–AM59

3099. COMPONENT DURABILITY PROCEDURES FOR NEW LIGHT–DUTY VEHICLES, LIGHT–DUTY TRUCKS AND HEAVY–DUTY VEHICLES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7521

CFR Citation: 40 CFR 86

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
Supplemental 2 NPRM	01/17/06	71 FR 2843
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4757.1; EPA publication information: Supplemental 2 NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/January/Day-17/a073.htm; Split from RIN 2060-AK76.

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RIN: 2060-AN01

3100. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES IN FOAM BLOWING

Priority: Other Significant

Legal Authority: Clean Air Act sec 612

CFR Citation: 40 CFR 82

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/04/05	70 FR 67120
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4959; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/November/Day-04/a21927.htm;

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

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RIN: 2060-AN11

3101. FUEL ECONOMY LABELING OF MOTOR VEHICLES: REVISIONS TO IMPROVE CALCULATION OF FUEL ECONOMY ESTIMATES

Regulatory Plan: This entry is Seq. No. 119 in part II of this issue of the Federal Register.

RIN: 2060-AN14

3102. 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	08/22/06	71 FR 49254
NPRM Comment Period End	10/23/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

EPA—Clean Air Act (CAA) Final Rule Stage

Government Levels Affected: None

Additional Information: SAN No. 4969; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-22/a6819.htm;

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RIN: 2060–AN16

3103. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES, EMISSION GUIDELINES FOR EXISTING SOURCES, AND FEDERAL PLAN: SMALL MUNICIPAL WASTE COMBUSTORS: AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: CAA sections 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.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/06	

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

3104. REVISIONS TO AIR EMISSIONS REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 51 subpart A

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/03/06	71 FR 69
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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

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RIN: 2060–AN20

3105. IMPLEMENTATION RULE FOR 8–HOUR OZONE NAAQS: RECONSIDERATION; OVERWHELMING TRANSPORT CLASSIFICATION

Priority: Other Significant

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

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

Legal Deadline: None

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	03/27/06	71 FR 15098
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: SAN No. 4625.4; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-27/a2909.htm; Split from RIN 2060-AJ99.

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RIN: 2060–AN26

3106. INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILER AND PROCESS HEATER NESHAP, RECONSIDERATION OF EMISSIONS AVERAGING PROVISION AND TECHNICAL CORRECTIONS

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 63.7480

Legal Deadline: None

Abstract: On September 13, 2004, national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial and institutional boilers, and process heaters were promulgated. Following promulgation, EPA received a petition for reconsideration filed by the General Electric Company. The petitioner claim that the proposal did not provide sufficient information on the emission averaging provision added in the final rule upon which to provide meaningful comment. The petitioner requests reconsideration or clarification that the rule allows for consolidated testing of commonly vented boilers. On October 31, 2005, we granted the petition and proposed a limited number of amendments to the NESHAP. In response to the petition, we proposed an amendment allowing for consolidated testing of commonly vented boilers under the emission averaging provision. In addition, we proposed amendments and technical corrections to clarify some applicability and implementation issues.

Timetable:

Action	Date	FR Cite
NPRM	10/31/05	70 FR 62264
NPRM Comment Period End	12/15/05	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4987; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/October/Day-31/a21531.htm;

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RIN: 2060–AN32

3107. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS–EXCLUSION OF HFE–7300

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title I

CFR Citation: 40 CFR 51.100(s)

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/09/06	71 FR 6729
NPRM Comment Period End	03/16/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5010; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/February/Day-09/a1800.htm;

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RIN: 2060–AN34

3108. TREATMENT OF DATA INFLUENCED BY EXCEPTIONAL EVENTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act title I

CFR Citation: 40 CFR 50

Legal Deadline: Other, Statutory, March 1, 2006, SAFE–TEA requires EPA publish a NPRM in the FR NLT 3/1/06. Signature by 3/1 will be met but FR Pub date of 3/1 will not be met.

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

Timetable:

Action	Date	FR Cite
NPRM	03/10/06	71 FR 12592
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4998; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-10/a2179.htm;

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RIN: 2060–AN40

3109. NESHAP FOR AREA SOURCES: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, PRIMARY COPPER SMELTING, SECONDARY COPPER SMELTING, PRIMARY NONFERROUS METALS (ZINC, CADMIUM, AND BERYLLIUM)

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Judicial, December 15, 2006, Court deadline.

Abstract: Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999, and listed various area source categories emitting at least one of the urban HAPs. EPA eventually listed a total of 70 source categories that collectively account for at least 90 percent of the urban HAPs in urban areas. As such, EPA is required to subject these source categories to regulations issued under section 112(d). Furthermore, EPA has received a court order requiring that the Agency complete the 112(k) mandate by certain dates. Specifically, the court order requires that EPA issue regulations affecting 4 of these area source categories by December 15, 2006. This action will satisfy the first date under this mandate by consolidating activities into one notice for the following 4 source categories: Secondary Copper Production, Primary Copper Production, Primary Nonferrous Metals Production, and Polyvinyl Chloride and Copolymers Production.

These source categories have been selected because our information indicates that one of the following situations apply: 1) There are no existing area source facilities in the source category (secondary copper production); 2) the sources within the source category are already subject to an existing NESHAP that applies to area sources (polyvinyl chloride and copolymers production); or 3) that there are only 1-2 sources in the source category that are well-controlled and subject to existing regulations and/or permit conditions (primary copper production and primary nonferrous metals production).

Timetable:

Action	Date	FR Cite
NPRM	10/06/06	71 FR 59302
NPRM Comment Period End	11/06/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5013

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RIN: 2060–AN45

3110. PROTECTION OF STRATOSPHERIC OZONE: 2007 CRITICAL USE EXEMPTIONS FOR METHYL BROMIDE

Priority: Substantive, Nonsignificant

Legal Authority: sec 604 of the CAA

CFR Citation: 40 CFR NYD

Legal Deadline: None

Abstract: This rulemaking will authorize methyl bromide critical use exemptions for the 2007 calendar year, which the Agency believes meet the criteria for the critical use exemptions, and will also allocate such exemptions.

EPA—Clean Air Act (CAA)

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/06/06	71 FR 38325
NPRM Comment Period End	08/07/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5051; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/July/Day-06/a5969.htm; ; EPA Docket information: EPA-HQ-OAR-2005-0538

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

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RIN: 2060–AN54

3111. REQUIREMENTS FOR REFORMULATED GASOLINE (RFG) UNDER THE 8–HOUR OZONE STANDARD FOR BUMP–UP AREAS DESIGNATED ATTAINMENT FOR THE 1–HOUR OZONE STANDARD PRIOR TO REVOCATION

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: Reformulated Gasoline (RFG) is gasoline blended to reduce emissions that cause ozone smog. The Clean Air Act (CAA) requires certain areas to use RFG, depending on how serious is the ozone problem—i.e., how far it is from attaining the National Ambient Air Quality Standards (NAAQS) for ozone. In some cases, areas that previously had a less-serious ozone problem subsequently experience worse air quality, and in such cases the Clean Air Act requires them to be "bumped up" to a higher category, thereby requiring RFG use. One complication is that the Agency is now implementing the transition from the previous ozone standard, based on the amount of pollution measured over a 1-hour period, to the new ozone standard, based on an 8-hour period. This rule would set regulations for such cases. EPA is inviting comment on two options for such cases. Under the first option, an area would be required to use RFG at least until it is redesignated to attainment for the 8-hour NAAQS. This option would rely on an antibacksliding approach that emphasizes that the area is still an ozone nonattainment area notwithstanding its redesignation to attainment of the 1-hour NAAQS. EPA would interpret the Act as requiring continued use of RFG in the proposal areas due to their continued status as ozone nonattainment areas under the 8-hour NAAQS. An area would remain an RFG area at least until it is redesignated to attainment for the 8-hour NAAQS. Under the second option, EPA would interpret CAA section 211(k)(10)(D) such that an area would no longer be considered an RFG area after redesignation to attainment for the 1-hour NAAQS, if the State requests removal of RFG and demonstrates that removal would not result in loss of emission reductions relied upon in the State attainment plan. This option would allow for removal of the RFG program for proposal areas during transition to the 8-hour NAAQS, unlike the approach adopted for other bump-up areas. This option would implement an antibacksliding approach with a trigger date (date of revocation of the 1-hour NAAQS) that is different from that otherwise used. EPA recently redesignated Atlanta to attainment of the 1-hour NAAQS, prior to revocation of the 1-hour NAAQS. Thus, Atlanta is the only bump-up area that would fall within the scope of this proposal.

Timetable:

Action	Date	FR Cite
NPRM	06/23/06	71 FR 36042
NPRM Comment Period End	08/22/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2060–AN63

3112. AMENDMENT TO TIER 2 VEHICLE EMISSION STANDARDS AND GASOLINE SULFUR REQUIREMENTS: EXEMPTION FOR U.S. TERRITORIES

Priority: Substantive, Nonsignificant

Legal Authority: CAA 325(a)(1)

CFR Citation: 40 CFR 80(H)

Legal Deadline: None

Abstract: This rule would exempt the three Pacific Island Territories—American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI) from the Tier-2 rule for vehicle emission and gasoline sulfur requirements. The Governor of American Samoa petitioned us for an exemption from the Tier-2 gasoline sulfur requirement because of the high cost, the potential for gasoline shortages, and minimal air quality benefits to American Samoa. The Governors of Guam and CNMI also want the exemption and enforcement discretion for similar reasons. The Far East market, primarily Singapore, supplies gasoline to the Pacific Island Territories. The Tier-2 sulfur standard effectively requires the importation of special product runs, which would increase the cost and could jeopardize the security of the gasoline supply to the Pacific Island Territories. The air quality in American Samoa, Guam, and CNMI is generally pristine due to the wet climate, strong prevailing winds, and the remoteness. Exempting these Pacific Island Territories from the gasoline sulfur standard would have minimal, if any, impact on air quality.

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

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5027;

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RIN: 2060–AN66

3113. INTERPRETIVE RULEMAKING TO CLARIFY THE SCOPE OF CERTAIN MONITORING REQUIREMENTS FOR FEDERAL AND STATE OPERATING PERMITS PROGRAMS

Priority: Other Significant

Legal Authority: Clean Air Act title V

CFR Citation: 40 CFR 70; 40 CFR 71

Legal Deadline: Final, Judicial, October 27, 2006, Consent Decree deadline.

Abstract: The purpose of this action is to respond to comments and finalize an interpretation of certain existing regulatory language relative to the need to address the sufficiency of existing monitoring requirements included in State and Federal operating permits programs developed under title V of the Clean Air Act (Act). Specifically, our proposed interpretation was that sections 70.6(c)(1) and 71.6(c)(1) of 40 CFR parts 70 and 71 (previously referred to as the Umbrella Monitoring Rule) do not provide a basis for assessing the adequacy of or adding monitoring requirements to operating permits, independent of such monitoring required under existing Federal air pollution control rules and State implementation plan (SIP) rules (i.e., monitoring required under applicable requirements), including monitoring required under the part 64 (the compliance assurance monitoring or CAM, rule) where it applies, and such monitoring as may be required to fill gaps under the separate periodic monitoring requirements of the operating permits rules. We also formally withdrew a September 17, 2002 proposal to revise these paragraphs in parts 70 and 71. The final action will implement the interpretation consistent with our responses to public comments.

Timetable:

Action	Date	FR Cite
NPRM	06/02/06	71 FR 32006
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5044; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-02/a8613.htm;

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RIN: 2060–AN74

3114. RENEWABLE FUELS STANDARD RULE

Regulatory Plan: This entry is Seq. No. 121 in part II of this issue of the Federal Register.

RIN: 2060–AN76

3115. PREVENTION OF SIGNIFICANT DETERIORATION, NONATTAINMENT NEW SOURCE REVIEW, AND TITLE V: TREATMENT OF CORN MILLING FACILITIES UNDER THE "MAJOR EMITTING FACILITY" DEFINITION

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

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

Legal Deadline: Other, Statutory, February 28, 2006, DA committed a 2/28/06 signature on NPRM to Senator Thune.

Abstract: Given widespread concerns about our nation's fuel supply and Congress's recent recognition of the enormous role that domestically produced ethanol can play in reducing our dependence on foreign oil (by Congress's enactment of the renewable fuels standard in the Energy Policy Act of 2005), EPA will examine the treatment of ethanol production facilities under the New Source Review and title V operating permit programs. Specifically, a source emitting greater than the major source threshold may be subject to New Source Review, operating permits, and other regulations. A source in one of 27 listed source categories (including chemical process plants) has a major source threshold of 100 tons per year. Conversely, sources not in the one of the 27 listed source categories have a major source threshold of 250 tons per year. EPA will determine through this rulemaking whether ethanol production facilities were originally intended to be in the chemical process plants source category when these categories were developed.

Timetable:

Action	Date	FR Cite
NPRM	03/09/06	71 FR 12240
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5049; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/March/Day-09/a2148.htm;

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RIN: 2060–AN77

3116. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: REVISIONS TO INITIAL PERFORMANCE TEST PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 60, 61, 63

Legal Deadline: None

Abstract: The proposed rule will extend the time period required for source owners and operators to conduct initial performance tests in response to force majeures. A force majeure is defined as an event caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that results in not meeting the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

We recognize that there may be circumstances beyond a source owner's or operator's control that could cause a performance test deadline to be missed and that we must provide a mechanism for consideration of these circumstances and granting of extensions where warranted. Under current rules, a source owner or operator who is unable to comply with testing requirements within the allotted timeframe due to a force majeure is regarded as being in violation and subject to enforcement action. As a matter of policy, EPA has exercised enforcement discretion to avoid finding such sources in violation. However, because these failures result in circumstances beyond the control of the source owner or operator, we believe that a more reasonable approach is to provide an opportunity to such owners and operators to make good faith demonstrations and obtain extensions of the performance testing deadline in appropriate circumstances.

EPA's plans to address this issue were noted in the final Clean Air Action National Stack Testing Guidance issued by EPA on September 30, 2005. The following footnote was included in this guidance document. "The Agency believes that it has the authority under law to allow extensions and plans to conduct notice and comment rulemaking regarding appropriate circumstances in which an extension of initial performance test deadlines may be allowed by regulation."

Timetable:

Action	Date	FR Cite
NPRM	08/09/06	71 FR 45487
NPRM Comment Period End	11/07/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5061; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-09/a12966.htm;

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RIN: 2060–AN84

3117. • FINAL RULE FOR IMPLEMENTATION OF THE NEW SOURCE REVIEW (NSR) PROGRAM FOR PM2.5

Regulatory Plan: This entry is Seq. No. 122 in part II of this issue of the Federal Register.

RIN: 2060–AN86

3118. • PROTECTION OF STRATOSPHERIC OZONE: ADJUSTING ALLOWANCES FOR CLASS I SUBSTANCES FOR EXPORT TO ARTICLE 5 COUNTRIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/23/06	71 FR 49395
NPRM Comment Period End	09/22/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4697.1; Split from RIN 2060-AK45.

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RIN: 2060–AN87

3119. • FINAL EXTENSION OF THE DEFERRED EFFECTIVE DATE OF NONATTAINMENT DESIGNATIONS FOR 8–HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR EARLY ACTION COMPACT AREAS

Priority: Info./Admin./Other

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

CFR Citation: 40 CFR 81

Legal Deadline: Other, Statutory, November 15, 2006, Final must be signed 11/15 to publish NLT 11/30 to be effective by 12/31/2006 or EAC areas will become nonattainment.

Abstract: This rule proposes to defer the effective date of nonattainment designations for 14 areas of the country that have entered into Early Action Compacts (EACs) with EPA until April 15, 2008. 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 will establish a final deferred effective date of nonattainment designations of April 15, 2008, for compact areas, or portions of compact areas, so long as these areas meet agreed-upon milestones. The current effective date of nonattainment designation for these EAC areas has been deferred until December 31, 2006, for those communities that continue to fulfill all compact obligations. This action must be finalized and published in the Federal Register by November 30, 2006, or the 14 EAC areas with deferred nonattainment designations will automatically loose their deferred designations and have nonattainment designations.

Timetable:

Action	Date	FR Cite
NPRM	08/09/06	71 FR 45492
NPRM Comment Period End	09/08/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4839.5; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-09/a12960.htm; Split from RIN 2060-AN04. Split from RIN 2060-AM03. Promulgation of SAN 4839 will include the material formerly proposed as SAN 4798. SAN 4798 has been merged into SAN 4839.

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RIN: 2060–AN90

3120. • OTHER SOLID WASTE INCINERATION UNITS: RESPONSE TO PETITION FOR RECONSIDERATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7509

CFR Citation: 40 CFR 60

Legal Deadline: Final, Judicial, January 15, 2007, Court–Ordered Deadline.

Abstract: Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units were promulgated in 2005 (70 FR 74870, 12/16/05). A petition for reconsideration of that rule was received in February of 2006. This action will constitute EPA's response to that petition.

Timetable:

Action	Date	FR Cite
NPRM	06/28/06	71 FR 36726
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5073; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-28/a10095.htm; EPA Docket information: epa-hq-oar-2003-0156.

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RIN: 2060–AN91

3121. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): REMOVAL OF VACATED ELEMENTS

Priority: Substantive, Nonsignificant

Legal Authority: parts C and D of title I of the Clean Air Act

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

Legal Deadline: None

Abstract: The purpose of this rulemaking is to remove regulatory language from our NSR rules that was vacated by the court after promulgation. Specific elements addressed by this rulemaking are the: (1) Clean Unit applicability test and (2) exemption for Pollution Control Projects (PCP).

Timetable:

Action	Date	FR Cite
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5077;

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RIN: 2060–AN92

3122. • RULE INTERPRETING THE SCOPE OF TITLE V OPERATING PERMIT MODIFICATIONS WHERE EPA HAS APPROVED ALTERNATIVE MONITORING AND TESTING PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 70; 40 CFR 71

Legal Deadline: None

Abstract: The purpose of this rulemaking is to clarify the meaning of "significant permit modification" (in 40 CFR parts 70 and 71) as it pertains to an alternative emissions monitoring and testing request that has been approved by EPA, and to clarify how the approved request becomes incorporated into a title V operating permit. The EPA routinely receives requests from industry to approve alternative monitoring and testing provisions. The Code of Federal Regulations (CFR), under sections 60.8(b), 61.13(h), 63.7(f), 51.212(b)(2) 60.13(l), 61.14(g), and 63.8(f), authorizes EPA to approve an alternative monitoring or testing request, provided an adequate demonstration of equivalency with the

required monitoring or testing has been made. EPA believes that the approved alternative monitoring or testing provisions should be incorporated into the title V operating permit quickly and without burden to the permitting authority or the source.

Timetable:

Action	Date	FR Cite
Direct Final Action	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 5079;

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RIN: 2060–AN93

3123. • REGULATION OF FUELS AND FUEL ADDITIVES: UPDATED VOLATILITY STANDARD FOR ALASKA ONLY

Priority: Substantive, Nonsignificant

Legal Authority: CAA 211

CFR Citation: 40 CFR 80

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Direct Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5080;

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RIN: 2060–AN94

3124. • STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES — OTHER SOLID WASTE INCINERATION UNITS: TECHNICAL AMENDMENT

Priority: Info./Admin./Other

Legal Authority: 42 USC 7509 CAA 129

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This New Source Performance Standard and Emission Guideline for Other Solid Waste Incineration Units was promulgated December 16, 2005, addressing the incineration of nonhazardous solid wastes by very small municipal waste combustion units and institutional waste incineration units. The opacity emission limitation and the timing requirements for its test were incorrectly specified in the promulgated rule due to a typographical error. This action will correct that error.

Timetable:

Action	Date	FR Cite
Direct Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5083;

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RIN: 2060–AN95

3125. • STANDARDS OF PERFORMANCE FOR NEW INDUSTRIAL– COMMERCIAL –INSTITUTIONAL STEAM GENERATING UNITS: AMENDMENT FOR FACILITY–SPECIFIC NOX STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 111

CFR Citation: 40 CFR 60.40b

Legal Deadline: None

Abstract: On November 25, 1986, EPA issued new source performance standards (NSPS) for Industrial-Commercial-Institutional Steam Generating Units (40 CFR part 60, subpart Db), including standards limiting nitrogen oxide (NOx) emissions from industrial boilers. The standards include provisions for facility-specific NOx standards for industrial boilers which simultaneously combust fossil fuel and gaseous or liquid chemical byproducts/waste under certain contains. On December 15, 2005, Innovene USA LLC petitioned EPA to establish a site-specific NOx emission limitation for the absorber offgas incinerator at Innovene's Lima, Ohio facility. This action will address the Innovene petition.

Timetable:

Action	Date	FR Cite
Direct Final Action	01/00/07	

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5084;

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RIN: 2060–AN96

Environmental Protection Agency (EPA) — Long-Term Actions

Clean Air Act (CAA)

3126. 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: Tribal

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

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RIN: 2009–AA00

3127. 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

3128. 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

3129. 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 FR 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 rev. NAAQS impl	01/02/97	62 FR 210
Notice Resp to Remand	05/05/98	63 FR 24782
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 1002; EPA publication information: NPRM NAAQS Review-NAAQS Review

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RIN: 2060–AA61

3130. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON–FEDERAL CLASS I AREAS

Priority: Other Significant

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

CFR Citation: 40 CFR 51.166; 40 CFR 52.21

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 3919;

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RIN: 2060–AH01

3131. NESHAP: GROUP II POLYMERS AND RESINS–RESIDUAL RISK STANDARDS

Priority: Other Significant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: Final, Statutory, March 8, 2003.

Abstract: EPA developed technology-based standards for this source category under section 112(d) of the CAA. This source category covers certain chemical

process units used to manufacture products. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4657;

Sectors Affected: 325211 Plastics Material and Resin Manufacturing

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RIN: 2060–AK13

3132. 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 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.

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	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4751; EPA publication information: NPRM-STAY - http://www.epa.gov/fedrgstr/EPA-AIR/2004/April/Day-07/a7775.htm

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

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RIN: 2060–AK73

3133. SECTION 126 RULE WITHDRAWAL PROVISION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7426

CFR Citation: 40 CFR 52

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/04/03	68 FR 16644
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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RIN: 2060–AK41

3134. 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	11/00/07	

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

3135. 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
Direct 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

3136. 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	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4722;

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RIN: 2060–AK56

3137. SECTION 126 RULE: WITHDRAWAL OF FINDINGS FOR SOURCES IN MICHIGAN

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 52.34

Legal Deadline: None

Abstract: EPA coordinated the Section 126 Rule with another rule known as the NOx State implementation plan (SIP) Call, because both rules addresse ozone transport in the eastern half of

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

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local

Additional Information: SAN No. 4796;

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RIN: 2060–AL83

3138. LIFTING THE STAY OF THE 8–HOUR PORTION OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT ("NOX SIP CALL")

Priority: Other Significant

Legal Authority: 42 USC 7401 et seq

CFR Citation: 40 CFR 51.121

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4797;

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RIN: 2060–AL84

3139. CONSIDERATION OF INDUSTRY PETITION TO REMOVE THE TWO–PIECE CAN SUBCATEGORY FROM THE CLEAN AIR ACT HAZARDOUS AIR POLLUTANT SOURCE CATEGORY LIST

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401 et seq

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 Manufacturers Association submitted the petition on November 4, 1996, and provided additional materials through April 4, 1999. At that time we determined the petition was complete. Because of the delisting of the HAP ethylene glycol butyl ether, there are not expected to be any sources in the subcategory. Consequently, there would be no sources subject to standards under section 112(d) or (f) of the Clean Air Act. EPA has notified the petitioner that there appears to be no benefit to delisting the subcategory, and the petitioner has tentatively agreed. However, since EPA has not received a notification of withdrawal of the petition, EPA continues to consider this an active rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4799;

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RIN: 2060–AL86

3140. NESHAP & NSPS FOR 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.

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

Timetable:

Action	Date	FR Cite
NPRM	09/08/06	71 FR 53272
NPRM Comment Period End	11/07/06	
Final Action	01/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, Tribal

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

Additional Information: SAN No. 4846; NPRM was published September 8, 2006 (71 FR 53272) as RIN 2060-AJ41 and RIN 2060-AH13.

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

RIN: 2060–AM08

3141. 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.
Final, Judicial, December 15, 2008.

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 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists 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 its air toxics program into four components. The first component is source specific regulatory programs. These area source standards can require control levels which are equivalent to either MACT or GACT, as defined in section 112. The processes involved in glass manufacturing include raw material storage, handling and mixing, high temperature (usually furnace) melting, forming, coating, and other processes specific to particular products. The hazardous air pollutants (HAP) emitted from glass manufacturing includes lead, arsenic, mercury, cobalt, nickel, chromium, hydrogen fluoride, hydrochloric acid, glycol ethers, methyl ethyl ketone, xylene, 1,2,4-trimethyl benzene, n-butyl alcohol, toluene, methyl isobutyl ketone, m-xylene, 1,1-dichloro-1-fluoroethane, methanol, selenium, styrene, sec-butyl alcohol, manganese, antimony, barium, chlorine, phenol and formaldehyde. In 1986, EPA promulgated the NESHAP for Inorganic Arsenic Emissions From Glass Manufacturing Plants. Since that time, EPA has re-evaluated both the carcinogenicity assessment (April 10,

1998) and the oral RfD assessment (February 1, 1993) for arsenic. In reference to the regulations addressing area sources, section 112(c)(3) states, "such regulations shall be promulgated not later than 10 years after such date of enactment" (CAA). Approximately 150 facilities currently operate in the United States producing containers, flat glass, industrial glass fiber and specialty glass. The specialty glass subcategory includes lighting, lead crystal, art glass, opthalmic lenses, tableware, optical glass fiber, and technical glass components and products. Two small businesses exist in the source category, both of which manufacture containers. It is unknown at this time whether these facilities will be affected by the rule (i.e., whether they use toxic raw materials in the furnace or coatings processes). Glass manufacturers use toxic raw materials in the furnace or in coating operations to impart specific properties to the final product. About 1500 tons per year of HAP are released into the ambient air by glass manufacturing plants. Toxic emission sources include raw material storage, furnace and melting operations, and coating processes. Air pollution control devices are generally available for toxic emission points within the glass manufacturing industry. It is anticipated at this time that glass manufacturers not using toxics would not be subject to the rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4873

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RIN: 2060–AM12

3142. 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	11/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4874;

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RIN: 2060–AM19

3143. PETITION TO DELIST A HAZARDOUS AIR POLLUTANT FROM SECTION 112 OF THE CLEAN AIR ACT: METHYL ISOBUTYL KETONE (MIBK)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: The Ketones Panel of the American Chemistry Council (ACC) has petitioned the Agency to remove methyl isobutyl ketone (MIBK) from the Clean Air Act (CAA) hazardous air pollutant (HAP) list. The ACC originally submitted the petition in April of 1997. EPA suspended review of the petition pending the completion of 2-generation reproductive effects study. That study is now complete. On October 17, 2003, the ACC submitted an addendum to the 1997 petition which includes: The results of the 2-generation reproductive effects study; a presentation of the updated EPA IRIS file for MIBK, updated air dispersion modeling, and an analysis of potential transformation products. Based on this new submission, the ACC requested that EPA reopen its review of the MIBK petition. EPA did reopen its review of the petition. However, since the last submittal by the petitioner, a 2-year MIBK bioassay by the National Toxicology Program (NTP) has been completed. A draft report of this study was reviewed by the NTP Board of Scientific Counselors Technical Reports Review Subcommittee, which accepted unanimously the conclusions in the report that there is some evidence of carcinogenic activity of MIBK. EPA has notified the petitioner that further review of the petition will require that the petitioner submit information regarding the relevance of the NTP study and a risk characterization for the human risk of cancer from MIBK exposures, which would include the derivation of a cancer unit risk estimate. Given the significant time that will be necessary to prepare and submit this information, we are considering the MIBK petition review a long-term action.

Timetable:

Action	Date	FR Cite
Notice	07/19/04	69 FR 42954
NPRM	To Be Determined	

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

3144. STRATEGY FOR ADDRESSING AIR EMISSIONS FROM ANIMAL FEEDING OPERATIONS

Priority: Other Significant

Legal Authority: 12 USC 1701 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This notice describes a strategy for addressing air emissions from animal feeding operations (AFOs). In this notice, we summarize the public concerns that have been raised about emissions from AFOs and explain the substantial scientific uncertainties pertaining to emission levels, public health and welfare effects, and emission control techniques for this industry. Resolving all the uncertainties will require substantial time and research. Nevertheless, some cost effective management practices for reducing emissions are available today, and the use of these practices will mitigate some of the adverse effects of these emissions. Early public input on a set of goals for an emission control program for AFOs and on an intended regulatory approach to begin reducing AFO emissions and solving some of the environmental problems based on information that is available today.

Timetable:

Action	Date	FR Cite
NPRM	05/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4865;

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RIN: 2060–AM26

3145. 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. Both iron foundries and steel foundries were listed as high priority source categories via a toxicity-weighting analysis. Extensive data gathering and analyses were performed during the development of MACT standards for major iron and steel foundries in 1998. Although primarily a 1998 snapshot of the industry, this database was continually updated with new information regarding plant closures and new control equipment installation throughout the major source rule development. Consequently, this database includes the most recent data for substantial number of area source foundries, and forms the foundation of the environmental and economic impact analysis for area source iron and steel foundries. We intend to consider both MACT and GACT as control options for regulated emission sources. Several HAPs have been identified that may be present in air emissions in significant enough quantities to be of concern. The metal HAPs emitted from melting furnaces include cadmium, chromium, lead, manganese, and nickel. Aromatic organic HAPs produced by mold- and core-making lines, melting furnaces, and pouring, cooling and shakeout (PCS) lines contain acetophenone, benzene, cumene, dibenzofurans, dioxins, naphthalene, phenol, pyrene, toluene, and xylene. The nonaromatic organic HAPs emitted are formaldehyde, methanol, and triethylamine. There are approximately 300 area source iron foundries in the United States, with about 70 percent being small businesses. We estimate that 60 percent of the area source iron foundries have production under 10,000 tons per year. There are approximately 200 area source steel foundries in the United States, with about 70 percent being small businesses. We estimate that 80 percent of the area source steel foundries have production under 10,000 tons per year. A preliminary analytical blueprint was prepared in November 2004.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

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

3146. NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act Section 112

CFR Citation: 40 CFR Part 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	04/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 4886;

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RIN: 2060–AM37

3147. 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 51, 40 CFR 52). SAN 4676's final action—referred to as the "equipment replacement provision" (ERP)—was promulgated in the Federal Register on 10/27/03 (68 FR 61248). The action summarized here, SAN 4676.3, when finalized, will establish a regulatory definition for maintenance and repair activities (that are not equipment replacements) that qualify for the RMRR Exclusion from Major NSR. We previously proposed options for this SAN in our RMRR proposal on 12/31/02 (67 FR 80920). However, this action will propose and take comments on an additional approach.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4676.3; EPA publication information: NPRM-Publication date is projected; Split from RIN 2060-AK28

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RIN: 2060–AM62

3148. AREA SOURCE NESHAP FOR SECONDARY NONFERROUS METALS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: Not Yet Determined

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

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 4888

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RIN: 2060–AM70

3149. STANDARDS OF PERFORMANCE FOR STATIONARY SPARK IGNITED INTERNAL COMBUSTION ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, May 23, 2006, Court–ordered deadline. Final, Judicial, December 20, 2007, Court–ordered deadline.

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 2006 and to promulgate by December 2007. Information gathering began in early April 2004 and will result in the development of regulatory packages to propose and promulgate an NSPS standard.

Timetable:

Action	Date	FR Cite
NPRM	06/12/06	71 FR 33804
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4915; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.htm;

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RIN: 2060–AM81

3150. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4701 et seq

CFR Citation: 40 CFR 63.210–17

Legal Deadline: None

Abstract: This action would amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Polyvinyl Chloride and Copolymers. These standards were proposed on December 8, 2000 (65 FR 76958), and originally promulgated on July 10, 2002 (67 FR 45886), but were vacated by the D.C. Circuit on June 18, 2004, in Mossville Environmental Action v. EPA, 370 F.3d 1232 (D.C. Cir. 2004). This action assures continuity of the parts of the standard that were upheld by the court, and addresses the component of these standards, regarding the use of vinyl chloride as a surrogate for all other HAP, that was not upheld by the court.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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

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RIN: 2060–AN33

3151. OPTIONAL CHASSIS CERTIFICATION FOR DIESEL VEHICLES

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 86.1863–07

Legal Deadline: None

Abstract: Prior to the heavy-duty 2007 rulemaking (HD 2007), we have required that crankcase emissions be controlled only on naturally aspirated diesel engines. We made an exception for turbocharged heavy-duty diesel engines in the past because of concerns regarding fouling that could occur from diesel PM and engine oil, which are included in the crankcase emissions, when routing the crankcase blow-by into the turbocharger and aftercooler. However, this was an environmentally significant exception since most heavy-duty diesel trucks use turbocharged engines, and a single engine can emit over 100 pounds of NOx, NMHC, and PM from the crankcase over its lifetime. Therefore, given the availability of technologies to control crankcase emissions and the significant environmental benefit for eliminating those emissions, we are proposing new requirements for crankcase emissions in the HD 2007 rulemaking. Those provisions require that heavy-duty diesel engines either close the crankcase or account for any crankcase emissions within the total compliance limits of the tailpipe emissions standard. This requirement had the unintended consequence of confusing which crankcase provisions should apply to these heavy-duty diesel engines, those of subpart S or the newly defined diesel provisions of. It was our intention that these vehicles meet the newly defined requirements of closed crankcase provisions just as other heavy-duty diesel engines must. Therefore, we are finalizing a change to the HD 2007 that explicitly defines the crankcase provisions applicable for heavy-duty chassis certified diesel engines under 14,000 pounds as those provisions defined under 40 CFR section 86.007-11. There are no environmental impacts. This represents a cost savings to the manufacturers of highway heavy-duty diesel engines.

Timetable:

Action	Date	FR Cite
Direct Final Action	01/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4993;

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RIN: 2060–AN39

3152. NOTICE FOR INFORMATION ON DETERMINING THE EMISSIONS REDUCTIONS ACHIEVED FROM LIMITING THE VOC CONTENT OF ARCHITECTURAL COATINGS

Priority: Substantive, Nonsignificant

Legal Authority: CAAA section 110

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action is a Proposed Rulemaking (PRM) to discuss and take comment on approaches for calculating emission reductions from the national architectural and Industrial maintenance (AIM) coating rule and other architectural rules. Review of the comments received could result in a rule or policy guidance on calculation methodology. Conference calls have been initiated in order that EPA proceed to move forward with drafting an NPRM due to interest from both States and the regulated community.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/05	70 FR 51694
Comment Period Extended	10/13/05	70 FR 59680
Second Comment Period Extended	12/20/05	70 FR 75439
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5009; EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2005/August/Day-31/a17357.htm;

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RIN: 2060–AN42

3153. NESHAP: ACRYLIC/MODACRYLIC FIBERS, CHEMICAL MANUFACTURING: CHROMIUM COMPOUNDS, FLEXIBLE FOAM FABRICATION AND FOAM PRODUCTION, CARBON BLACK PRODUCTION, LEAD ACID BATTERY MANUFACTURING, WOOD PRESERVING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Section 112(k)(3) of the Clean Air Act requires EPA to prepare a comprehensive strategy to control emissions of hazardous air pollutants (HAPs) from area sources in urban areas. The strategy must identify at least 30 HAPs that, as the result of emissions from area sources, present the greatest threat to public health in urban areas. The strategy must also identify the source categories that emit the listed urban HAPs. EPA must subject to regulation those listed source categories such that 90 percent of the aggregate emissions of the urban HAPs are subjected to standards. The strategy was published on July 19, 1999, and listed various area source categories emitting at least one of the urban HAPs. EPA eventually listed a total of 70 source categories that collectively account for at least 90 percent of the urban HAPs in urban areas. As such, EPA is required to subject these source categories to regulations issued under section 112(d). Furthermore, EPA has received a court order requiring that the Agency complete the 112(k) mandate by certain dates. Specifically, the court order requires that EPA issue regulations affecting six of these area source categories by June 15, 2007. This action will satisfy the second date under this mandate by consolidating activities into one notice for the following seven source categories: Acrylic Fibers/Modacrylic Fibers Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Fabrication Operations, Flexible Polyurethane Foam Production, Carbon Black Production, Lead Acid Battery Manufacturing, and Wood Preserving.

These source categories have been selected because our information indicates that one of the following situations apply: 1) There are only 1-2 sources in the source category that are well-controlled and subject to existing regulations and/or permit conditions (Acrylic/Modacrylic Fibers, Chemical Manufacturing: Chromium Chemicals, Carbon Black Production); 2) the urban HAPs emitted from the source category have been eliminated as a result of other regulatory programs (e.g., OSHA) (Flexible Foam Production, Flexible Foam Manufacturing, Wood Preserving); and 3) all existing sources within the source category can meet current requirements (e.g., NSPS) that apply to new sources (Lead Acid Battery Manufacturing).

Timetable:

Action	Date	FR Cite
NPRM	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 5012;

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RIN: 2060–AN44

3154. NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR Part 63

Legal Deadline: None

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the chemical preparations industry. This

source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5015;

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RIN: 2060–AN46

3155. NESHAP: AREA SOURCE STANDARDS—PAINT AND ALLIED PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: Clean Air Act sec 112

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: This rule will regulate hazardous air pollutant (HAP) emissions from area sources in the Paint and Allied Products industry. This source category was listed for regulation under EPA's Urban Air Toxic Strategy to address HAP emissions from area sources.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5016;

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RIN: 2060–AN47

3156. NESHAP: AREA SOURCE STANDARDS—RECIPROCATING INTERNAL COMBUSTION ENGINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7401

CFR Citation: 40 CFR 63

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

Abstract: We are under a consent decree to propose area-source emission standards for hazardous air pollutants (HAP) from stationary reciprocating internal combustion engines. This action will propose standards for stationary engines smaller than 500 horsepower located at major sources of HAP. In addition we intend to propose standards for stationary engines of all sizes located at area sources of HAP.

Timetable:

Action	Date	FR Cite
NPRM	06/12/06	71 FR 33804
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 5014; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-12/a4919.htm;

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RIN: 2060–AN62

3157. • NESHAP: MERCURY CELL CHLOR–ALKALI PLANTS—AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

Abstract: Section 112(c)(6) of the Clean Air Act requires us to list categories of sources for 7 specific pollutants (including mercury) assuring that sources accounting for not less than 90 percent of the aggregate emissions of each pollutant are subject to standards pursuant to section 112(d)(2). Chlor-alkali plants are among the source categories listed to achieve the 90 percent goal for mercury. Currently, the source category includes 9 plants in 8 States engaged in the production of chlorine and caustic using mercury cells. Together, these plants account for 45 percent of the nationwide mercury inventory for non-combustion sources. Periodically, mercury cell chlor-alkali plants must replace mercury in the cells. Since mercury is not consumed by the process, this mercury leaves the plant site in products, wastes, or through the air. However, mercury cell plants are not able to account for a considerable amount of the mercury that must be replaced. As cited in the preamble to the final rule, there were around 65 tons of mercury unaccounted for in 2000 (68 FR 70920). However, in 2003 only around 35 tons or mercury were unaccounted from mercury cell plants. Since the amount of mercury in products, and wastes, and mercury emitted to the air through stacks is not well quantified, NRDC maintains that all this "missing" mercury is emitted via fugitive emissions from the cell rooms. NRDC submitted a petition for reconsideration requesting EPA to more accurately quantify the emissions of mercury from this industry. In response to NRDC's petition, the EPA is initiating a testing and monitoring study to evaluate and better characterize fugitive emissions from mercury cell chlor-alkali plants. The results of this study will improve EPA's ability to measure and predict mercury emissions from chlor-alkali plants.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

Regulatory Flexibility Analysis Required: No

EPA—Clean Air Act (CAA) — Long-Term Actions

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5095;

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RIN: 2060–AN99

Environmental Protection Agency (EPA) — Completed Actions

Clean Air Act (CAA)

3158. NESHAP: OFF–SITE WASTE AND RECOVERY OPERATIONS RESIDUAL RISK STANDARD

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK68

3159. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 50

Completed:

Reason	Date	FR Cite
Final Action	10/17/06	71 FR 61144

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

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RIN: 2060–AI44

3160. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS—ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
Final Action	09/21/06	71 FR 55119
Final Action Effective	09/21/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AF83

3161. ADDITION OF METHOD 207 TO APPENDIX M OF 40 CFR 51 METHOD FOR MEASURING ISOCYANATES IN STATIONARY SOURCE EMISSIONS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
NPRM	12/08/97	62 FR 64532
Withdrawn	08/08/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AG88

3162. UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
NPRM	10/10/03	68 FR 58838
Final Action	05/15/06	71 FR 28082

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 2060–AK61

3163. NESHAP: PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Direct Final Action	05/24/06	71 FR 29792

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

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RIN: 2060–AI66

3164. NESHAP: AEROSPACE MANUFACTURING AND REWORK FACILITIES RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 2060–AK08

3165. NESHAP: ETHYLENE OXIDE FOR STERILIZATION FACILITIES–RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	10/24/05	70 FR 61404
Final Action	05/07/06	71 FR 17712

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060–AK09

3166. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK AND MACT STANDARDS REVIEW

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	08/10/05	70 FR 46452
Final Action	04/06/06	71 FR 17352

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK10

3167. NESHAP: INDUSTRIAL PROCESS COOLING TOWERS RESIDUAL RISK STANDARDS

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	10/24/05	70 FR 61411
Final Action	04/07/06	71 FR 17729

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK16

3168. NESHAP: NATIONAL EMISSION STANDARDS FOR MARINE TANK VESSEL LOADING OPERATIONS–RESIDUAL RISK STANDARD

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK17

3169. NESHAP: PERCHLOROETHYLENE DRY CLEANING FACILITIES RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	12/21/05	70 FR 75884
Notice to Extend Comment Period	02/06/06	71 FR 6030
Final Action	07/27/06	71 FR 42724

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State

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RIN: 2060–AK18

EPA—Clean Air Act (CAA) Completed Actions

3170. NESHAP: SECONDARY LEAD SMELTING RESIDUAL RISK STANDARDS

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK19

3171. NESHAP: SHIPBUILDING AND SHIP REPAIR SURFACE COATING—RESIDUAL RISK STANDARDS

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK20

3172. NESHAP: WOOD FURNITURE MANUFACTURING OPERATIONS—RESIDUAL RISK STANDARDS

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Merged with RIN 2060–AN85, SAN 5093	09/18/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK21

3173. NESHAP: MAGNETIC TAPE MANUFACTURING OPERATIONS RESIDUAL RISK STANDARD

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	10/24/05	70 FR 61417
Final Action	04/07/06	71 FR 17720

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK23

3174. NESHAP: PRINTING AND PUBLISHING INDUSTRY—RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK24

3175. NESHAP: PETROLEUM REFINERIES—RESIDUAL RISK STANDARDS

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK25

3176. NATIONAL EMISSION STANDARDS FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS—RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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RIN: 2060–AK72

3177. NESHAP: GROUP I POLYMERS AND RESINS—RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Merged with RIN 2060–AN85, SAN 5093	09/18/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK12

3178. NESHAP: GROUP IV POLYMERS AND RESINS—RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Merged With RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AK15

3179. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7) (COMPLETION OF A SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: 42 USC 7412(r)

CFR Citation: 40 CFR 68

Legal Deadline: None

Abstract: In the October 2005 Regulatory Agenda, EPA stated that it would perform a review of the Accidental Release Prevention Requirements Rule per section 610 of the Regulatory Flexibility Act. No comments were received. EPA is now announcing the completion of that review. EPA has concluded that this rule should remain in effect without modification.

BACKGROUND: EPA promulgated the Accidental Release Prevention Requirements on June 20, 1996 (61 FR 31668), which apply to all stationary sources with process(es) that contain more than a threshold quantity of a regulated substance. Processes are divided into three categories: The potential for offsite consequences associated with a worst-case accidental release; accident history; or compliance with the prevention requirements under OSHA's Process Safety Management (PSM) regulations. Processes that have no potential impact on the public in the case of an accidental release have minimal requirements. For other processes, sources must implement a risk management program that includes more detailed requirements for hazard assessment, prevention, and emergency response. Processes in industry categories with a history of accidental releases and processes already complying with OSHA's PSM are subject to prevention program requirements that are almost identical to elements of the OSHA standard. All other processes are subject to streamlined prevention requirements. All sources must prepare a risk management plan (RMP) based on the risk management programs established at the source. The sources submit the plan to EPA. The first submission of RMPs was due on June 20, 1999, with updates due on June 20, 2004. Some sources re-submitted their plans or revised their plans after the first submission. Approximately 15,000 sources are subject to the accidental release prevention regulations.

Based on the regulatory flexibility analysis for the 1993 proposal, EPA concluded that the rule would create a severe, adverse impact on small entities. In February 1995, EPA published a supplemental proposal to introduce a tiering approach for this regulation. By using the tiering approach and streamlining requirements for some of the regulated entities, the 1996 final rule resulted in significantly reduced impacts on small businesses. Entities with complex processes follow more rigorous requirements and those with simple processes follow streamlined requirements.

To further reduce the burden on covered facilities, including small business, EPA developed: (1) Industry-specific guidance for small, non-chemical sector businesses (i.e., water treatment facilities, ammonia refrigeration, propane retailers/distributors). These documents help facilities develop their risk management programs and RMPs; (2) an electronic program, RMP*Submit, to facilitate the submissions, which incorporated more user friendly features and help menus to assist facilities, particularly those small- and medium-sized facilities with less expertise; and (3) a web-based tool to facilitate the reporting of those administrative changes required by the regulation to be updated with more frequency.

EPA amended the regulations which further reduced burden on small entities. On March 13, 2000, EPA modified the regulations to conform to the fuels provisions of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act. The rule was revised to exclude flammable substances when used as a fuel or held for sale as a fuel at a retail facility. This reduced burden on many small- to medium-sized facilities, particularly farms. On April 9, 2004, EPA revised the regulations to remove the regulatory requirement for covered facilities to include in the executive summaries of their RMPs a brief description of the

off-site consequence analysis for their facilities.

EPA has a Hotline; a Reporting Center public access number for questions on RMP*Submit and RMP web-based reporting tools; a web-site; and a frequently asked questions database.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/05	
End Comment Period	01/02/06	
End Review	04/01/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5018; EPA Docket information: OAR-2005-0166

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RIN: 2050–AG26

3180. • NESHAP: NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS (REVISING THE EFFECTIVE DATE OF THE PARTICULATE MATTER STANDARD AMENDMENT)

Priority: Other Significant

Legal Authority: 42 USC 7412; 42 USC 7414

CFR Citation: 40 CFR 63 (revised)

Legal Deadline: None

Abstract: EPA is amending the effective date of the standard for particulate matter for new cement kilns that burn hazardous waste while EPA reconsiders this provision in response to a petition for reconsideration that was submitted to the EPA Administrator. EPA promulgated this standard as part of the national emissions standards for hazardous air pollutants for hazardous waste combustors that were issued on October 12, 2005. EPA has agreed to reconsider the provision and proposed to change it on March 23, 2006. This amendment of the October 2005 rule changes the provision's effective date so that the provision will not take effect until EPA takes final action on this proposal. This amendment does not affect other standards applicable to new or existing hazardous waste burning cement kilns.

Timetable:

Action	Date	FR Cite
Final Action	10/25/06	71 FR 62388

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 5047.2; Split from RIN 2050-AG29.; EPA Docket information: EPA-HQ-OAR-2004-0022

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

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RIN: 2050–AG33

3181. AMBIENT AIR QUALITY MONITORING REGULATIONS: REVISIONS

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
Final Action	10/17/06	71 FR 61236
Final Action Effective	12/18/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2060–AJ25

3182. CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND ENGINES: ALTERNATIVE LOW–SULFUR HIGHWAY DIESEL FUEL TRANSITION PROGRAM FOR ALASKA

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 69 and 80 (Revision)

Completed:

Reason	Date	FR Cite
NPRM	10/13/05	70 FR 59691
Final Action	06/06/06	71 FR 32450

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AJ72

3183. PROTECTION OF STRATOSPHERIC OZONE: VARIOUS MINOR AMENDMENTS TO THE REGULATIONS IMPLEMENTING THE ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT, AND EXPORT

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82 (Revision)

Completed:

Reason	Date	FR Cite
NPRM	07/20/06	71 FR 41192
Direct Final Action	07/20/06	71 FR 41163

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060–AL90

3184. NESHAP: FERROALLOYS PRODUCTION: FERROMANGANESE AND SILICOMANGANESE RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2060–AL93

3185. MINERAL WOOL PRODUCTION RESIDUAL RISK STANDARD

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63.1175 to 63.1199

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AL96

3186. 5–YEAR REVIEW OF MACT STANDARDS FOR LARGE MWC

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
NPRM	12/19/05	70 FR 75348
Final Action	05/10/06	71 FR 27324

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

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RIN: 2060–AL97

3187. NESHAP FOR FLEXIBLE POLYURETHANE FOAM PRODUCTION: RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AL99

3188. NESHAP: PHARMACEUTICALS PRODUCTION: RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2060–AM00

3189. NESHAP: AREA SOURCE STANDARDS—PAINT STRIPPING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Merged With RIN 2060–AN21, SAN 4978	10/10/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM07

3190. NESHAP: AREA SOURCE STANDARDS—ACRYLIC/ MODACRYLIC FIBER (AMF) PRODUCTION

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Merged With RIN 2060–AN44, SAN 5012	10/10/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM13

3191. PROTECTION OF STRATOSPHERIC OZONE: RESTRICTION ON THE SALES OF PRE–CHARGED SPLIT SYSTEMS

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060–AM15

3192. NESHAP: OIL AND NATURAL GAS PRODUCTION RESIDUAL RISK STANDARDS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63.760 to 63.779

Completed:

Reason	Date	FR Cite
Withdrawn – Merged into RIN 2060–AN85, SAN 5093	09/15/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM18

3193. AMENDMENTS TO VEHICLE INSPECTION AND MAINTENANCE PROGRAM REQUIREMENTS TO ADDRESS NEW 8–HOUR OZONE STANDARD

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
NPRM	01/06/05	70 FR 1314
Final Action	04/07/06	71 FR 17705

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

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RIN: 2060–AM21

3194. NESHAP: TOTAL FACILITY LOW RISK DETERMINATION (TFLRD) FOR RESIDUAL RISK

Priority: Other Significant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawn	09/01/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM22

3195. FIRE SUPPRESSION AND EXPLOSION PROTECTION LISTING UNDER SNAP

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82

Completed:

Reason	Date	FR Cite
NPRM	09/27/06	71 FR 56422
Direct Final Action	09/27/06	71 FR 56360

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM24

3196. NESHAP: HYDROCHLORIC ACID PRODUCTION AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63 (revision)

Completed:

Reason	Date	FR Cite
NPRM	08/24/05	70 FR 49530
Final Action	04/07/06	71 FR 17738

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM25

EPA—Clean Air Act (CAA) Completed Actions

3197. REQUIREMENTS FOR TRANSMIX PROCESSING AND BLENDING UNDER THE REFORMULATED GASOLINE AND GASOLINE SULFUR RULES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Withdrawn (Merged With SAN 4930)	09/28/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM27

3198. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: AMENDMENTS TO EVAPORATIVE EMISSIONS REGULATIONS AND TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 9; 40 CFR 86

Completed:

Reason	Date	FR Cite
Direct Final Action	12/08/05	70 FR 72917

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM32

3199. PREVENTION OF SIGNIFICANT DETERIORATION FOR NITROGEN OXIDES

Priority: Other Significant

CFR Citation: 40 CFR 51; 40 CFR 52

Completed:

Reason	Date	FR Cite
NPRM	02/23/05	70 FR 8880
Final Action	10/12/05	70 FR 59582

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

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RIN: 2060–AM33

3200. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING; AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	12/08/05	70 FR 73098
Final Action – Compliance Date Extension	03/01/06	71 FR 10439
Final Action on Litigation Issues	07/14/06	71 FR 40316

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM43

3201. NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR ARCHITECTURAL COATINGS—AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR Part 59 Subpart D

Completed:

Reason	Date	FR Cite
Withdrawn	09/28/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060–AM47

3202. CONTROL OF ULTRA LOW SULFUR DIESEL FUEL LUBRICITY: NOTICE OF PROPOSED RULEMAKING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060–AM48

3203. AREA SOURCE NESHAP FOR PRIMARY NONFERROUS METALS—ZN, CD, BE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Merged into RIN 2060–AN85, SAN 5093	09/18/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM69

3204. NESHAP: INTEGRATED IRON AND STEEL; AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	08/30/05	70 FR 51306
Final Action	07/13/06	71 FR 39579

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM76

3205. NESHAP: ORGANIC LIQUID DISTRIBUTION–AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Final Action	07/28/06	71 FR 42898

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM77

3206. STANDARDS OF PERFORMANCE FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60.4200

Completed:

Reason	Date	FR Cite
NPRM	07/11/05	70 FR 39870
Final Action	07/11/06	71 FR 39154

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

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RIN: 2060–AM82

3207. REGULATION OF FUELS AND FUEL ADDITIVES: REFINER AND IMPORTER QUALITY ASSURANCE REQUIREMENTS FOR DOWNSTREAM OXYGENATE BLENDING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
NPRM	06/02/06	71 FR 32015
Direct Final Action	06/02/06	71 FR 31947

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM88

3208. PART 63 GENERAL PROVISIONS—RESPONSE TO PETITION TO RECONSIDER SSM

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
NPRM	07/29/05	70 FR 43992
Final Action	04/20/06	71 FR 20446

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2060–AM89

3209. NESHAP FOR REFRACTORY PRODUCTS MANUFACTURING—AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Withdrawal of Direct Final Rule	04/14/06	71 FR 19435

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AM90

3210. INCLUSION OF DELAWARE AND NEW JERSEY IN THE CLEAN AIR INTERSTATE RULE

Priority: Economically Significant. Major under 5 USC 801.

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

Completed:

Reason	Date	FR Cite
NPRM	05/12/05	70 FR 25408
NODA	06/28/05	70 FR 37068
Final Action	04/28/06	71 FR 25288

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

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RIN: 2060–AM95

3211. RULE ON SECTION 126 PETITION FROM NC TO REDUCE INTERSTATE TRANSPORT OF FINE PM AND O3; FIPS TO REDUCE INTERSTATE TRANSPORT OF FINE PM & O3; REVISIONS TO CAIR RULE; REVISIONS TO ACID RAIN PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 52

Completed:

Reason	Date	FR Cite
NPRM	08/24/05	70 FR 49708
Final Action	04/28/06	71 FR 25328

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2060–AM99

3212. NESHAP: PLASTIC PARTS AND PRODUCTS (SURFACE COATING)—AREA SOURCE RULE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63

Completed:

Reason	Date	FR Cite
Merged With RIN 2060–AN21, SAN 4978	10/10/06	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 2060–AN08

3213. REGIONAL HAZE REGULATIONS; REVISIONS TO PROVISIONS GOVERNING ALTERNATIVE TO SOURCE–SPECIFIC BEST AVAILABLE RETROFIT TECHNOLOGY (BART) DETERMINATIONS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 51.308(e)(2); 40 CFR 51.309; 40 CFR 51 App Y (New)

Completed:

Reason	Date	FR Cite
Final Action	10/13/06	71 FR 60612

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2060–AN22

3214. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2006

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 82.8(a)

Completed:

Reason	Date	FR Cite
NPRM	04/11/06	71 FR 18262
Final Action	10/04/06	71 FR 58504

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AN29

3215. CAMR 111 RECONSIDERATION AND REVISION OF 112(N) FINDING RECONSIDERATION

Priority: Other Significant. Major under 5 USC 801.

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

Completed:

Reason	Date	FR Cite
NPRM	10/28/05	70 FR 62213
Final Action	06/09/06	71 FR 33388

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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

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RIN: 2060–AN50

3216. REVISION OF 112(N) FINDING RECONSIDERATION

Priority: Other Significant

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

Completed:

Reason	Date	FR Cite
NPRM	10/28/05	70 FR 62200
Final Action	06/09/06	71 FR 33388

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

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RIN: 2060–AN53

3217. NSPS COMBUSTION TURBINES–SUBPART GG: AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Notice: Technical Corrections	02/24/06	71 FR 9453
Direct Final Action	02/24/06	71 FR 9504

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AN55

3218. RULE TO REDUCE INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER AND OZONE (CLEAN AIR INTERSTATE RULE): RECONSIDERATION

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Supplemental Reconsideration	12/29/05	70 FR 77101
Reconsideration	04/28/06	71 FR 25304
Final Action	04/28/06	71 FR 25304

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AN57

3219. PM2.5 DE MINIMIS EMISSION LEVELS FOR GENERAL CONFORMITY APPLICABILITY

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 51; 40 CFR 93

Completed:

Reason	Date	FR Cite
NPRM	04/05/06	71 FR 17047
Direct Final Action	04/05/06	71 FR 17003
Withdraw DFA	06/01/06	71 FR 31092
Final Action	07/17/06	71 FR 40420

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

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RIN: 2060–AN60

3220. NESHAP FOR MISCELLANEOUS COATING MANUFACTURING; AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 63 (Revision)

Completed:

Reason	Date	FR Cite
NPRM	05/17/06	71 FR 28639
Final Action	10/04/06	71 FR 58499

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AN61

3221. DETERIORATION FACTOR PROVISIONS FOR HEAVY–DUTY DIESEL ENGINE CERTIFICATION AND PART 86 TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 86.004–28; 40 CFR 86.007–11

Completed:

Reason	Date	FR Cite
Direct Final Action	08/30/06	71 FR 51481

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AN70

3222. TECHNICAL AMENDMENTS TO THE HIGHWAY AND NONROAD DIESEL REGULATIONS

Priority: Info./Admin./Other

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Direct Final Action	05/01/06	71 FR 25706

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2060–AN78

3223. • AMENDMENTS TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS (PS–1)–CORRECTIONS NOTICE

Priority: Substantive, Nonsignificant

Legal Authority: CAA sec 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This action proposes to clarify and update requirements for source owners and operators who must install and use continuous stack or duct

opacity monitoring equipment. This action also proposes amendments regarding design and performance validation requirements for continuous opacity monitoring system (COMS) equipment in appendix B, PS-1. These amendments to subpart A and PS-1 will not change the affected facilities' applicable emission standards or requirement to monitor. The amendments will: (1) Clarify owner and operator and monitor vendor obligations, (2) reaffirm and update COMS design and performance requirements, and (3) provide EPA and affected facilities with equipment assurances for carrying out effective monitoring. The specifications shall apply to all COMS installed or replaced after the date of promulgation. Following promulgation, a source owner, operator, or manufacturer will be subject to these performance specifications if installing a new COMS, relocating a COMS, replacing a COMS, re-certifying a COMS that has undergone substantial refurbishing, or has been specifically required to re-certify the COMS with these revisions.

Timetable:

Action	Date	FR Cite
Notice–Correction	06/01/06	71 FR 31100

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3744.1; EPA publication information: Notice - Correction - http://www.epa.gov/fedrgstr/EPA-AIR/2006/June/Day-01/a8397.htm; Split from RIN 2060-AG22.

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RIN: 2060–AN89

Environmental Protection Agency (EPA) Proposed Rule Stage

Atomic Energy Act (AEA)

3224. 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	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4054; EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-18/f28651.htm;

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RIN: 2060–AH63

3225. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR 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	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4003;

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EPA—Atomic Energy Act (AEA) **Proposed Rule Stage**

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RIN: 2060–AH90

Environmental Protection Agency (EPA) **Final Rule Stage**
Atomic Energy Act (AEA)

3226. AMENDMENT OF THE STANDARDS FOR RADIOACTIVE WASTE DISPOSAL IN YUCCA MOUNTAIN, NEVADA

Regulatory Plan: This entry is Seq. No. 120 in part II of this issue of the Federal Register.

RIN: 2060–AN15

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

3227. ENDOCRINE DISRUPTER SCREENING PROGRAM (EDSP); IMPLEMENTING THE SCREENING AND TESTING PHASE

Regulatory Plan: This entry is Seq. No. 98 in part II of this issue of the Federal Register.

RIN: 2070–AD61

3228. PESTICIDES; DETERMINATION OF STATUS OF PRIONS AS PESTS

Priority: Other Significant

Legal Authority: 7 USC 136; 7 USC 136w

CFR Citation: 40 CFR 152

Legal Deadline: None

Abstract: In 2004, the Agency stated that it considered prions (proteinaceous infectious particles) to be a "pest" under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Agency is further reviewing the relationship of prions to FIFRA and considering whether any additional or different approaches to prions or products intended to prevent, destroy, repel or mitigate prions are appropriate or necessary under FIFRA. The Agency may issue an ANPRM to seek comment and foster discussion of this issue.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4985;

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RIN: 2070–AJ26

Environmental Protection Agency (EPA) **Proposed Rule Stage**
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3229. PESTICIDES; DATA REQUIREMENTS FOR ANTIMICROBIALS

Priority: Other Significant

Legal Authority: 7 USC 136 to 136y

CFR Citation: 40 CFR 158

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 4173;

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

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

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

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RIN: 2070–AD30

3230. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEIN GENES

Priority: Other Significant

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

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA is considering the addition of plant-incorporated protectants based on viral coat protein genes to its plant-incorporated protectants exemptions at 40 CFR 174. Substances 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 protein genes from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a 2001 Supplemental Proposal (66 FR 37855).

Timetable:

Action	Date	FR Cite
NPRM	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	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4602; EPA publication information: Supplemental NPRM 3-Request for Comment on Alternate Name; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

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

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

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RIN: 2070–AD49

3231. PESTICIDES; COMPETENCY STANDARDS FOR OCCUPATIONAL USERS

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

RIN: 2070–AJ20

3232. PESTICIDES; AGRICULTURAL WORKER PROTECTION STANDARD REVISIONS

Regulatory Plan: This entry is Seq. No. 109 in part II of this issue of the Federal Register.

RIN: 2070–AJ22

3233. PESTICIDES; DATA REQUIREMENTS FOR PLANT–INCORPORATED PROTECTANTS (PIPS)

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 174

Legal Deadline: None

Abstract: EPA intends to propose codifying data requirements for the pesticide registration of plant-incorporated protectants (PIPs). These data requirements are intended to provide EPA with data and other information necessary for the registration of PIPs. These requirements would improve the Agency's ability to make regulatory decisions about the human health and environmental effects of these products. By codifying data requirements specific to PIPs, the regulated community would have a better understanding of and could better prepare for the registration process. This proposed rule is one in a series of proposals to update and clarify pesticide data requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 5005

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RIN: 2070–AJ27

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

3234. PESTICIDES; EXPANSION OF CROP GROUPING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 346a

CFR Citation: 40 CFR 180

Legal Deadline: None

Abstract: EPA is revising the pesticide crop grouping regulations to create new crop groupings, add new subgroups, and expand existing crop groups by adding new commodities. EPA expects these revisions to promote greater use of crop grouping for tolerance-setting purposes and to facilitate the availability of pesticides for minor crop uses. This proposal is the first one in a series of proposals for revisions to crop grouping regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5031

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RIN: 2070–AJ28

3235. PESTICIDE AGRICULTURAL CONTAINER RECYCLING PROGRAM

Regulatory Plan: This entry is Seq. No. 110 in part II of this issue of the Federal Register.

RIN: 2070–AJ29

3236. • REGULATIONS TO FACILITATE COMPLIANCE WITH THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT BY PRODUCERS OF PLANT–INCORPORATED PROTECTANTS (PIPS)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 136 et seq

CFR Citation: 40 CFR 174; 40 CFR 152; 40 CFR 156; 40 CFR 167; 40 CFR 168; 40 CFR 169; 40 CFR 172

Legal Deadline: None

Abstract: Plant-Incorporated Protectants (PIPs) are pesticidal substances intended to be produced and used in living plants and the genetic material needed for their production. EPA has been regulating PIPs under FIFRA, including issuing experimental use permits and commercial registrations, for over 10 years, with the first commercial registration of a PIP under FIFRA issued in 1995. On July 19, 2001, EPA published rules establishing much of the current regulatory structure for PIPs. This rulemaking effort is intended to address the issues that were not addressed in 2001, including defining the nature of regulated production of PIPs and associated issues such as reporting, product labeling, and recordkeeping. The rule will affect those persons who produce PIPs and is expected to clarify the legal requirements of their products at various production phases, improving their ability to conduct business. It is expected to also improve the ability of the EPA to identify and respond to instances where there are potentially significant violations. EPA also intends to address activities that the Agency does not believe warrant regulation and will consider exempting those activities, as appropriate, from FIFRA in whole or in part.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAN No. 5082

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RIN: 2070–AJ32

Environmental Protection Agency (EPA) — Final Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3237. PESTICIDES; DATA REQUIREMENTS FOR CONVENTIONAL CHEMICALS

Regulatory Plan: This entry is Seq. No. 123 in part II of this issue of the Federal Register.

RIN: 2070–AC12

3238. PESTICIDES; DATA REQUIREMENTS FOR BIOCHEMICAL AND MICROBIAL PRODUCTS

Regulatory Plan: This entry is Seq. No. 125 in part II of this issue of the Federal Register.

RIN: 2070–AD51

3239. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 7 USC 136(a) "FIFRA sec 3"; 7 USC 136(w)

CFR Citation: 40 CFR 152.170

Legal Deadline: None

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

Abstract: As proposed, this regulation would have established Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority had an EPA-approved Plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule were reconsidered to determine whether the program could address water quality issues rather than ground-water only, and to determine the best partnership approach to implementation. During this period, the risk level associated with the named pesticides was reexamined and reduced. Moreover, since the proposal in 1996, many States have adopted the original concept and framework of Pesticide Management Plans and these programs are operational today. This experience and growth in knowledge has exceeded the requirements and specifications of the original proposal. Accordingly, EPA intends to withdraw the proposed rule in the near future.

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
Notice	02/23/00	65 FR 8925
Supplemental NPRM	03/24/00	65 FR 15885
Notice: Withdrawal of NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Additional Information: SAN No. 3222; EPA publication information: Notice-Notice of Availability regarding Metolachlor

Sectors Affected: 9241 Administration of Environmental Quality Programs

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RIN: 2070–AC46

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

3240. PESTICIDES; TOLERANCE PROCESSING FEES

Priority: Other Significant

Legal Authority: 21 USC 346(a)

CFR Citation: 40 CFR 180; 40 CFR 178

Legal Deadline: None

Abstract: Section 408(m) of the Federal Food, Drug, and Cosmetic Act requires EPA to charge tolerance fees that, in the aggregate, will cover all costs associated with processing tolerance actions, including filing a tolerance petition, and establishing, modifying, leaving in effect, or revoking a tolerance or tolerance exemption. EPA developed a final rule that would have adjusted the fee structure and fee amounts for tolerance actions. A final rule completed OMB review on December 31, 2003, but has not been issued because the Consolidated Appropriations Act of 2004, signed on January 23, 2004, prohibits EPA from collecting any tolerances fees until September 30, 2008. This prohibition was expanded in 2005 to include a prohibition on using Federal funding to perform any work on a final tolerance fee rulemaking. As such, no rulemaking activities are currently planned.

Timetable:

Action	Date	FR Cite
NPRM	06/09/99	64 FR 31039
Supplemental NPRM	07/24/00	65 FR 45569
Supplemental NPRM 2	08/31/00	65 FR 52979
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4027; EPA publication information: NPRM-Pesticides-Tolerance Processing Fees

Sectors Affected: 32532 Pesticide and Other Agricultural Chemical Manufacturing

URL For More Information: www.epa.gov/pesticides/regulating/fees/index.htm

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RIN: 2070–AJ23

3241. 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 withdrawing this proposed action because the original proposal was issued in 1994 and the Agency has determined that the record does not address the recent scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule. If EPA were to pursue such an exemption, the Agency would issue a new proposed rule. However, withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. In addition, EPA's priorities have changed since 1994. At that time, EPA believed that an exemption for PIPs derived through genetic engineering from plants sexually compatible with the recipient plant had the potential to cover a number of low-risk products. However, experience in the last decade has shown that such PIPs have not been

developed in great numbers. In light of the expected limited utility of such an exemption, EPA does not consider it prudent to expend resources for an exemption that would likely benefit only very few entities. Should the Agency decide to pursue such a rulemaking in the future, EPA will create a new entry for that effort in the Regulatory Agenda.

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
Notice–Withdrawal	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4611; EPA publication information: Supplemental NPRM 3-Request for Comment on Alternate Name; This action is a continuation of the action described in RIN 2070-AC02. Since several pieces of that action are now finalized, the Agency is splitting this piece into a separate Agenda entry so that it can continue to be tracked separately.

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

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

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RIN: 2070–AD55

3242. 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 withdrawing this proposed action because the original proposal was issued in 1994 and the Agency has determined that the record does not address the recent scientific information developed since the original proposal. Consequently, the record would not provide adequate, up-to-date support for the proposed rule. If EPA were to pursue such an exemption, the Agency would issue a new proposed rule. However, withdrawing the 1994 proposal does not preclude EPA's pursuing the same approach in the future. At that time, EPA will create a new entry for that effort in the regulatory agenda.

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
Notice–Withdrawal	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

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

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

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RIN: 2070–AD56

3243. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 164 (Revision)

Legal Deadline: None

Abstract: EPA is preparing a revision of the Rules of Practice governing the conduct of licensing adjudications under the Federal Insecticide, 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 revise the FIFRA Rules of Practice.

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	
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

3244. PESTICIDES; REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDE PRODUCTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 152

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

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3892; EPA publication information: NPRM-Reg. Require. for Anti Pest. Products/Other Pest Reg Changes

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)

3245. PESTICIDE TOLERANCE REASSESSMENT PROGRAM

Priority: Routine and Frequent

CFR Citation: 40 CFR 180

Completed:

Reason	Date	FR Cite
Announcement	08/03/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 2070–AD24

3246. PESTICIDE MANAGEMENT AND DISPOSAL; STANDARDS FOR PESTICIDE CONTAINERS AND CONTAINMENT

Priority: Other Significant

CFR Citation: 40 CFR 156; 40 CFR 165

Completed:

Reason	Date	FR Cite
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	08/16/06	71 FR 47329

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 2070–AB95

EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Completed Actions

3247. PESTICIDES; PROCEDURES FOR THE REGISTRATION REVIEW PROGRAM

Priority: Other Significant

CFR Citation: 40 CFR 155

Completed:

Reason	Date	FR Cite
ANPRM	04/26/00	65 FR 24586
NPRM	07/13/05	70 FR 40251
Notice of Availability	08/17/05	70 FR 48356
Final Action	08/09/06	71 FR 45720

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 2070–AD29

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

3248. 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 nine 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: Initiation of Stakeholder Process & Public Meeting	08/26/99	64 FR 46673
Notice: Stakeholder Involvement Process & Public Meeting	03/29/00	65 FR 16590
Notice Announcing VCCEP & Pilot	12/26/00	65 FR 81700
Notice: Pilot Evaluation Request for Feedback	12/00/06	

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

3249. NANOSCALE MATERIALS UNDER TSCA

Priority: Other Significant

Legal Authority: 15 USC 2601 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Nanoscale materials are chemical substances containing structures on the scale of approximately 1 to 100 nanometers, and may have different molecular organizations and properties than the same chemical substances on a larger scale. Because such materials may have novel properties and present novel issues, evaluating and managing health and environmental risks of nanoscale materials poses a new challenge. Under the Toxic Substances Control Act, EPA has the authority to require the development of data adequate for the assessment of chemical substances and mixtures from persons that manufacture or process them, and to prevent and eliminate unreasonable risk of injury to human health and environment from chemical substances and mixtures. The Office of Pollution Prevention and Toxics (OPPT) is establishing a voluntary program to assemble existing data and information from manufacturers and processors of certain nanoscale materials. With this assembled material, EPA will take appropriate steps to protect human health and the environment from unreasonable risk from these substances. Last year, the Agency announced that it was considering the establishment of such a program, described as the Nanotech Stewardship Program, and discussed potential aspects of such a program in a public meeting with stakeholders in June 2005, and with the National Pollution Prevention and Toxics Advisory Committee (NPPTAC) in September

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

2005. (NPPTAC is the national advisory body established under the Federal Advisory Committee Act to provide advice, information and recommendations on the overall policy and operation of programs managed by OPPT.) In addition to the development of a document that describes the specific elements of the voluntary program, the Agency intends to develop other materials for which it will seek stakeholder input. This includes an updated document that describes the approach to nanoscale materials under TSCA that was made available last year, and a paper that describes the inventory status of nanoscale materials.

Timetable:

Action	Date	FR Cite
Draft	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 5058

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RIN: 2070–AJ30

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

3250. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTIONS FROM THE PROHIBITIONS AGAINST MANUFACTURING, PROCESSING, AND DISTRIBUTION IN COMMERCE

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2605 "TSCA 6(e)(3)(B)"

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA) provides that the Administrator may grant, by rule, exemptions from the prohibitions against manufacturing, processing and distribution in commerce of PCBs upon finding that 1) no unreasonable risk to health or the environment will occur, and 2) good faith efforts have been made by the petitioner to develop a substitute for PCB which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM: New DOD Petition	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 2150

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

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

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RIN: 2070–AB20

3251. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

Priority: Other Significant

Legal Authority: 15 USC 2603 TSCA 4

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of four chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 U.S.C. 7412(f) and sections 112(d and e). Data from this action would also be used to support implementation 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.

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

Timetable:

Action	Date	FR Cite
NPRM	10/20/06	71 FR 61926
NPRM Comment Period End	12/19/06	

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

3252. TEST RULE; TESTING OF CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS

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

RIN: 2070–AD16

3253. SIGNIFICANT NEW USE RULE (SNUR); SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 "TSCA 5"

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

Legal Deadline: None

Abstract: In support of the residential upholstered furniture (RUF) flammability standards under consideration by the Consumer Product Safety Commission (CPSC), EPA would propose a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals for use in RUF. The SNUR would require companies intending to import, manufacture or process these chemicals for use as a flame retardant in RUF to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities. The required notice 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	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4512; EPA Docket information: EPA-HQ-OPPT-2002-0074

Sectors Affected: 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing

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RIN: 2070–AD48

3254. TSCA INVENTORY NOMENCLATURE FOR ENZYMES AND PROTEINS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2607

CFR Citation: 40 CFR 720.45

Legal Deadline: None

Abstract: In an Advance Notice of Proposed Rulemaking (ANPRM) issued in November 2004, EPA announced and sought comment on whether it should establish new procedures and regulations for naming enzymes and proteins when listing such substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory (TSCA Inventory). The ANPRM outlined four identification elements that EPA currently believes are appropriate for use in developing unique TSCA Inventory nomenclature for proteinaceous enzymes. The Agency also solicited public comment on several specific questions relating to this topic. EPA is currently evaluating the comments received and is developing a proposed rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	11/15/04	69 FR 65565
NPRM	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4878; EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-TOX/2004/November/Day-15/t25307.htm; EPA Docket information: EPA-HQ-OPPT-2003-0058

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RIN: 2070–AJ04

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

3255. POLYCHLORINATED BIPHENYLS (PCBS); EXEMPTION REQUEST FROM U.S. MARITIME ADMINISTRATION (MARAD)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2605 "TSCA 6(e)(3)(B)"

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: The U.S. Maritime Administration (MARAD) is responsible for disposing of surplus Navy non-combatant ships; many of these ships contain polychlorinated biphenyls (PCBs) in electrical equipment, and are contaminated with 50 ppm PCBs in paint, gaskets, and cable that cannot be easily removed. In 2003, MARAD exported 4 surplus ships to a shipyard in the United Kingdom, Able UK, for scrapping; however, the planned export of an additional 9 ships had been prevented by a temporary restraining order issued by the U.S. District Court for D.C. Although EPA issued a letter of enforcement discretion in May 2003, on July 29, 2004, MARAD submitted a partial petition for an export ban exemption under TSCA 6(e)(3)(B). Upon receipt of a completed petition, the Agency will conclude its review. EPA can grant these petitions through notice-and-comment rulemaking for a period of up to one year, provided it can make a finding of no unreasonable risk and good faith efforts to find substitutes.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 2150.1; Split from RIN 2070-AB20; EPA Docket information: EPA-HQ-OPPT-2004-0107

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

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RIN: 2070–AJ05

3256. CLARIFICATION ON GUIDANCE FOR ACTIVATED PHOSPHORS

Priority: Info./Admin./Other

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: EPA is developing guidance to clarify the chemical identification of activated phosphors for purposes of the Toxic Substances Control Act (TSCA) Chemical Substance Inventory (TSCA Inventory). Specifically, the Agency is developing guidance to clarify that an activated phosphors not currently listed on the TSCA Inventory is considered a new chemical under TSCA. Prior to initiating the manufacture or import of a new chemical, TSCA section 5 requires a company to submit a premanufacture notice (PMN) to EPA. Apparently this has not been clear and several firms have initiated the manufacture of activated phosphor materials that are not listed on the TSCA Inventory without having submitted the required PMN. EPA intends to seek public comment on draft guidance in this area to ensure that the necessary clarity is provided.

Timetable:

Action	Date	FR Cite
Notice	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4984

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RIN: 2070–AJ21

Environmental Protection Agency (EPA) — Final Rule Stage

Toxic Substances Control Act (TSCA)

3257. LEAD FISHING SINKERS; RESPONSE TO CITIZENS PETITION AND PROPOSED BAN

Priority: Other Significant

Legal Authority: 15 USC 2605 "TSCA 6"

CFR Citation: 40 CFR 745

Legal Deadline: None

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

publish a notice withdrawing the proposal.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM	03/09/94	59 FR 11122
Notice: Withdrawal of NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3252; EPA publication information: NPRM-Proposed Ban of Fishing Sinkers

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

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RIN: 2070–AC21

3258. LEAD–BASED PAINT ACTIVITIES; AMENDMENTS FOR RENOVATION, REPAIR, AND PAINTING

Regulatory Plan: This entry is Seq. No. 124 in part II of this issue of the Federal Register.

RIN: 2070–AC83

3259. 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
Direct Final Action: Certain Chemical Substances Batch FY06–1	10/06/06	71 FR 59066
Direct Final Action: Certain Chemical Substances, Batch FY07–1	12/00/06	
Direct Final Action: Certain Chemical Substances, Batch FY07–2	03/00/07	
Final: Alkenyl Ether of Alkanetriol Polymer (93–458)	12/00/07	
Final: Aromatic Amino Ether (P90–1840)	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3495

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

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

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RIN: 2070–AB27

3260. SIGNIFICANT NEW USE RULE (SNUR); MERCURY SWITCHES IN MOTOR VEHICLES

Priority: Routine and Frequent

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: EPA proposed a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for mercury used in convenience light switches, anti-lock braking system (ABS) sensors, and active ride control sensors in motor vehicles. This action would require persons who intend to manufacture, import, or process mercury for these uses, including when mercury is imported or processed as part of an article, to notify EPA at least 90 days before commencing such activity. The required notice would provide EPA with the opportunity to evaluate the use of mercury in these switches, and, if necessary, to prohibit or limit such activity before it occurs to prevent unreasonable risk of injury to human health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	07/11/06	71 FR 39035
NPRM Comment Period End	09/11/06	
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

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Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4983; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-TOX/2006/July/Day-11/t10858.pdf

Sectors Affected: 335931 Current-Carrying Wiring Device Manufacturing; 3363 Motor Vehicle Parts Manufacturing

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RIN: 2070–AJ19

3261. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES

Priority: Routine and Frequent

Legal Authority: 15 USC 2607(a) "TSCA 8(a)"

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances.

Timetable:

Action	Date	FR Cite
Final: 51st ITC List	06/11/03	68 FR 34832
Final: 53rd ITC List	12/07/04	69 FR 70552
Final: 55th and 56th ITC Lists	08/16/06	71 FR 47122
58th ITC List	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 2178; EPA publication information: Final 51st ITC List-51st ITC List

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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

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RIN: 2070–AB08

3262. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Priority: Routine and Frequent

Legal Authority: 15 USC 2607(d) "TSCA 8(d)"

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: These rules require chemical manufacturers, importers, and processors to submit unpublished health and safety data on chemicals added to the Toxic Substances Control Act (TSCA) section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee (ITC). The Regulatory Agenda identifies the most recent rules and any anticipated rules.

Timetable:

Action	Date	FR Cite
Final: 51st ITC List (has actions from lists 43, 47, and 50)	05/04/04	69 FR 24517
Final: 55th and 56th ITC Lists	08/16/06	71 FR 47130
58th ITC List	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 1139; EPA publication information: Final: 55th and 56th ITC Lists - http://www.epa.gov/fedrgstr/EPA-TOX/2006/August/Day-16/t13489.htm

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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

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RIN: 2070–AB11

3263. FOLLOW–UP RULES ON EXISTING CHEMICALS

Priority: Routine and Frequent

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

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

Legal Deadline: None

Abstract: EPA monitors the commercial development of existing chemicals of concern and/or gathers information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic

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Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the manufacturers, importers, and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

Action	Date	FR Cite
NPRM: 2,4–Pentanedione	09/27/89	54 FR 39548
NPRM: Chloranil	05/12/93	58 FR 27980
NPRM: Heavy Metals	01/15/02	67 FR 1937
Final: Chloranil	12/00/06	
Final: Heavy Metals	12/00/07	
Supp. NPRM: 2,4–Pentanedione	12/00/07	
Supp. NPRM: Certain Benzidine Congener Dyes	12/00/07	
NPRM: Certain Benzidine Congener Dyes	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: SAN No. 1923; EPA publication information: NPRM: 2,4-Pentanedione SNUR

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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RIN: 2070–AA58

3264. 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. The Agency is considering specific chemicals which are not voluntarily sponsored in the HPV Challenge Program as candidates for rules under section 4 and 8 of the Toxic Substances Control Act (TSCA). Although this Initiative is not a rulemaking, EPA has included it in the Regulatory Agenda to inform the public.

Timetable:

Action	Date	FR Cite
Notice	12/26/00	65 FR 81686
Notice: Status	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: SAN No. 4176; EPA publication information: Notice-Data Collection and Development on HPV Chemicals; 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

3265. NOTIFICATION OF CHEMICAL EXPORTS UNDER TSCA SECTION 12(B)

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

RIN: 2070–AJ01

3266. TESTING AGREEMENT FOR PERFLUOROOCTANOIC ACID (PFOA)

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

RIN: 2070–AJ06

3267. 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

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Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants ("HAPs"), including diethanolamine (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Alkanolamines Panel submitted a proposal on November 25, 1996, for alternative testing involving PK studies. ORD/NCEA performed a technical analysis of the proposal in November of 1997. A public meeting was held on February 24, 1998. The Alkanolamines Panel of ACC has submitted three update letters, one in April 1999, one in May of 2003 and one in January of 2005. Under this action, EPA will continue negotiations to develop an ECA that will provide health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final Action: ECA and Consent Order	06/00/07	

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

3268. 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 rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants ("HAPs"), including hydrogen fluoride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Hydrogen Fluoride (HF) Panel submitted a proposal for alternative testing involving PK studies for HF on November 27, 1996. EPA responded to this proposal by letter on June 26, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final Action: ECA and Consent Order	06/00/07	

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

3269. 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 Anhydride (PA) Panel submitted a proposal for alternative testing involving PK studies for PA on November 22, 1996. EPA responded to this proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final Action: ECA	06/00/07	

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

3270. TESTING AGREEMENT FOR MALEIC ANHYDRIDE

Priority: Other Significant

Legal Authority: 15 USC 2603 "TSCA 4"

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced in substantial quantities and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is necessary to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants ("HAPs"), including maleic anhydride (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2). In the proposed HAPs test rule, as amended, EPA invited the submission of proposals for developing needed HAPs data via ECAs, including developing pharmacokinetics studies that would permit extrapolation from oral data to predict risk from inhalation exposure. In response to EPA's request for proposals for ECAs, the Maleic Anhydride (MA) Panel submitted a proposal for alternative testing involving PK studies for MA on November 8, 1996. EPA responded to the Panel's proposal by letter on July 10, 1997, indicating that this approach could offer sufficient merit to proceed with ECA negotiations. Under this action, EPA will continue negotiations to develop an ECA for health effects testing sufficient to meet the data needs specified in the proposed HAPs section 4 test rule, as amended.

Timetable:

Action	Date	FR Cite
Final Action: ECA and Consent Order	06/00/07	

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

3271. SIGNIFICANT NEW USE RULE, PERFLUOROALKYL SULFONATES (PFAS)

Priority: Routine and Frequent

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

CFR Citation: 40 CFR 721.9582 (Amended)

Legal Deadline: None

Abstract: EPA is proposing to amend a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for certain perfluoroalkyl sulfonates (PFAS) substances which were not addressed by the previous PFAS SNURs (67 FR 11008, March 11, 2002; 67 FR 72854, December 9, 2002), codified at 40 CFR 721.9582. EPA is proposing to amend the PFAS SNUR at 40 CFR 721.9582 by adding a new table 3 containing all PFAS chemicals currently on the TSCA Inventory but not already subject to the PFAS SNUR. This proposed rule would require manufacturers, including importers, to notify EPA at least 90 days before commencing the manufacture or import of these chemical substances for the significant new uses described in this document. EPA believes that this action is

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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	03/10/06	71 FR 12311
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4974; EPA publication information: NPRM - http://www.epa.gov/EPA-TOX/2006/March/Day-10/t3444.htm; EPA Docket information: EPA-HQ-OPPT-2005-0015

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

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RIN: 2070–AJ18

3272. • SIGNIFICANT NEW USE RULE FOR CHLORANIL

Priority: Routine and Frequent

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

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

Legal Deadline: None

Abstract: Chloranil is used as a basic feedstock for certain dyes and pigments and in the production of rubber tires. Chloranil was one of the chemicals identified for testing in the Dioxin/Furan (D/F) test rule. Early testing results revealed that dioxin levels in Chloranil could vary by more than two orders of magnitude depending on the chemical manufacturing process involved. It appeared that the "low dioxin" manufacturing process could produce Chloranil with dioxin contamination levels below 20 ppb TEQ. Based on this information, EPA entered into a formal agreement with Chloranil importers (there was no domestic production of "high dioxin" Chloranil) to only import Chloranil made through the "low dioxin" process. As a follow up to this agreement, a Chloranil Significant New Use Rule (SNUR) was proposed in 1993. Under the provisions of the draft SNUR, any Chloranil imported or domestically produced with dioxin contamination levels greater than 20 ppb TEQ would be considered a new use and require reporting under section 5(a)(1)(A) of the Toxic Substances Control Act. In the SNUR proposal, EPA stated that it would not promulgate a final rule until it had all of the D/F test rule data. EPA accepted the final test rule data in June of 2001. The test rule requirements continue to apply to any new manufacturer or importer of Chloranil. No new importer or manufacturer has identified themselves, although EPA has received inquiries from time to time about the applicability of the test rule to new imports. OPPT therefore believes that all importation of Chloranil is still covered under the formal agreements and that there is no current import or domestic manufacture of high dioxin Chloranil. Because a significant time has passed since proposal OPPT is considering the options of reproposing the rule, reopening the comment period, and proceeding directly to developing a final rule.

Timetable:

Action	Date	FR Cite
NPRM	05/12/93	58 FR 28000
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 1923.1; Split from RIN 2070-AA58.

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RIN: 2070–AJ31

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

3273. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2646 "TSCA 206"

CFR Citation: 40 CFR 763

Legal Deadline: Final, Statutory, November 28, 1992.

Abstract: The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend training and accreditation requirements to include persons performing certain asbestos-related work in public or commercial buildings, to increase the minimum number of training hours required for accreditation purposes, and to effect other changes necessary to implement the amendments. On February 3, 1994, EPA issued an interim final rule to revise the asbestos MAP to clarify the types of persons who must be accredited to work with asbestos in schools and public or commercial buildings; to increase the minimum number of hours of training

for asbestos abatement workers and contractor/supervisors, including additional hours of hands-on health and safety training; and to effect a variety of other necessary changes as mandated by section 15(a)(3) of the ASHARA. This interim final rule satisfied the statutory deadline. EPA will continue to consider finalizing the MAP rule and/ or promulgating regulatory revisions to sunset current EPA MAP accreditations granted to training providers.

Timetable:

Action	Date	FR Cite
Model Plan	05/13/92	57 FR 20438
Interim Final Action	02/03/94	59 FR 5236
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, 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

3274. LEAD–BASED PAINT ACTIVITIES; BRIDGES AND STRUCTURES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE

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

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

Legal Authority: 15 USC 2682; 15 USC 2684; PL 102–550 sec 402; PL 102–550 sec 404

CFR Citation: 40 CFR 745

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

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/09	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4376

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

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

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RIN: 2070–AC64

3275. POLYCHLORINATED BIPHENYLS (PCBS); DISPOSAL OF PCBS; IMPLEMENTATION ISSUES

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

Legal Authority: 15 USC 2605(e) "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

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

3276. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR POLYMERS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 723

Legal Deadline: None

Abstract: In September 2005, EPA proposed an amendment to the Polymer Exemption Rule, which provides an exemption from the premanufacture notification (PMN) requirements of the Toxic Substances Control Act (TSCA). The proposed amendment would exclude from eligibility polymers containing as an integral part of their composition, except as impurities, certain perfluoroalkyl moieties consisting of a CF3- or longer chain length. This proposed exclusion includes polymers that contain any one or more of the following: perfluoroalkyl sulfonates (PFAS); perfluoroalkyl carboxylates (PFAC); fluorotelomers; or perfluoroalkyl moieties that are covalently bound to either a carbon or sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule. If finalized as proposed, any person who intends to manufacture (or import) any of these polymers not already on the TSCA Inventory would have to complete the TSCA premanufacture review process prior to commencing the manufacture or import of such polymers. EPA believes this proposed change to the current regulation is necessary because, based on recent information, EPA can no longer conclude that these polymers "will not present an unreasonable risk to human health or the environment," which is the determination necessary to support an exemption under TSCA, such as the Polymer Exemption Rule.

Timetable:

Action	Date	FR Cite
NPRM	03/07/06	71 FR 11485
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4635; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-TOX/2006/March/Day-07/t2152.pdf

Sectors Affected: 325 Chemical Manufacturing; 327 Nonmetallic Mineral Product Manufacturing; 326 Plastics and Rubber Products Manufacturing

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RIN: 2070–AD58

3277. SIGNIFICANT NEW USE RULES (SNURS); FOLLOW–UP RULES ON NON–5(E) NEW CHEMICAL SUBSTANCES

Priority: Routine and Frequent

Legal Authority: 15 USC 2604 "TSCA 5"

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.

Timetable:

Action	Date	FR Cite
NPRM: 84–1056	06/11/86	51 FR 21199
NPRM: 86–566	12/08/87	52 FR 46496
NPRM: Aluminum Cross–linked Sodium Carboxymethyl cellulose	06/11/93	58 FR 32628
Final: 84–1056	12/00/07	
Final: 86–566	12/00/07	
Final: Aluminum Cross–linked Sodium Carboxymethyl cellulose	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 1976; EPA publication information: NPRM: 84-1056-Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)

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

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

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RIN: 2070–AA59

3278. FUTURE TESTING FOR EXISTING CHEMICALS (OVERVIEW ENTRY)

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: Section 4 of TSCA gives EPA the authority to require chemical manufacturers and processors to test existing chemicals. Under section 4, EPA can by rule require testing after finding that (1) a chemical may present an unreasonable risk of injury to human health or the environment, and/or the chemical is produced and enters the environment in substantial quantities or there is or may be significant or substantial human exposure to the chemical, (2) the available data to evaluate the chemical are inadequate, and (3) testing is needed to develop the needed data. The Chemical Testing Program in EPA's Office of Pollution Prevention and Toxics (OPPT) also works with members of the U.S. chemical industry to develop needed data via TSCA section 4 Enforceable Consent Agreements (ECAs) and Voluntary Testing Agreements (VTAs). ECAs and VTAs are usually less resource intensive than formal TSCA rulemaking and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) the Agency will consider whether to require testing of the chemical through rulemaking or ECA or will publish a notice which provides the reasons for not doing so in the case of a particular chemical (such reasons may involve the existence of a VTA). The Agency may also consider test rules, ECAs or VTAs for chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes. This regulatory agenda entry is considered a "generic entry" because it is intended to alert the public that within the next 6 months the Agency may consider other chemicals for test rules, ECAs, or VTAs that are not yet identified. A separate activity specific entry will be included in the regulatory agenda once the Agency decides to develop a test rule, ECA or VTA.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493; EPA publication information: ANPRM-Placeholder for potential new action in next 6 months.

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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

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RIN: 2070–AB94

3279. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 "TSCA 4"

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33178
Supplemental NPRM	12/24/97	62 FR 67466
Supplemental NPRM 2	04/21/98	63 FR 19694
NPRM – Reproposal	06/00/08	

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

3280. 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 Agency's efforts to develop a framework for assessing potential risks from exposures to metals. This activity is intended to lead to EPA proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(I) and the Clean Air Act (CAA) section 112. Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific communities. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section (b)(1) list of HAPs (delisting).

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3882

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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

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RIN: 2070–AD10

3281. 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 or other testing action is proposed.

Timetable:

Action	Date	FR Cite
Notice Soliciting Participation	To Be	Determined
Final: ECA and Consent Order	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 4174; EPA publication information: Notice Soliciting Participation-Solicit Interested Parties

Sectors Affected: 325 Chemical Manufacturing; 32411 Petroleum Refineries

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

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RIN: 2070–AD28

3282. TEST RULE; MULTIPLE SUBSTANCE RULE FOR THE TESTING OF DEVELOPMENTAL AND REPRODUCTIVE TOXICITY

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: On March 4, 1991, EPA issued a proposed TSCA section 4 Test Rule to require testing of 12 chemicals for developmental and/or reproductive effects. Since issuing that proposed rule, 11 of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary HPV Chemical Challenge Program, and/or the International Council of Chemical Associations (ICCA). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

Timetable:

Action	Date	FR Cite
NPRM–Original	03/04/91	56 FR 9092
NPRM–Reproposal	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

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

3283. SIGNIFICANT NEW USE RULE (SNUR); REFRACTORY CERAMIC FIBERS (RCFS)

Priority: Routine and Frequent

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

3284. 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: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: SAN No. 4598

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RIN: 2070–AD53

3285. LEAD–BASED PAINT; AMENDMENTS TO THE 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: EPA intends to amend existing requirements to clarify which target housing transactions the rule applies; add or clarify definitions of important terms; clarify the disclosure responsibilities of agents; clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and will amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. Small businesses and State/local/tribal governments that sell or lease target housing will be affected in that they will need to become familiar with new/revised requirements that apply to

these transactions. Overall burden is not expected to increase significantly.

Timetable:

Action	Date	FR Cite
NPRM	02/00/08	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4777

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

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

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RIN: 2070–AD64

3286. 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 U.S. chemical producers and importers to voluntarily provide existing screening level data, or, if none exist, to develop such data on U.S. HPV chemicals. Because some overlap of testing 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 and Consent Order	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.2

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

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RIN: 2070–AJ07

3287. TEST RULE; BROMINATED FLAME RETARDANTS (BFRS)

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2603 "TSCA 4"

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

Abstract: On June 25, 1991 (56 FR 29140), EPA issued a proposed TSCA section 4 Test Rule for health and environmental effects and chemical fate testing of 5 brominated flame retardants. Since issuing that proposed rule, all of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary US HPV Chemical Challenge Program, and/or EPA's Voluntary Children's Chemical Evaluation Program (VCCEP). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

Timetable:

Action	Date	FR Cite
NPRM	06/25/91	56 FR 29140
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 3493.3

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

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RIN: 2070–AJ08

3288. EFFECTS OF TRANSFERS OF OWNERSHIP ON OBLIGATIONS UNDER SECTION 5 OF TSCA

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 2604

CFR Citation: 40 CFR 720

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: SAN No. 4975

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RIN: 2070–AJ15

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

3289. SIGNIFICANT NEW USE RULE (SNUR); CERTAIN POLYBROMINATED DIPHENYL ETHERS (PBDES)

Priority: Routine and Frequent

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

Completed:

Reason	Date	FR Cite
NPRM	12/06/04	69 FR 70404
Final Action	06/13/06	71 FR 34015

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

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RIN: 2070–AJ02

3290. TSCA INVENTORY UPDATE REPORTING RULE; ELECTRONIC REPORTING

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 710

Completed:

Reason	Date	FR Cite
Direct Final Action; Using CDX	09/06/06	71 FR 54495

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 2070–AJ25

Environmental Protection Agency (EPA)

Proposed Rule Stage

Emergency Planning and Community Right—to—Know Act (EPCRA)

3291. 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 to 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	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4753;

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RIN: 2050–AF08

3292. 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 are 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.4; EPA publication information: Response-Chromium, Antimony, Titanite (Request to Delete); 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

3293. TRI; RESPONSE TO PETITION TO DELETE ACETONITRILE FROM THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS

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

Legal Authority: 42 USC 11013 EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action will respond to a petition received by EPA to delete acetonitrile from the list of toxic chemicals reportable under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA). EPA will respond to the petition by either granting or denying the petition. If EPA grants the petition a notice of proposed rulemaking will be published in the Federal Register; if EPA denies the petition a notice of petition denial will be published. The deletion of this chemical would

eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.

Timetable:

Action	Date	FR Cite
Response	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.3; EPA publication information: Response-Acetonitrile (Request to Delete); Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00.

Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

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RIN: 2025–AA19

Environmental Protection Agency (EPA) — Final Rule Stage

Emergency Planning and Community Right—to—Know Act (EPCRA)

3294. ADDITION OF TOXICITY EQUIVALENCY (TEQ) REPORTING AND QUANTITY DATA FOR INDIVIDUAL MEMBERS OF THE DIOXIN AND DIOXIN–LIKE COMPOUNDS CATEGORY UNDER EPCRA, SECTION 313

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 11001 et seq

CFR Citation: 40 CFR 372

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/07/05	70 FR 10919
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4692; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-TOX/2005/March/Day-07/t4339.htm; TRI has not converted to NAICS so the Standard Industrial Classification (SIC) Codes are listed: SIC Code 10 Metal Mining (except SIC codes 1011, 1081, and 1094), SIC Code 12 Coal Mining (except SIC code 1241), SIC Code 20-39 Manufacturing, SIC Codes 4911, 4931, and 4939 Electric Utilities (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce), SIC Code 4953 Commercial Hazardous Waste Treatment (limited to facilities regulated under the RCRA, subtitle C, 42 U.S.C. section 6921 et seq.), SIC Code 5169 Chemicals and Allied Products-Wholesale, SIC Code 5171 Petroleum Bulk Terminals and Plants, SIC Code 7389 Solvent Recovery Services (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis).

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RIN: 2025–AA12

3295. TOXICS RELEASE INVENTORY REPORTING BURDEN REDUCTION RULE

Regulatory Plan: This entry is Seq. No. 134 in part II of this issue of the **Federal Register**.

RIN: 2025–AA14

Environmental Protection Agency (EPA) — Long-Term Actions

Emergency Planning and Community Right—to—Know Act (EPCRA)

3296. EMERGENCY PLANNING AND COMMUNITY RIGHT–TO–KNOW ACT: AMENDMENTS AND STREAMLINING RULE

Priority: Other Significant

Legal Authority: 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022

CFR Citation: 40 CFR 355; 40 CFR 370

Legal Deadline: None

Abstract: This rule will address the remaining issues from the proposed rule of June 8, 1998. (Reporting thresholds for gasoline and diesel fuel at retail gas stations were included in a separate final rule; 64 FR 7031, February 11, 1999.) This supplemental proposal will address: Reporting thresholds for chemicals that pose minimal risk. The final rule to the June 8, 1998 proposal and this supplemental proposal will address: Reporting thresholds for rock salt, sand, gravel, and other chemicals that pose minimal risk; plain language rewrite; and may consider reporting thresholds for facilities with some similarities to gas stations (motor pools, marinas, etc.) and guidance on approaches to State flexibility. This supplemental rule, when finalized, will minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act. This rule, when finalized, may also reduce the number of facilities subject to these reporting requirements. The reporting requirements under sections 311 and 312 are intended to enhance communities' and emergency response officials' awareness of chemical hazards; to facilitate the development of State and local emergency response plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, State and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

Timetable:

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Supplemental NPRM	To Be Determined	
Final	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 3215;

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RIN: 2050–AE17

3297. 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 cannot be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

Timetable:

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

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

3298. 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.

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA) — Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	09/05/00	65 FR 53681
Notice of Data Availability	06/14/05	70 FR 34437
Final Action	11/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 2425.1; EPA publication information: Notice of Data Availability - http://www.epa.gov/fedrgstr/EPA-WASTE/2005/June/Day-14/f11664.htm; Split from RIN 2025-AA00. Formerly listed as RIN 2070-AC00. Statutory deadline: Within 180 days of receipt the Agency must either initiate rulemaking or explain why not in the Federal Register. Manufacturing industries in SIC codes 20-39 plus the following industries and SIC codes: Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and, Solvent Recovery Services (SIC code 7389).

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RIN: 2025–AA17

Environmental Protection Agency (EPA) — Completed Actions
Emergency Planning and Community Right—to—Know Act (EPCRA)

3299. RULEMAKING TO CHANGE TOXIC RELEASE INVENTORY (TRI) REPORTING REQUIREMENTS FROM STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES TO NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) CODES

Priority: Info./Admin./Other

CFR Citation: 40 CFR 372

Completed:

Reason	Date	FR Cite
NPRM	03/21/03	68 FR 13872
Final Action	06/06/06	71 FR 32464

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2025–AA10

3300. REPORTABLE QUANTITY ADJUSTMENT FOR ISOPHORONE DIISOCYANATE

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 355

Completed:

Reason	Date	FR Cite
NPRM	09/11/06	71 FR 53354
Direct Final Action	09/11/06	71 FR 53331

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2050–AG32

Environmental Protection Agency (EPA) — Prerule Stage
Resource Conservation and Recovery Act (RCRA)

3301. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

Regulatory Plan: This entry is Seq. No. 99 in part II of this issue of the **Federal Register**.

RIN: 2050–AE81

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

Resource Conservation and Recovery Act (RCRA)

3302. 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, February 7,1995). On August 20, 1999, EPA issued a proposed rule (64 FR 45632) outlining the Agency's preferred regulatory approach (i.e., an exemption from hazardous waste listing for properly managed CKD) and several optional approaches including requirements solely under RCRA subtitle D. On July 25, 2002, the Agency published a notice (67 FR 48648) to announce the availability for public inspection and comment of recently acquired data on CKD. The Agency 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 3-to-5 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. A Notice of Data Availability is being developed to seek comment on new data regarding the management of cement kiln dust.

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
Notice of Data Availability	04/00/07	
Final Action	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3856

Sectors Affected: 32731 Cement Manufacturing

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RIN: 2050–AE34

3303. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT–CONTAMINATED INDUSTRIAL WIPES

Priority: Other Significant

Legal Authority: 42 USC 6921

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: EPA proposed to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. Industrial wipes are used with solvents across industry in various ways; EPA estimates that there are approximately 471,000 users of industrial wipes in 13 economic sub-sectors, but many users use small numbers of wipes with small amounts of solvents on them. If finalized, this regulation would provide regulatory relief for two types of solvent-contaminated industrial wipes: (1) Disposable wipes, which are disposed of in a landfill or by combustion after use, and (2) reusable wipes, which are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposable industrial wipes from the definition of hazardous waste and to conditionally exclude reusable industrial wipes from the definition of solid waste. The regulation, if finalized, is estimated to result in $34 million of savings throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/20/03	68 FR 65586
Notice of Data Availability	02/00/07	
Final Action	06/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4091; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-20/f28652.htm; EPA Docket information: EPA-HQ-RCRA-2003-0004

Sectors Affected: 325 Chemical Manufacturing; 334 Computer and Electronic Product Manufacturing; 332 Fabricated Metal Product Manufacturing; 337 Furniture and Related Product Manufacturing; 333 Machinery Manufacturing; 441 Motor Vehicle and Parts Dealers; 812 Personal and Laundry Services; 323 Printing and Related Support Activities; 811 Repair and Maintenance; 336 Transportation Equipment Manufacturing

URL For More Information: www.epa.gov/epaoswer/hazwaste/id/solvents/wipes.htm

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RIN: 2050–AE51

3304. LAND DISPOSAL RESTRICTIONS: MODIFYING THE LAND DISPOSAL TREATMENT STANDARD FOR RADIOACTIVE LEAD SOLIDS AND HAZARDOUS DEBRIS; DEFINITION OF MACROENCAPSULATION

Priority: Other Significant

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: This proposed rulemaking, if finalized, would modify the current LDR technology standard for Radioactive Lead Solids (RLS) under 40 CFR 268.42 and for hazardous debris under 40 CFR 268.45 to allow the additional use of organic container-based macroencapsulation technologies that meet certain performance requirements for land disposal of RLS waste and hazardous debris. This change would make both technology-based standards for RLS waste and debris consistent and would have the effect of removing the container prohibition for RLS waste and subjecting RLS waste to an additional treatment performance standard. EPA believes that the effect of these changes will promote more efficient cleanups of contaminated sites by removing a regulatory distinction between radioactive lead solids and other forms of hazardous debris, reduce worker exposures, expedite cleanups, and promote further advancement of new technologies for disposal.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4743; Action is of equivalent regulatory stringency. States and Tribes will not be required to adopt.

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RIN: 2050–AF12

3305. 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	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4834; EPA Docket information: EPA-HQ-RCRA-2004-0019

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RIN: 2050–AG15

3306. EXPANDING THE COMPARABLE FUELS EXCLUSION UNDER RCRA

Regulatory Plan: This entry is Seq. No. 112 in part II of this issue of the Federal Register.

RIN: 2050–AG24

3307. • DEFINITION OF SOLID WASTES REVISIONS

Regulatory Plan: This entry is Seq. No. 113 in part II of this issue of the Federal Register.

RIN: 2050–AG31

3308. • REVISIONS TO LAND DISPOSAL RESTRICTIONS TREATMENT STANDARDS AND AMENDMENTS TO RECYCLING REQUIREMENTS FOR SPENT PETROLEUM REFINING HYDROTREATING AND HYDROREFINING CATALYSTS

Priority: Other Significant

Legal Authority: 42 USC 1006; 42 USC 2002(a); 42 USC 3001 to 3009; 42 USC 3014; 42 USC 6905; 42 USC 6906; 42 CFR 6912; 42 USC 6921; 42 USC 6922; 42 USC 6924 to 6927; 42 USC 6934; 42 USC 6937; 42 USC 6938

CFR Citation: 40 CFR 261; 40 CFR 266; 40 CFR 286.40

Legal Deadline: None

Abstract: Pursuant to regulations found at 40 CFR 260.20, the Vanadium Producers and Reclaimers Association (VPRA) submitted a rulemaking petition to the EPA requesting that the Agency amend the hazardous waste regulations affecting the treatment and disposal of certain petroleum refinery process wastes. Specifically, VPRA requested that EPA revise the treatment standards under the Land Disposal Restrictions (LDR) Program for the disposal of spent hydrotreating and hydrorefining catalysts (waste codes

K171 and K172, respectively). EPA is publishing a notice in response to the rulemaking petition, by proposing to amend the Land Disposal Restriction (LDR) requirements for EPA Waste Code K172 by adding numeric treatment standards for certain polynuclear aromatic hydrocarbons (PAHs). EPA is also responding to other elements of the rulemaking petition in this notice. Finally, in response to separate comments received from petroleum industry representatives, EPA is taking this opportunity to propose changes to its regulations to help encourage consistent levels of recycling of spent hydrotreating and hydrorefining catalysts, in a manner that protects human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAN No. 5070;

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RIN: 2050–AG34

3309. 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
Withdrawn NPRM	03/00/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4565; Project Sponsor has notified Agency of desire to withdraw project and therefore the Agency will withdraw the proposal.

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RIN: 2090–AA29

3310. 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 1 year, a solid record of compliance, and a commitment to community outreach and annual public reporting. Currently there are about 400 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; alternative generator requirements for small quantity generators; and EPA will seek comment of the interaction between CAA and RCRA Air requirements, specifically in subparts AA, BB, and CC. 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 the first 3 years, members reduced their environmental footprint by:

* 8.5 trillion BTUs of energy
* 1.3 billion gallons of water used
* 16,200 tons of SOX emissions
* 582,000 tons of solid waste
* 16,400 tons of hazardous materials use
* Preserving or restoring 7,800 acres

Timetable:

Action	Date	FR Cite
NPRM	03/00/07	
Final Action	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4828;

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EPA—Resource Conservation and Recovery Act (RCRA) — Proposed Rule Stage

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RIN: 2090–AA34

Environmental Protection Agency (EPA) — Final Rule Stage
Resource Conservation and Recovery Act (RCRA)

3311. 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 Executive Order 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 Executive Order requires EPA to update the CPG every 2 years. EPA has proposed one new and one revised item designation in CPG5. In addition CPG Nylon Carpet was originally proposed with CPG IV, but, not included in the final designation because more information was needed. A Notice of Data Availability was issued asking for that information. EPA is now considering finalizing the CPG for Nylon Carpet separately from CPG IV and V.

Timetable:

Action	Date	FR Cite
NPRM–CPG1	04/20/94	59 FR 18892
Final CPG1	05/01/95	60 FR 21370
NPRM CPG2	11/07/96	61 FR 57748
Final CPG2	11/13/97	62 FR 60962
NPRM–CPG3	08/26/98	63 FR 45558
Final–CPG3–RMAN3	01/19/00	65 FR 3069
NPRM CPG4	08/28/01	66 FR 45256
NODA on Nylon Carpet	07/16/03	68 FR 42040
NPRM–CPG5	12/10/03	68 FR 68813
Final–CPG4–RMAN4	04/30/04	69 FR 24028
Final CPG 5	04/00/07	
Final CPG for Nylon Carpet	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3545; EPA publication information: Marlene Reddoor is the contact for the nylon carpet rule; EPA Docket information: For CPG V rule: EPA-HQ-RCRA-2003-0005

Sectors Affected: 92119 All Other General Government; 92111 Executive Offices

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

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RIN: 2050–AE23

3312. REGULATION OF OIL–BEARING HAZARDOUS SECONDARY MATERIALS FROM THE PETROLEUM REFINING INDUSTRY 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, 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 in the petroleum refining industry.

Timetable:

Action	Date	FR Cite
NPRM	03/25/02	67 FR 13684
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: SAN No. 4411; This is an extension of a previous notice that contained the following RIN 2050-AD88.

Sectors Affected: 32411 Petroleum Refineries

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EPA—Resource Conservation and Recovery Act (RCRA) — Final Rule Stage

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RIN: 2050–AE78

3313. HAZARDOUS WASTE MANIFEST REVISIONS–STANDARDS AND PROCEDURES FOR ELECTRONIC MANIFESTS

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

RIN: 2050–AG20

3314. CRITERIA FOR SAFE AND ENVIRONMENTALLY PROTECTIVE USE OF GRANULAR MINE TAILINGS

Priority: Other Significant

Legal Authority: PL 109–59

CFR Citation: 40 CFR 278

Legal Deadline: Final, Statutory, February 6, 2006, The 2005 Transportation Equity Act requires the Agency to establish criteria within 180 days of enactment.

Abstract: The 2005 Transportation Equity Act requires EPA to establish criteria for the safe and environmentally protective use of granular mine tailings (chat) from the Tar Creek, Oklahoma Mining District in cement and concrete products and in transportation construction projects.

Timetable:

Action	Date	FR Cite
NPRM	04/04/06	71 FR 16729
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. 5019; EPA Docket information: EPA-HQ-RCRA-2006-0097

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RIN: 2050–AG27

Environmental Protection Agency (EPA) — Long-Term Actions
Resource Conservation and Recovery Act (RCRA)

3315. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES—NON—POWER PRODUCERS AND MINEFILLING

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6907(a)(3); 42 USC 6944

CFR Citation: 40 CFR 257

Legal Deadline: None

Abstract: This action is for the development of non-hazardous waste regulations under subtitle D of the RCRA statute. The regulations will apply to landfill and surface impoundment facilities that manage coal combustion wastes generated by non-utility combustors. Non-utility combustors are commercial, industrial, and institutional facilities that burn coal in boilers to generate steam. The regulations will also apply to mine facilities where any coal combustion wastes are managed, (i.e., backfilled into mined areas). This action results from EPA's regulatory determination for fossil fuel combustion wastes (see 65 FR 32214, May 22, 2000), in which the Agency concluded that coal combustion wastes could pose significant risks to human health and the environment if they are not properly managed. As described in the regulatory determination, there is sufficient evidence that adequate controls may not be in place. The intended benefits of this action will be to prevent contamination or damage to ground waters and surface waters, thereby avoiding risk to human health and the environment, including ecological risks. The Agency has completed information collection efforts and is 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.

Timetable:

Action	Date	FR Cite
NPRM	10/00/08	

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

3316. RCRA SMARTER WASTE REPORTING

Priority: Other Significant

Legal Authority: 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104–13

CFR Citation: 40 CFR 260.31; 40 CFR 261.4; 40 CFR 261.38; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.98 et seq; 40 CFR 265.16; 40 CFR 265.52; 40 CFR 265.56; 40 CFR 265.73; 40 CFR 265.98 et seq; 40 CFR 266.103; 40 CFR 268.7; 40 CFR 268.9; 40 CFR 270.16; 40 CFR 270.17

Legal Deadline: None

Abstract: As part of its response to the Paperwork Reduction Act, EPA formed the RCRA Burden Reduction Initiative. The Agency is reviewing additional Burden Reduction opportunities, some of which were proposed but not included in the Burden Reduction Initiative final rule. Additionally, EPA will look for opportunities for burden reduction within the Biennial Report. Moving from a paper system to an electronic system focused on information gathered and generated by Treatment, Storage, and Disposal Facilities may provide for significant Burden Reduction savings.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 4735;

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RIN: 2050–AF01

3317. 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. The direct final was withdrawn because there were adverse comments on the rule. Originally, this regional rule was to be used as a model for electronic recycling nationwide. 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. However, the usefulness of this rule as a pilot project will likely be overtaken upon promulgation of 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 national rule is currently being reviewed within the Agency.

Timetable:

Action	Date	FR Cite
NPRM	12/26/02	67 FR 78761
Direct Final	12/26/02	67 FR 78718
Direct Final Withdrawn	02/24/03	68 FR 8553
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4701

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RIN: 2003–AA00

3318. 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 billion to 40 billion in annual trade among developed countries in waste recyclables, with the United States having a positive trade balance. Because each of the developed countries (the OECD countries) had a different system for controlling the exports and imports of waste, including recyclables, the international recycling

market was not as efficient as it could be. A more streamlined, uniform system for exports and imports will also increase recycling and lessen disposal. The United States was actively involved in the negotiation of a legally binding OECD multilateral agreement to create a more streamlined system. OECD Member countries are then obligated to transfer the terms of the multilateral agreement to their domestic regulations in order for the multilateral agreement to have legal authority. This regulation would be amended to comply with changes passed by the OECD Council. Existing waste lists may be restructured to comply with the new OECD waste lists. As such, previously existing waste lists may be renamed according to adopted OECD terminology. Shipments of small waste amounts destined for laboratory analysis may be exempted from filing certain paperwork requirements that are otherwise required. A certificate of recovery may be required upon final recovery of wastes and timeframes for recovery operations may be changed to reflect the decisions made by the OECD Council. This needs to have a Federal solution because international exports and imports are overseen at the Federal level due to the foreign powers authority clause. Many alternatives were considered by Government and industry during the intensive negotiations on the legally binding multilateral agreement, with the United States having a great deal of influence over which alternatives were in the final agreement. The Agency plans to codify the streamlining provisions of the OECD multilateral agreement, regulating exporters and importers of waste recyclables. Exporters and importers of waste recyclables will need to implement the international uniform procedures of the OECD multilateral agreement, however these costs will be less than would be needed to deal with different national export and import systems. In addition, some common existing export and import procedures were streamlined so that the new procedures are even more efficient than was common in the past. The benefits are greater administrative efficiency for 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	02/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: SAN No. 4606; EPA Docket information: EPA-HQ-RCRA-2005-0018

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RIN: 2050–AE93

3319. 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?" In January of 2006, the Board communicated their initial findings on the financial test and corporate guarantee as methods to meet financial assurance requirements under RCRA programs. The Agency is currently evaluating these findings, and other information, to determine 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 Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 2647;

Sectors Affected: 325188 All Other Basic Inorganic Chemical Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 33299 All Other Fabricated Metal Product Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 331311 Alumina Refining; 4411 Automobile Dealers; 323110 Commercial Lithographic Printing; 334 Computer

and Electronic Product Manufacturing; 22111 Electric Power Generation; 332813 Electroplating, Plating, Polishing, Anodizing and Coloring; 325193 Ethyl Alcohol Manufacturing; 221112 Fossil Fuel Electric Power Generation; 45431 Fuel Dealers; 4471 Gasoline Stations; 811111 General Automotive Repair; 32512 Industrial Gas Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 33271 Machine Shops; 56292 Materials Recovery Facilities; 333319 Other Commercial and Service Industry Machinery Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 42271 Petroleum Bulk Stations and Terminals; 32411 Petroleum Refineries; 325211 Plastics Material and Resin Manufacturing; 323114 Quick Printing; 22132 Sewage Treatment Facilities; 48422 Specialized Freight (except Used Goods) Trucking, Local; 311942 Spice and Extract Manufacturing; 336 Transportation Equipment Manufacturing; 56211 Waste Collection; 56221 Waste Treatment and Disposal

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RIN: 2050–AC71

3320. 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	05/00/08	

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

3321. RULEMAKING TO STREAMLINE LABORATORY WASTE MANAGEMENT IN ACADEMIC AND RESEARCH LABORATORIES

Priority: Other Significant

Legal Authority: 42 USC 6922

CFR Citation: 40 CFR 262

Legal Deadline: None

Abstract: The College and University Laboratory rulemaking is focusing on the ways to make the Resource Conservation and Recovery Act a better fit for the laboratory setting and to improve reuse, recycling, and the overall management of chemicals in the laboratory settings. EPA recognizes the unique aspects of academic laboratories compared with large manufacturing processes. For example, academic laboratories generate small amounts of many different wastes while large manufacturing processes tend to generate large amounts of a few wastes. Our goal is to improve the program to better protect human health and the environment, through standards that are harmonious with the way academic laboratories operate. Our aim is to improve compliance, not by relaxing the standards, but by improving the fit through regulatory changes to 40 CFR 262.34.

Timetable:

Action	Date	FR Cite
NPRM	05/23/06	71 FR 29712
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4920; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WASTE/2006/May/Day-23/f4654.htm; No legal deadline; EPA Docket information: EPA-HQ-RCRA-2003-0012

Sectors Affected: 6113 Colleges, Universities and Professional Schools; 6112 Junior Colleges

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RIN: 2050–AG18

Environmental Protection Agency (EPA) **Completed Actions**

Resource Conservation and Recovery Act (RCRA)

3322. REVISIONS TO SOLID WASTE LANDFILL CRITERIA—LEACHATE RECIRCULATION ON ALTERNATIVE LINERS

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 258

Completed:

Reason	Date	FR Cite
Withdrawn	08/18/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

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RIN: 2050–AE67

3323. RECYCLING OF CATHODE RAY TUBES (CRTS): CHANGES TO HAZARDOUS WASTE REGULATIONS

Priority: Other Significant

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
NPRM	06/12/02	67 FR 40508
Final Action	07/28/06	71 FR 42928

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2050–AE52

3324. INCREASE METALS RECLAMATION FROM F006 WASTE STREAMS

Priority: Other Significant

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn	08/14/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2050–AE97

3325. REVISIONS TO THE DEFINITION OF SOLID WASTE FINAL RULE

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 261.2

Completed:

Reason	Date	FR Cite
NPRM	10/28/03	68 FR 61558
Withdrawn, Merged with RIN 2050–AG31	08/29/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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RIN: 2050–AE98

3326. • EXTENSION OF SITE–SPECIFIC REGULATIONS FOR NE LABS XL PROJECT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6912, 6922, and 6926

CFR Citation: 40 CFR 262.10;40 CFR 262.10(j) (Revision);40

Legal Deadline: None

Abstract: This direct final rulemaking will once again extend the Federal rule previously promulgated to facilitate a different program of waste management in three New England universities (New England Universities Laboratories XL Project) from current end date of September 30, 2006, to April 15, 2009. The original rule, promulgated September 28, 1999, and in effect for four years, was previously extended for three years, from September 30, 2003, to September 30, 2006. This action which enables these projects to continue will be approved and signed by the Regional Administrator of EPA Region 1, by virtue of special one-time delegations of rulemaking authority from the EPA Administrator.

Timetable:

Action	Date	FR Cite
NPRM	06/21/06	71 FR 35593
Direct Final Action	06/21/06	71 FR 35547

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: SAN No. 4815.1; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WASTE/2006/June/Day-21/f9753.htm; Split from RIN 2001-AA00.

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RIN: 2001–AA01

Environmental Protection Agency (EPA)
Oil Pollution Act (OPA)

Proposed Rule Stage

3327. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE, 40 CFR PART 112

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

RIN: 2050–AG16

Environmental Protection Agency (EPA)
Oil Pollution Act (OPA)

Final Rule Stage

3328. OIL POLLUTION PREVENTION; SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) REQUIREMENTS—AMENDMENTS

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

RIN: 2050–AG23

Environmental Protection Agency (EPA)
Comprehensive Environmental Response, Compensation and Liability Act

Proposed Rule Stage

3329. 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
Final Pools Prairie	09/17/99	64 FR 50459
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
Final 26	02/04/00	65 FR 5435
NPRM 31	02/04/00	65 FR 5468
Final 28	05/11/00	65 FR 30482
NPRM 32	05/11/00	65 FR 30489
Final 29	07/27/00	65 FR 46096
NPRM 33	07/27/00	65 FR 46131
NPRM Alabama/Malone	08/24/00	65 FR 51567
Final 30	12/01/00	65 FR 75179
NPRM 34	12/01/00	65 FR 75215
NPRM 35	01/11/01	66 FR 2380
Final 31	06/14/01	66 FR 32235
NPRM 36	06/14/01	66 FR 32287
Final 32	09/13/01	66 FR 47583
NPRM 37	09/13/01	66 FR 47612
NPRM Libby/Omaha	02/26/02	67 FR 8836
Final adds 19 sites	09/05/02	67 FR 56757
NPRM 38	09/05/02	67 FR 56794
Final Action–	10/24/02	67 FR 65315
Final Action—	04/30/03	68 FR 23077
NPRM 1	04/30/03	68 FR 23094
Final 35 (adds 12 sites)	09/29/03	68 FR 55875
NPRM 40	03/08/04	69 FR 10646
Final 36	07/23/04	69 FR 43755
NPRM–Vieques	08/13/04	69 FR 50115
Final 37	09/23/04	69 FR 56949
NPRM 41	09/23/04	69 FR 56970
Final – Vieques	02/11/05	70 FR 7184
Final 38	04/27/05	70 FR 21644
NPRM 42	04/27/05	70 FR 21718
Final 39	09/14/05	70 FR 54286
NPRM 43	09/14/05	70 FR 54327
Final 40	04/19/06	71 FR 20016
NPRM–44	04/19/06	71 FR 20052
Final 41	12/00/06	
NPRM 45	12/00/06	
Final 42	03/00/07	
NPRM 46	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3439; EPA Docket information: www.regulations.gov EPA-HQ-SFUND-2006-XXXX

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

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EPA—Comprehensive Environmental Response, Compensation and Liability Act **Proposed Rule Stage**

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RIN: 2050–AD75

Environmental Protection Agency (EPA) **Final Rule Stage**
Comprehensive Environmental Response, Compensation and Liability Act

3330. REVISE 40 CFR PART 35 SUBPART O: COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS

Priority: Other Significant

Legal Authority: 42 USC 9604(a)–(j)

CFR Citation: 40 CFR 35 subpart O

Legal Deadline: None

Abstract: 40 CFR part 35 subpart O prescribes requirements for administering cooperative agreements (CAs) awarded to States, Indian tribes, and political subdivisions to conduct remedial actions, non-time-critical removal actions, pre-remedial activities, and other response activities authorized by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 104(a)-(j). In addition, subpart O prescribes requirements for the Superfund State Contract that is necessary whenever EPA or a political subdivision is the lead agency for a CERCLA remedial action. Subpart O was promulgated on June 5,1990, and became effective on July 5, 1990. Since then, the Superfund program has demonstrated several process improvements that are not authorized under the current regulation. For example, the 16 Block Funding Reform pilots established during 1997 to 2000 generated at least 60 approved requests for deviations from subpart O and 40 CFR 31. The planned revisions to subpart O are expected to make it possible to use the process innovations tested in the pilot projects without having to obtain deviations. The planned revisions are also expected to update cross-references to other regulations that have changed, and eliminate references to obsolete forms and regulations.

Timetable:

Action	Date	FR Cite
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4177;

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RIN: 2050–AE62

Environmental Protection Agency (EPA) **Long-Term Actions**
Comprehensive Environmental Response, Compensation and Liability Act

3331. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES

Priority: Other Significant

Legal Authority: 42 USC 9602 and 9603

CFR Citation: 40 CFR 302 (Revision)

Legal Deadline: None

Abstract: The Agency is considering a proposal for corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F-and K- waste streams and entries in appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in table 302.4.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4737;

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RIN: 2050–AF03

3332. NATIONAL CONTINGENCY PLAN REVISIONS TO ALIGN WITH THE NATIONAL RESPONSE PLAN

Priority: Other Significant

Legal Authority: 42 USC 9601 et seq

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: The purpose of this regulation is to revise the National Contingency Plan (NCP) to align it with the National Response Plan (NRP), as required by the Department of Homeland Security. The purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants (see 40 CFR 300.1). The purpose of the NRP is to provide a common organizational structure and procedures for Federal departments and agencies to provide emergency and disaster assistance to

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State, tribal, and local governments for incidents of national significance. The NRP was developed by the Department of Homeland Security, in close consultation with Federal (including EPA), State, tribal, local governments, first responder organizations, private sector preparedness and relief groups. Alignment of the NCP with the NRP will facilitate smooth integration of emergency response activities under the NCP with the NRP when both plans are activated. The NRP does not alter the existing authorities of Federal departments and agencies, but rather, establishes the coordinating structures, processes, and protocols required to integrate the authorities of various agencies into an all-hazard approach to incident management. EPA is making another minor revision to the NCP. The descriptions of Federal agency capabilities are being updated, and modifications are being made, where appropriate to reflect the new Department of Homeland Security organization.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4971;

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RIN: 2050–AG22

Environmental Protection Agency (EPA) — Completed Actions

Comprehensive Environmental Response, Compensation and Liability Act

3333. REPORTABLE QUANTITY ADJUSTMENTS FOR CARBAMATES AND CARBAMATE-RELATED HAZARDOUS WASTE STREAMS; REPORTABLE QUANTITY ADJUSTMENT FOR INORGANIC CHEMICAL MANUFACTURING PROCESS WASTE (K178)

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 302; 40 CFR 355

Completed:

Reason	Date	FR Cite
NPRM	12/04/03	68 FR 67916
Final Action	08/16/06	71 FR 47106

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2050–AE12

3334. ADMINISTRATIVE REPORTING EXEMPTION FOR CERTAIN AIR RELEASES OF NOX

Priority: Other Significant

CFR Citation: 40 CFR 302.6; 40 CFR 355.40

Completed:

Reason	Date	FR Cite
Final Action	10/04/06	71 FR 58525

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2050–AF02

Environmental Protection Agency (EPA) — Proposed Rule Stage

Clean Water Act (CWA)

3335. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES–PHASE II

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1322; 33 USC 1361

CFR Citation: 40 CFR 1700

Legal Deadline: Final, Statutory, May 10, 2001.

Abstract: This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which pre-empt 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	05/00/07	
Final Action	08/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN No. 4357;

URL For More Information: www.epa.gov/waterscience/rules/unds

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RIN: 2040–AD39

3336. NPDES PERMIT REQUIREMENTS FOR MUNICIPAL SANITARY AND COMBINED SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, SANITARY SEWER OVERFLOWS, AND PEAK EXCESS FLOW TREATMENT FACILITIES

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 33 USC 1311, CWA 301; 33 USC 1314, CWA 304; 33 USC 1318, CWA 308; 33 USC 1342, CWA 402; 33 USC 1361, CWA 501(a)

CFR Citation: 40 CFR 122.38; 40 CFR 122.41; 40 CFR 122.42

Legal Deadline: None

Abstract: EPA is considering whether to develop a notice of rulemaking outlining a broad-based regulatory framework for sanitary sewer collection systems under the NPDES program. The Agency is considering proposing standard permit conditions for inclusion in permits for publicly owned treatment works (POTWs) and municipal sanitary sewer collection systems. The standard requirements would address reporting, public notification, and recordkeeping requirements for sanitary sewer overflows (SSOs), capacity assurance, management, operation and maintenance requirements for municipal sanitary sewer collection systems; and a prohibition on SSOs. The Agency is also considering proposing a regulatory framework for applying NPDES permit conditions, including applicable standard permit conditions, to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3999; EPA publication information: Final Action-projected date; Note: This rule was formerly known as "Revisions to NPDES Requirements for Compliance Reporting and Collection System Discharges."

Sectors Affected: 22132 Sewage Treatment Facilities

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

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RIN: 2040–AD02

3337. • AVAILABILITY OF AND PROCEDURES FOR REMOVAL CREDITS

Priority: Other Significant

Legal Authority: 33 USC 1251, CWA 101; 33 USC 1288, CWA 208; 33 USC 1311, CWA 301; 33 USC 1314, CWA 304; 33 USC 1317, CWA 307; 33 USC 1318, CWA 308; 33 USC 1319, CWA 309; 33 USC 1342, CWA 402; 33 USC 1345, CWA 405; 33 USC 1361, CWA 501

CFR Citation: 40 CFR 403

Legal Deadline: None

Abstract: This action is an update to the removal credits regulation found at 40 CFR 403.7. Specifically, EPA will propose to amend the list of pollutants eligible for removal credits in 40 CFR 403.7, Appendix G, Table II, to add 16 pollutants that EPA has determined would not need to be regulated under the sewage sludge regulations. These 16 pollutants have gone through the same assessment as the pollutants currently identified as eligible for removal credits in Table II; the assessment included public notice and comment in conjunction with a related Office of Water action.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/05	70 FR 60199
NPRM	01/00/07	
Final Action	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 3663.1; EPA publication information: ANPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2005/October/Day-14/w20000.htm; Split from RIN 2040-AC58.

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EPA—Clean Water Act (CWA)

Proposed Rule Stage

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RIN: 2040–AE88

Environmental Protection Agency (EPA)
Clean Water Act (CWA)

Final Rule Stage

3338. 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 122; 40 CFR 136; 40 CFR 141

Legal Deadline: None

Abstract: This regulatory action would amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR part 136 and the National Primary Drinking Water Regulations under 40 CFR part 141 to approve new and updated EPA methods for wastewater, ambient water quality, and drinking water, including new and updated versions of methods from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater, ambient water quality and/or drinking water programs, as authorized under the Clean Water Act and Safe Drinking Water Act. The proposal included new methods for metals, such as Method 200.8 (which utilizes ICP/MS), new methods for chemical pollutants (e.g., Method 245.7), updated methods for chemical pollutants (e.g., Methods 300.1 and 200.7), including methods from voluntary consensus standards bodies, and from other external organizations submitted under EPA's alternate test procedure program. The new and updated methods include methods from organizations such as the American Society for Testing and Materials, International Standard Methods, and the Association of Official Analytical Chemists-International.

Timetable:

Action	Date	FR Cite
NPRM	04/06/04	69 FR 18166
NODA	02/16/05	70 FR 7909
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4540; EPA publication information: NPRM - www.epa.gov/fedrgst/EPA-WATER/2004/April/Day-06/w6427.html; 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); EPA Docket information: OW-2003-0070

URL For More Information: www.epa.gov/waterscience/methods/

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RIN: 2040–AD71

3339. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR PEAK WET WEATHER DISCHARGES FROM PUBLICLY OWNED TREATMENT WORK TREATMENT PLANTS SERVING SANITARY SEWER COLLECTION SYSTEMS POLICY

Regulatory Plan: This entry is Seq. No. 130 in part II of this issue of the **Federal Register.**

RIN: 2040–AD87

3340. TEST PROCEDURES FOR THE ANALYSIS OF E. COLI, ENTEROCOCCI, FECAL COLIFORMS, AND SALMONELLA UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1251 et seq; 33 USC 1314(h); 33 USC 1345; 33 USC 1361(a)

CFR Citation: 40 CFR sec 136.3

Legal Deadline: None

Abstract: This regulatory action would amend the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" under 40 CFR part 136 to approve several microbiological methods for monitoring wastewater and biosolids for use by testing laboratories. The rule 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. Test procedures in part 136 must be used in implementing the NPDES program.

Timetable:

Action	Date	FR Cite
NPRM	08/16/05	70 FR 48256
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4950; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-

WATER/2005/August/Day-16/w16195.htm; EPA Docket information: OW-2004-0014

URL For More Information: www.epa.gov/waterscience/methods

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RIN: 2040–AE68

3341. 2006 EFFLUENT GUIDELINES PROGRAM PLAN

Priority: Substantive, Nonsignificant

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 307

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, September 5, 2006, Final Plan.

Abstract: EPA publishes a final Effluent Guidelines Plan every other year after taking comment on a preliminary plan, as required by Section 304(m) of the Clean Water Act. This Federal Register notice presents EPA's Effluent Guidelines Program Plan for 2006. This notice also discusses EPA's annual review of effluent limitations guidelines and standards undertaken pursuant to sections 304(b), 304(g), and 307(b). EPA's 2006 Plan will identify guidelines that may be revised or new guidelines that may be developed, and will provide a schedule for such rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/29/05	70 FR 51042
NPRM Comment Period End	10/28/05	
Final Plan	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4965; EPA publication information: NPRM - www.epa.gov/fedrgstr/EPA-WATER/2005/August/Day-29/w17032.htm; EPA Docket information: OW-2004-0032

URL For More Information: www.epa.gov/guide/plan.html

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RIN: 2040–AE76

3342. RULEMAKING ON DIRECT APPLICATION OF PESTICIDES TO WATERS OF THE UNITED STATES IN COMPLIANCE WITH FIFRA

Priority: Other Significant

Legal Authority: 33 USC 1251 et seq

CFR Citation: 40 CFR 122.3

Legal Deadline: None

Abstract: EPA is working to take final action on its February 1, 2005, proposed rulemaking and interpretive statement entitled "Application of Pesticides to Waters of the United States in Compliance with FIFRA." The proposed rulemaking would revise the NPDES permit program regulations to clarify that, when pesticides are applied to waters of the United States in compliance with FIFRA, an NPDES permit is not required in two circumstances: (1) The application of pesticides directly to waters of the United States in order to control pests. Examples of such applications include applications to control mosquito larvae, aquatic weeds or other pests that are present in the waters of the United States. (2) The application of pesticides to control pests that are present over waters of the United States, including near such waters, that results in a portion of the pesticides being deposited to waters of the United States; for example, when insecticides are aerially applied to a forest canopy where waters of the United States may be present below the canopy or when pesticides are applied over, including near, water for control of adult mosquitos or other pests.

Timetable:

Action	Date	FR Cite
NPRM	02/01/05	70 FR 5093
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4995; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2005/February/Day-01/w1868.htm;

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RIN: 2040–AE79

3343. CONCENTRATED ANIMAL FEEDING OPERATION RULE

Regulatory Plan: This entry is Seq. No. 131 in part II of this issue of the Federal Register.

RIN: 2040–AE80

3344. WATER TRANSFERS RULE

Regulatory Plan: This entry is Seq. No. 132 in part II of this issue of the Federal Register.

RIN: 2040–AE86

3345. • IMPLEMENTATION GUIDANCE FOR MERCURY WATER QUALITY CRITERIA

Regulatory Plan: This entry is Seq. No. 133 in part II of this issue of the Federal Register.

RIN: 2040–AE87

Environmental Protection Agency (EPA) **Long-Term Actions**

Clean Water Act (CWA)

3346. 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	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Additional Information: SAN No. 4526;

Sectors Affected: 3251 Basic Chemical Manufacturing; 325 Chemical Manufacturing; 3259 Other Chemical Product Manufacturing; 54 Professional, Scientific and Technical Services

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

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RIN: 2050–AE87

3347. 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; EPA publication information: Final Action-projected date;

Sectors Affected: 3221 Pulp, Paper, and Paperboard Mills

URL For More Information: www.epa.gov/waterscience/pulppaper/reg.html

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RIN: 2040–AD49

3348. 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 water quality standard. Because the methods currently approved under 40 CFR part 136 were designed to support primarily technology-based permitting needs, and because these technology-based levels are as much as 280 times higher than water quality-based criteria for metals, EPA is pursuing approval of new test procedures.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3702;

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RIN: 2040–AC75

3349. 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	
Direct Final	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3714;

URL For More Information: www.epa.gov/waterscience/methods

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RIN: 2040–AC92

3350. 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 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would also discuss the format, content, quality assurance/quality control, and data validation requirements for use of test methods. It would also describe EPA's planned steps to provide additional information through technical bulletins, and/or guidance documents geared toward clarifying technical and policy issues associated with the use of test methods approved for use in the program.

Timetable:

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3713;

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RIN: 2040–AC93

3351. TEST PROCEDURES FOR THE ANALYSIS OF CO–PLANAR AND MONO–ORTHO–SUBSTITUTED POLYCHLORINATED BIPHENYLS (PCBS) UNDER THE CLEAN WATER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1314; 33 USC 1361(a)

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: The proposal would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR parts 136 and 503 to approve EPA Method 1668 for the congener-specific determination of co-planar and mono-ortho-substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern.

EPA—Clean Water Act (CWA)

Long-Term Actions

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4049;

URL For More Information: www.epa.gov/waterscience/methods

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RIN: 2040–AD09

3352. NPDES APPLICATIONS REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1311, CWA 301; 33 USC 1312, CWA 302; 33 USC 1314, CWA 304; 33 USC 1316, CWA 306; 33 USC 1318, CWA 308; 33 USC 1342, CWA 402; 33 USC 1361, CWA 501

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124

Legal Deadline: None

Abstract: EPA plans to revise NPDES requirements in parts 122, 123, and 124 to eliminate redundant regulations, provide clarification, and remove or streamline unnecessary procedures. Revisions under consideration in this rule include modifying and streamlining existing permit application requirements. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 3786; EPA publication information: Final Action-projected date;

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RIN: 2040–AC84

3353. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS

Priority: Substantive, Nonsignificant

Legal Authority: PL 106–554, sec 1404–1407

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	12/00/07	
Final Action	12/00/08	

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

3354. EFFLUENT GUIDELINES AND STANDARDS: RECODIFICATION OF VARIOUS EFFLUENT GUIDELINES

Priority: Info./Admin./Other

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

CFR Citation: 40 CFR 401; 40 CFR 419

Legal Deadline: None

Abstract: Several years ago, OW conducted a comprehensive review of effluent guidelines and removed from the Code of Federal Regulations (CFR) provisions contained in a number of regulations that were obsolete or redundant (FR 60 33926, June 29, 1995). In addition to removing these provisions, EPA's Office of Water identified additional opportunities for further streamlining some of the effluent guidelines. This action would recodify the effluent limitations and standards for one point source category and the general definitions without making any legally substantive changes in the requirements. The revised and shorter format will enable Federal, State and local regulators and the regulated community to more easily

read, understand, and implement the regulations. By reducing the number of pages in title 40, the new format will also afford some long-term savings in the annual cost of printing these regulations. The point source category 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	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: SAN No. 4822;

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RIN: 2040–AE61

3355. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR AIRPORT DEICING OPERATIONS

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

Unfunded Mandates: Undetermined

Legal Authority: CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

CFR Citation: None

Legal Deadline: None

Abstract: In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from airport deicing operations. Based on preliminary study and on public comments, discharges from deicing operations have the potential to cause fish kills, algae blooms, and contamination to surface or ground waters. A 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 would not be subject to any potential effluent guidelines.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4948; EPA Docket information: OW-2004-0038

URL For More Information: www.epa.gov/waterscience/guide/airport

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RIN: 2040–AE69

3356. 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; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from drinking water treatment plants. Based on preliminary study and on public comments, discharges from drinking water facilities have the potential to discharge significant quantities of conventional and toxic pollutants, including metals, chlorine, and salts. Some of the sources of these pollutants are treatment sludges and reverse osmosis reject wastewaters. The preliminary data is not conclusive, and additional study and analysis of treatability is necessary to determine whether pollutant reductions are technologically feasible and economically achievable. The early steps of regulatory development, especially gathering additional discharge data, will be critical to better-informed decisions on how to proceed. EPA is preparing to conduct a study of a representative sample of the industry, along with wastewater sampling of facilities representing different size categories and treatment technologies.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4949; EPA Docket information: OW-2004-0035

URL For More Information: www.epa.gov/waterscience/guide/dw/index.htm

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RIN: 2040–AE74

3357. NEW/REVISED AMBIENT WATER QUALITY CRITERIA (AWQC) FOR RECREATIONAL WATERS

Priority: Substantive, Nonsignificant

Legal Authority: CWA 304(a)(9)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, October 5, 2005.

Abstract: The results of four fresh water (Great Lakes) epidemiology studies and companion rapid fecal indicator validation studies will be analyzed and evaluated whether to be

used in establishing the criteria recommended for certain fresh waters designated for primary contact recreation.

Timetable:

Action	Date	FR Cite
Draft Guidance	To Be Determined	
Final Guidance	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Tribal

Additional Information: SAN No. 4967;

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RIN: 2040–AE77

3358. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR CHLORINE AND CHLORINATED HYDROCARBON MANUFACTURING PROCESS

Priority: Substantive, Nonsignificant

Legal Authority: 30 USC 1311 et seq

CFR Citation: 40 CFR 414 (Revision); 40 CFR 415 (Revision)

Legal Deadline: None

Abstract: EPA is considering revising the existing effluent guidelines and standards for the manufacture of chlorinated hydrocarbons and elemental chlorine. We refer to this industrial segment as chlorine and chlorinated hydrocarbons manufacturing, or CCH. Currently, wastewater discharges from chlorinated hydrocarbons manufacturing are subject to the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) Point Source Category (40 CFR part 414). The wastewater discharges from chlorine manufacturing through the chlor-alkali manufacturing process are subject to the Inorganic Chemicals Point Source Category (40 CFR part 415). Based on a preliminary study, discharges from vinyl chloride and chlor-alkali manufacturing might contain significant quantities of toxic pollutants, including dioxin, and in the 2004 Effluent Guidelines Program Plan, EPA identified these two industrial sectors as candidates for possible regulatory revision. EPA has since expanded the scope of this rulemaking study to include all manufacturing processes that produce elemental chlorine and the manufacture of chlorinated hydrocarbons. Chlorinated hydrocarbons that are regulated under the Pesticide Chemicals Manufacturing Point Source Category (40 CFR 455) or the Pharmaceutical Manufacturing Point Source Category (40 CFR 439) are not included in the CCH manufacturing segment. Preliminary estimates of the scope of the rulemaking are that 60 to 70 facilities might be affected.

Timetable:

Action	Date	FR Cite
NPRM	03/00/08	
Final Action	03/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: SAN No. 4980; This action was previously titled Effluent Limitations Guidelines and Standards for the Vinyl Chloride and Chlor-Alkali Point Source Categories; EPA Docket information: EPA-HQ-OW-2005-0012

URL For More Information: www.epa.gov/waterscience/guide/cch/

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RIN: 2040–AE82

3359. • 2008 EFFLUENT GUIDELINES PROGRAM PLAN

Priority: Substantive, Nonsignificant

Legal Authority: CWA 33 USC 1251, et seq; 33 USC 301(d); 33 USC 304(b); 33 USC 304(g); 33 USC 304(m); 33 USC 306; 33 USC 307(b); 33 USC 1311(d); 33 USC 1314(b); 33 USC 1314(g); 33 USC 1314(m); 33 USC 1316; 33 USC 1317

CFR Citation: Not Yet Determined

Legal Deadline: Other, Statutory, December 2008, Final Plan.

Abstract: EPA publishes a final Effluent Guidelines Plan every other year after taking comment on a preliminary plan, as required by Section 304(m) of the Clean Water Act. This Federal Register notice presents EPA's preliminary Effluent Guidelines Program Plan for 2008. This notice also discusses EPA's annual review of effluent limitations guidelines and standards undertaken pursuant to sections 304(b), 304(g), and 307(b). EPA's 2008 Plan will identify guidelines that may be revised or new guidelines that may be developed, and will provide a schedule for such rulemaking.

Timetable:

Action	Date	FR Cite
Proposed Plan	02/00/08	
Final Plan	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5064

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RIN: 2040–AE89

Environmental Protection Agency (EPA)
Clean Water Act (CWA)

Completed Actions

3360. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3

Priority: Other Significant

CFR Citation: 40 CFR 9; 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125

Completed:

Reason	Date	FR Cite
NPRM	11/24/04	69 FR 68444
NODA	11/25/05	70 FR 71057
Final Action	06/16/06	71 FR 35005

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2040–AD70

3361. AMENDMENTS TO NPDES REGULATIONS FOR STORM WATER DISCHARGES FROM OIL/GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS, OR TRANSMISSION FACILITIES

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 122.26

Completed:

Reason	Date	FR Cite
NPRM	01/06/06	71 FR 894
Final Action	06/12/06	71 FR 33628

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2040–AE81

Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)

Proposed Rule Stage

3362. DRINKING WATER CONTAMINANT CANDIDATE LIST 3

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300g–1(b)

CFR Citation: None

Legal Deadline: Other, Statutory, February 6, 2008, The 1996 SDWA Amendments require EPA to publish a list of candidate contaminants every 5 years. Not a rulemaking.

Abstract: The Safe Drinking Water Act (SDWA) as amended in 1996 requires EPA to publish a list every 5 years of contaminants that are known or anticipated to occur in public water systems, and which may require regulation under the SDWA. The purpose of this action is to prepare and publish the third Contaminant Candidate List (CCL). In preparing the third list, EPA will evaluate the classification approach recommended by the National Academy of Sciences' National Research Council (NRC) and, 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 2007.

Timetable:

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

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

3363. 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: Final, Statutory, August 6, 2006, SDWA requires regulatory determinations every 5 years. Last round was made in August 2003.

Abstract: The 1996 amendments to the Safe Drinking Water Act (SDWA) require EPA to publish a list of non-regulated contaminants every 5 years, which may warrant regulation due to their health effects and their potential for occurrence in public water systems (PWSs). The first Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10247). The second CCL was published on February 22, 2005 (70 FR 9017). In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the second CCL and determine whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). In order to make a

EPA—Safe Drinking Water Act (SDWA) — Proposed Rule Stage

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	12/00/06	
Final Notice	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4821;

URL For More Information: www.epa.gov/safewater/ccl/index.html

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RIN: 2040–AE60

Environmental Protection Agency (EPA) — Final Rule Stage

Safe Drinking Water Act (SDWA)

3364. UNREGULATED CONTAMINANT MONITORING REGULATION FOR PUBLIC WATER SYSTEMS REVISIONS

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141.40

Legal Deadline: Final, Statutory, August 6, 2004, 5 years after UCMR 1.

Abstract: The 1996 amendments to the Safe Drinking Water Act require the Agency to publish, every 5 years, a revised listing of the contaminants to be monitored under the UCMR. The purpose of this action is to meet that requirement by revising the National Primary Drinking Water Regulations for the UCMR by making minor modifications to the current UCMR program to improve its implementation, to revise the lists of analyses to permit a second round of monitoring, and to approve the analytical methods needed to perform this monitoring.

Timetable:

Action	Date	FR Cite
NPRM	08/22/05	70 FR 49093
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: SAN No. 4770; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2005/August/Day-22/w16385.htm; EPA Docket information: EPA-HQ-OW-2004-0001

URL For More Information: www.epa.gov/ogwdw/ucmr/

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RIN: 2040–AD93

3365. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR LEAD AND COPPER: SHORT–TERM REGULATORY REVISIONS AND CLARIFICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: SDWA: 42 USC sec 300f et seq

CFR Citation: 40 CFR 141, 40 CFR 142

Legal Deadline: None

Abstract: This action (proposed in the Federal Register on July 18, 2006 (71 FR 40827)), is minor as it makes minor additions and clarifications to an existing regulation. EPA undertook several activities in 2004 to determine whether a national problem exists related to elevated drinking water lead levels comparable to that in the District of Columbia. This evaluation, while it did not reveal a national problem comparable to D.C., highlighted areas for improvement and clarification to the existing lead and copper rule and associated guidance materials. Several short-term actions will be initiated in 2005 and completed during the 2005-2006 time frame. EPA also identified several regulatory changes that will be considered as part of identifying more comprehensive changes to the rule. These considerations are longer-term as they require additional data collection, research, analysis, and stakeholder involvement to support decisions. These longer-term regulatory changes will be examined by a separate workgroup under an additional regulatory action. This action addresses the regulatory revisions to be completed in the 2005-2006 time frame. Regulatory changes to be addressed include: clarifications about sample collection; clarifications to definitions for monitoring and compliance periods; modifications regarding public water system notification to their state of treatment changes prior to the change; revisions to language related to criteria for reduced monitoring; revisions to language regarding consideration of lead service line replacement for compliance purposes; revisions to language related to flushing guidance; and additional requirements for consumer notification of lead monitoring results.

Timetable:

Action	Date	FR Cite
NPRM	07/18/06	71 FR 40828

EPA—Safe Drinking Water Act (SDWA)

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	09/18/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAN No. 4981; EPA publication information: NPRM - http://www.epa.gov/fedrgstr/EPA-WATER/2006/July/Day-18/w6250.htm;

URL For More Information: www.epa.gov/safewater/lcmr/implement.html

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RIN: 2040–AE83

Environmental Protection Agency (EPA)
Safe Drinking Water Act (SDWA)

Long-Term Actions

3366. NATIONAL PRIMARY DRINKING WATER REGULATIONS: RADON

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect State, local or tribal governments.

Legal Authority: 42 USC 300f, et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Other, Statutory, February 6, 1999, Publish radon health risk reduction and cost analysis. NPRM, Statutory, August 6, 1999. Final, Statutory, November 2, 2000.

Abstract: In 1999, EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM Original	07/18/91	56 FR 33050
Notice 99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	05/00/09	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

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

Additional Information: SAN No. 2281; EPA publication information: NPRM - http://www.epa.gov/egwdw/radon/proposal.html; EPA Docket information: EPA-HQ-OW-2003-0041

Sectors Affected: 22131 Water Supply and Irrigation Systems

URL For More Information: http://www.epa.gov/ogwdw/radon.html

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RIN: 2040–AA94

3367. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will re-examine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 3238;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040–AC13

3368. NATIONAL SECONDARY DRINKING WATER REGULATIONS (NSDWR): METHYL TERTIARY BUTYL ETHER (MTBE) AND TECHNICAL CORRECTIONS TO THE NSDWR

Priority: Other Significant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 143 (Revision)

Legal Deadline: None

Abstract: Methyl Tertiary Butyl Ether (MTBE) is an automobile fuel additive, introduced in the late 1970s during lead phase-out as an octane enhancer. It has been used in increasing quantity in the 1990s to meet the requirement of the Federal Reformulated Gasoline (RFG) and Oxyfuels programs required by the Clean Air Act Amendments of

1990. However, MTBE has been detected in ground water and drinking water in a number of States due to leaking underground storage tanks and leaking pipelines. Although most of these detections are at levels well below health concern, MTBE's distinctive turpentine-like taste and odor can be detected at low levels. Presently, the Water program is collecting and analyzing research information on occurrence, health effects, method sensitivity, and treatment effectiveness.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4404;

Sectors Affected: 22131 Water Supply and Irrigation Systems

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RIN: 2040–AD54

3369. NATIONAL PRIMARY DRINKING WATER REGULATIONS: REVISIONS TO THE TOTAL COLIFORM MONITORING AND ANALYTICAL REQUIREMENTS AND ADDITIONAL DISTRIBUTION SYSTEM REQUIREMENTS

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

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

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: None

Abstract: EPA is revising the Total Coliform Rule (TCR), which was published in 1989. On July 18, 2003, EPA published a Federal Register (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	07/00/08	
Final Action	12/00/10	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State, Tribal

Federalism: Undetermined

Additional Information: SAN No. 4775;

URL For More Information: www.epa.gov/safewater/tcr/tcr.html

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RIN: 2040–AD94

3370. UNDERGROUND INJECTION CONTROL: UPDATE OF STATE PROGRAMS

Priority: Info./Admin./Other

Legal Authority: 42 USC 300h–1, SDWA 1422; 42 USC 300h–4, SDWA 1425

CFR Citation: 40 CFR 147 (Revision)

Legal Deadline: None

Abstract: EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason is to allow EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many States. This update is necessary to ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are federally enforceable if necessary. EPA Regional Offices will be submitting State revision packages as they are completed. Part 147 will then be updated in several stages. This is the first stage. This effort should have no impact on the regulated community because we will merely be incorporating by reference elements of already effective State programs.

Timetable:

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4236;

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RIN: 2040–AD40

3371. DRINKING WATER REGULATIONS FOR AIRCRAFT PUBLIC WATER SYSTEM

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

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: The action is to tailor drinking water rule requirements to the unique characteristics of aircraft to ensure that the water passengers drink while on an airplane is safe. This action is necessary because aircraft public water systems are very different from traditional public water systems. Aircraft fly to multiple destinations throughout the course of any given day and may board water from different sources along the way. Depending on the quality of the water that is boarded from these multiple sources and the care used to board the water, contamination could be introduced. This increases the vulnerability of the aircraft's water system to contamination when compared to a typical public water system. In the United States, water loaded aboard passenger aircraft comes from public water systems. The water provided by public water systems that are regulated by State and Federal authorities is among the safest in the world; however, a significant percentage of passenger aircraft travel includes international destinations. These aircraft may board water from foreign sources which are not subject to EPA drinking water standards. Therefore, this action also will address the boarding of foreign water by U.S. aircraft.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
Final Action	11/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

Additional Information: SAN No. 4966;

URL For More Information: www.epa.gov/safewater/airlinewater/index2.html

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RIN: 2040–AE84

3372. • SECOND 6–YEAR REVIEW OF EXISTING NATIONAL PRIMARY DRINKING WATER REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 300f et seq

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Statutory, August 6, 2008, Complete review for contaminants with NPDWRs promulgated prior to August 2002.

Abstract: The Safe Drinking Water Act (SDWA) requires EPA to review and revise, if appropriate, all National Primary Drinking Water Regulations (NPDWRs) no less frequently than once every 6 years. According to SDWA, any revisions of drinking water regulations must maintain, or increase, the level of public health protection provided; however, EPA may identify regulatory changes that will streamline or reduce existing requirements without lessening the level of public health protection. As part of this action, the Office of Water (OW) will implement the existing protocol for conducting each 6 year review (developed under the first 6 year review cycle) to review critical elements for regulated chemical contaminants (e.g., health risks, occurrence, analytical methods, treatment technologies). No new requirements will be imposed by this action. The purpose of the review is to determine whether new data, technology, or other factors exist that justify revisions to existing NPDWRs. The outcome of the review will be a Federal Register notice making available the results of the Agency's review and recommendations for any regulations the Agency may consider revising.

Because this action does not change or add to existing requirements, OW will not be performing a formal economic analysis or consulting with small businesses, governments, or tribal officials. OW does not plan to generate new data as part of this action; the review will be based on recent compliance data from public water systems and existing data on health effects (such as completed IRIS and OPPTS health risk assessments) and analytical methods.

Timetable:

Action	Date	FR Cite
Preliminary Notice	04/00/08	
Final Notice	09/00/09	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 5066;

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RIN: 2040–AE90

Environmental Protection Agency (EPA) — Completed Actions

Safe Drinking Water Act (SDWA)

3373. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUND WATER RULE

Priority: Other Significant. Major under 5 USC 801.

CFR Citation: 40 CFR 141; 40 CFR 142

Completed:

Reason	Date	FR Cite
Final Action	11/08/06	71 FR 65574

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 2040–AA97

Environmental Protection Agency (EPA) — Long-Term Actions

Shore Protection Act (SPA)

3374. 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	To Be	Determined

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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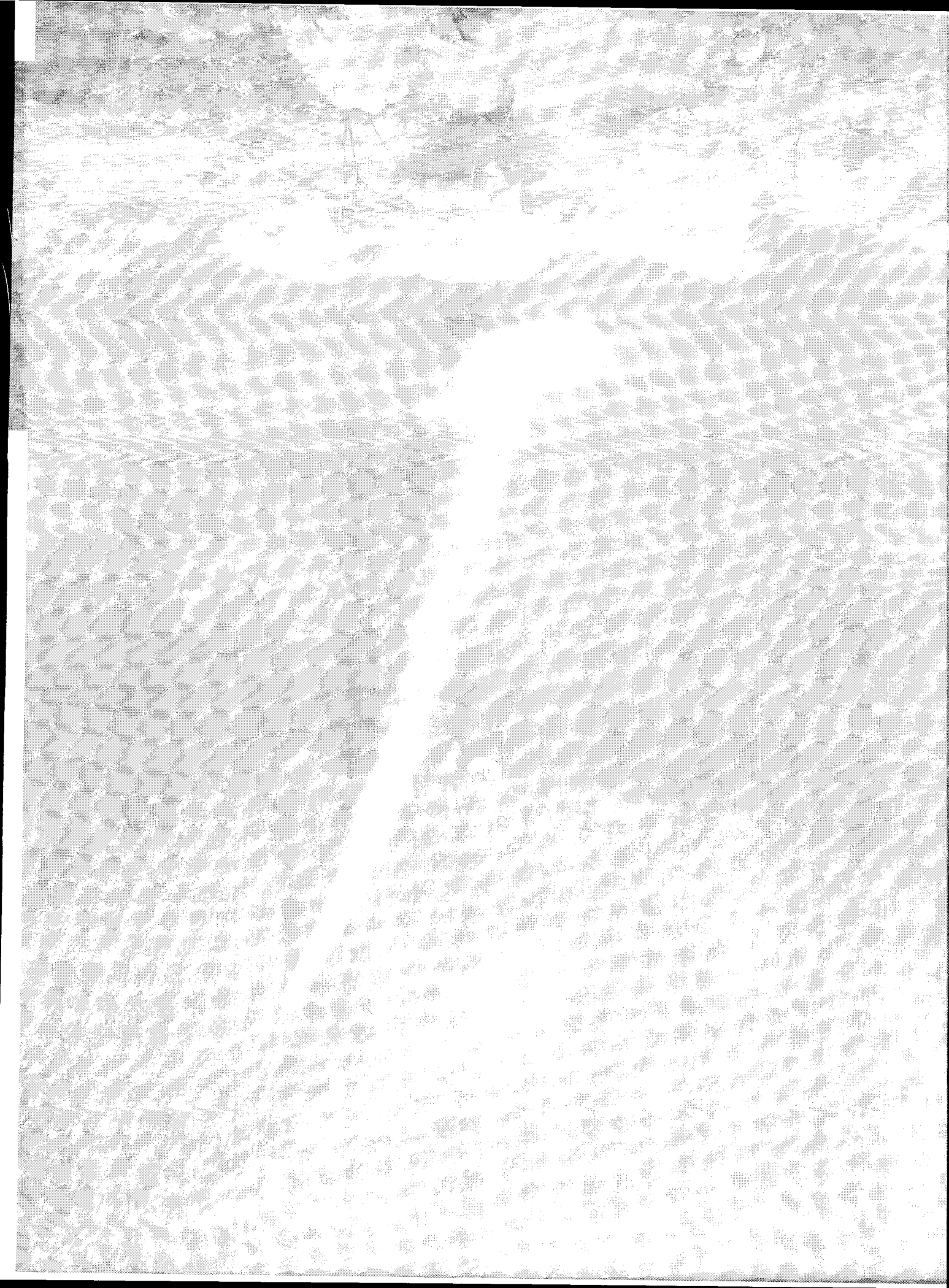

A. INDEX TO ENTRIES THAT AGENCIES HAVE DESIGNATED FOR SECTION 610 REVIEW

Section 610(a) of the Regulatory Flexibility Act (5 U.S.C. 601) requires each agency to have a plan for the periodic review of its rules that have a significant economic impact on a substantial number of small entities. Each agency must publish annually in the Federal Register a list of the rules that it plans to review in the next year. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

3179 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7) **(Section 610 Review)**

B. INDEX TO ENTRIES FOR WHICH A REGULATORY FLEXIBILITY ANALYSIS IS REQUIRED

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the Unified Agenda. The following index lists the regulatory actions in this publication for which EPA believes that the Act may require a Regulatory Flexibility Analysis because the rule is likely to have such effects on small businesses, small governmental jurisdictions, or small organizations. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

Businesses

102 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment
116Control of Hazardous Air Pollutants From Mobile Sources
124Lead-Based Paint Activities; Amendments for Renovation, Repair and Painting
3211 Rule on Section 126 Petitions From NC to Reduce Interstate Transport of Fine PM and 03; FIPs to Reduce Interstate Transport of Fine PM L&03; Revisions to CAIR Rule; Revisions to Acid Rain Program
3366 National Primary Drinking Water Regulations: Radon
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3211 Rule on Section 126 Petition From NC to Reduce Interstate Transport of Fine PM and 033; FIPs to Reduce Interstate Transport of Fine PM * 03' Revisions to CAIR Rule; Revisions to Acid Rain Program
3366 National Primary Drinking Water Regulations: Radon
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3373 National Primary Drinking Water Regulations: Ground Water Rule

Organizations

3170 Lead-Based Paint Activities; Amendments for Renovation, Repair and Painting
3211 Rule on Section 126 Petition from NC to Reduce Interstate Transport of Fine PM and O3; FIPs to Reduce Interstate Transport of Fine PM & O3; Revisions to CAIR Rule; Revisions to Acid Rain Program
3373 National Primary Drinking Water Regulations: Ground Water Rule

C. INDEX TO ENTRIES THAT MAY AFFECT SMALL ENTITIES WHEN A REGULATORY FLEXIBILITY ANALYSIS IS NOT REQUIRED

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Some agencies including EPA have chosen to identify additional regulatory actions that may have some impact on small entities even though a Regulatory Flexibility Analysis may not be required.
The following index lists the regulatory actions in this publication for which agencies have chosen to indicate that some impact on small entities is likely even though a Regulatory Flexibility Analysis may not be required. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

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98 Endocrine Disrupter Screening Program (EDSP); Implementing the Screening and Testing Phase
101 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder
103 Implementing Periodic Monitoring in Federal and State Operating Permits Program
107 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals
108 Pesticides; Competency Standards for Occupational Users
109 Pesticides; Agricultural Worker Protection Standard Revisions
110 Pesticides; Agricultural Container Recycling Program
115 NESHAP: Halogenated Solvent Cleaning –Residual Risk Standards
123 Pesticides; Data Requirement for Conventional Chemicals
127 Testing Agreement for Perfluorooctanoic Acid (PFOA)
3009 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements
3012 Public Information and Confidentiality Regulations
3023 National VOC Emission Standards for Consumer Products; Amendments
3024 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide
3029 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization
3031 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers
3034 Area Source Standards—Clay Ceramics Industry
3035 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act
3037 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing
3047 NESHAP Autobody Refinishing – Area Source Rule
3053 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed on or Before December 9, 2004
3061 New Source Performance Standards (NSPS): Equipment Leaks-subpart VV & GGG
3074 Review of New Sources and Modification in Indian Country
3076 NSPS: SOCMI—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60
3078 Portland Cement Manufacturing Industry NESHAP: Amendment to Implement Court Remand
3085 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO2) Area
3086 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Reconsideration of the Particulate Matter Standard)
3087 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)
3094 NESHAP: Oil and Natural Gas Production Facilities-Area Source Rule
3100 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances in Foam Blowing
3131 NESHAP: Group II Polymers and Resins—Residual Risk Standards
3145 Area Source national Emission Standards for hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries
3146 NESHAP: area Source Standards—Plating and Polishing
3165 NESHAP: Ethylene Oxide for Sterilization Facilities-Residual Risk Standards
3169 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards
3176 3060 National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks—Residual Risk Standards
3183 Protection of Stratospheric Ozone: Various Minor Amendments to the Regulations Implementing the Allowance System for Controlling HCFC Production, Import and Export
3191 Protection of Stratospheric Ozone: Restriction on the Sales of Pre-Charged Split Systems
3201 National Volatile Organic Compound Emission Standards for Architectural Coatings-Amendments
3212 NESHAP: Plastic Parts and Products (Surface Coating)—Area Source Rule
3229 Pesticides; Data Requirements for Antimicrobials
3233 Pesticides: Data Requirements for Plant-Incorporated Protectants (PIPs)
3236 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)
3244 Pesticides; Registration Requirements for Antimicrobial Pesticide Products
3246 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment
3247 Pesticides; Procedures for the Registration Review Program
3249 Nanoscale Materials Under TSCA
3250 Polychlorinated Biphenyls (PCBs); Exemptions From

the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce
3251 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances
3253 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture
3257 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture
3259 Significant New Use Rule (SNUR); Chemical-Specific SNURs to Extend Provisions of Section 5(e) Orders
3261TSCA Section 8(a) Preliminary Assessment Information Rules
3262 TSCA Section 8 (d) health and Safety Data Reporting Rules
3263 Follow-up Rules on Existing Chemicals
3264 Voluntary High Production Volume (HPV) Chemical Challenge Program
3267 Testing Agreement for Diethanolamine
3268 Testing Agreement for Hydrogen Fluoride
3269 Testing Agreement for Phthalic Anhydride
3270 Testing Agreement for Maleic Anhydride
3273 Asbestos Model Accreditation Plan Revisions
3274 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule
3275 Polychlorinated Biphenyls (PCBs): Disposal of PCBs; Implementation Issues
3276 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers
3278 Future Testing for Existing Chemicals (Overview Entry)
3279 Test Rule; Hazardous Air Pollutants (HAPs)
3280 Test Rule; Certain Metals
3281 Testing Agreement for Certain Oxygenated Fuel Additives
3282 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity
3283 Significant New Use Rule (SNUR); Refractory Ceramic Fibers (RCFs)
3284 TSCA Policy Statement on Oversight of Transgenic Organisms (including Plants)
3285 Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazardous in Target Housing
3286 Testing Agreement for Aryl Phosphates (ITC List 2)
3287 Test Rule; Brominated Flame Retardants (BFRs)
3289 Significant New Use Rule (SNUR); Certain Polybrominated Diphenyl Ethers (PBDEs)
3292 TRI; Response to Petition To Delete Chromium, antimony, and Titanate From the Medal Compound Categories Listed on the Toxics Release Inventory
3293 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals
3294 Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-like Compounds Category Under EPCRA, Section 313
3297 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation
3298 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release inventory List of Toxic Chemicals
3303 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes
3315 Standards for Management of Coal Combustion Wastes-Non-Power Producers and Minefilling
3320 Revisions of the Lead-Acid Battery Export Notification and Consent Requirements
3346 Revisions to the National Oil and Hazardous substances Pollution Contingency Plan: Subpart J Product Schedule Listing Requirements
3358 Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated hydrocarbon Manufacturing Process
3367 National Primary Drinking Water Regulation Aldicarb
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3009 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements
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3053 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004
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3364 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions
3365 National Primary Drinking Water Regulations for Lead and Copper: Short-Term Regulatory Revisions and Clarifications
3367 National Primary Drinking Water Regulations: Aldicarb
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3275 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues
3284 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants
3285 Lead-Based Paint; Amendments to Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing
3315 Standards for the Management of Coal Combustion Wastes—Non-Power Producers and Minefilling
3367 National Primary Drinking Water Regulations: Aldicarb

D. INDEX TO ENTRIES THAT MAY AFFECT GOVERNMENT LEVELS

Executive Order 12866 entitled "Regulatory Planning and Review," signed September 30, 1993 (58 FR 51735) and the Unfunded Mandates Reform Act of 1995 (P.L. 104-4) direct agencies to assess the effects of Federal regulations on State, local, and tribal governments. In keeping with these efforts, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions have an effect on various levels of government. See also Index E for entries that may have "federalism implications" as defined in Executive Order 13132 entitled "Federalism," signed August 4, 1999 (64 FR 43255).

The following index lists the regulatory actions in this publication that may have effects on State, local, tribal, or Federal levels of government. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

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99 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power producers
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104 Review of the National Ambient Air Quality Standards for Ozone
105 Prevention of Significant Deterioration, Nonattainment New Source Review, and New Source Performance Standards: Emissions Test for Electric Generating Units
108 Pesticides; Competency Standards for Occupational Users
111 Revisions to the Spill Preventions, Control, and Countermeasure (SPCC) Rule, 40 CFR Part 112
112 Expanding the Comparable Fuels Exclusion under RCRA
113 Definition of Solid Wastes Revisions
117 Clean Air Fine Particle Implementation Rule
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122 Final Rule for Implementation of the New Source Review (NSR) Program for PM 2.5
123 Pesticides; Data Requirements for Conventional Chemicals
124 Lead-Based Paint Activities; amendments for Renovation, Repair, and Painting
125 Pesticides: Data Requirements for Biochemical and Microbial Products
128 Hazardous Waste Manifest Revisions-Standards and Procedures for Electronic Manifest
129 Oil Pollution Prevention: spill Prevention, Control, and Countermeasure (SPCC) Requirements—Amendments
130 National Pollutant Discharge Eliminations System Permit Requirements for Peak Wet Weather Discharges from Publicly Owned Treatment Work Treatment Plants Serving Sanitary Sewer Collection Systems Policy
131 Concentrated Animal Feeding Operation Rule
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133 Implementation Guidance for Mercury Water Quality Criteria
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3003 Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions
3009 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements
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3067 Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU
3071 Clean Air Mercury Rule; Federal Plan
3072 Phase 2 of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard-Notice of Reconsideration
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3087 3086 NESHAP: National Emission Standards for Hazardous Air Pollutants; Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)
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3130 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas
3135 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule
3138 Lifting the Stay of the 8-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call")
3147 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair and Replacement (RMEE): Maintenance and Repair Amendments
3149 Standards of Performance for Stationary Spark Ignited Internal Combustion Engines
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3169 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards
3176 National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium anodizing Tanks –Residual Risk Standards
3180 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Revising the Effective Date of the Particular Matter Standard Amendment)
3181 Ambient Air Quality Monitoring Regulations: Revisions
3184 NESHAP: Ferroallorys Production: Ferromanganese and Silicomanganese Residual Risk Standards
3186 Ambient Air Quality Monitoring Regulations: Revisions
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3367 National Primary Drinking Water Regulations: Aldicarb
3369 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements
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Executive Order 13132 entitled "Federalism," signed August 4, 1999 (64 FR 43255) directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have "federalism implications." This term refers to actions "that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." The following index lists the regulatory actions in this publication that may have federalism implications. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

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