



# Semiannual Regulatory Agenda



SPRING 2007

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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, Economics,  
and Innovation

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## ENVIRONMENTAL PROTECTION AGENCY (EPA)

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#### Spring 2007 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 send an e-mail with your name and address to: nscep-priority@bps-lmit.com, or call 800-490-9198. 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; telephone: (202) 564-6564; e-mail: schwartz.philip@epa.gov.

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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](http://www.epa.gov/regagenda)).

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

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

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

#### B. How Can You Be Involved in EPA's Rule and 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

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solutions to problems, and we stress this point most strongly in all of our training programs for rule and policy developers. Democracy gives real power to individual citizens, but with that power comes responsibility. We urge you to become involved in EPA's rule and policymaking process.

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

EPA includes regulations and certain major policy documents in the agenda. 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. You can see EPA's current regulatory plan at our [epa.gov/regagenda](http://epa.gov/regagenda) website.

### D. How Is the Agenda Organized?

We have organized the Agenda:

First, into 14 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 initiate rulemaking. Prerulemakings

may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

2. Proposed Rule — This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rule — This section includes rules that will be issued as a final rule within a year.
4. Long-Term Action — This section includes rulemakings for which the next scheduled regulatory action is after March 2008.
5. Completed Action — This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 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 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,

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“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:** The URL for submitting electronic comments is [www.regulations.gov](http://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. For some of our actions we include the Internet addresses for rulemaking documents and for getting more information about the rulemaking and the program of which it is a part.

**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 establishes 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

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Reduction Act, and other non-rule activities.

**2. EPA Websites**

As mentioned above, some of the actions listed in the Agenda include a URL that provides additional information.

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

If you have access to the Internet you can use databases and their accompanying search engines developed by the EPA and the Regulatory Information Service Center (RISC) at the General Services Administration to help you locate actions that are of interest to you. The EPA regulatory agenda search engine is located at [www.epa.gov/regAgenda](http://www.epa.gov/regAgenda). We are working on making the site easier to use and 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 list of the existing rules that we are reviewing under section 610 of the RFA;
- A list of actions that may have a significant impact on a substantial number of small businesses, small governments, or small non-profit organizations ;
- A list of actions that may have some impact on some small businesses, small governments, or small nonprofit organizations but which may either have less than a significant impact or affect fewer than a substantial number of them;
- A list of actions that may affect State, local, or tribal governments; and
- A list of actions that may have federalism implications as defined in E.O. 13132.

There is a sixth index 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:

- Air
- Water
- Wastes and emergency response
- Pesticides
- Toxic substances
- Right-to-know and toxic release inventory
- Environmental impacts
- Endangered species
- Meetings
- The Science Advisory Board
- Daily full-text notices with page numbers, and
- General information.

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If you have e-mail without full Internet access, please send an e-mail to [envsubset@epa.gov](mailto: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 (SEISNOSE). 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:** March 13, 2007.

**Louise P. Wise,**

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

**GENERAL—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
2702	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest .....	2030-AA67
2703	SAN No. 4904 Security Requirements for Toxic Substances Control Act Confidential Business Information Access for Contractors .....	2030-AA88
2704	SAN No. 4903 Award-Term Contracting .....	2030-AA89
2705	SAN No. 4931 Accessibility Standards for Contract Deliverables (Section 508) .....	2030-AA90
2706	SAN No. 5121 Age Discrimination Regulations—EPA-assisted Programs—Age Discrimination Act of 1975 .....	2090-AA37

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## GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2707	SAN No. 3580 Incorporation of Class Deviations Into EPAAR .....	2030-AA37
2708	SAN No. 4292 Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions .....	2020-AA42
2709	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
2710	SAN No. 4056 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements .....	2090-AA38

## GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2711	SAN No. 3240 Public Information and Confidentiality Regulations .....	2025-AA02

## GENERAL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2712	SAN No. 4056 Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements .....	2020-AA39
2713	SAN No. 5092 Implementation of 2 CFR Part 180 .....	2030-AA94

## CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2714	SAN No. 5137 Protection of Stratospheric Ozone: Restricting Access to Pre-2005 Stocks of Methyl Bromide .....	2060-AO29
2715	SAN No. 5129 Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder .....	2060-AO38

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

Sequence Number	Title	Regulation Identifier Number
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2717	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings) .....	2060-AF72
2718	SAN No. 4070 General Conformity Regulations; Revisions .....	2060-AH93
2719	SAN No. 4309 National VOC Emission Standards for Consumer Products and Architectural and Industrial Maintenance Coatings; Amendments .....	2060-AI62
2720	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide .....	2060-AK26
2721	SAN No. 5113 Modification to the Public Hearing and Submittal Requirements for State Implementation Plans .....	2004-AA02
2722	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems .....	2060-AJ86
2723	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
2724	SAN No. 4819 Protection of Stratospheric Ozone: Process for Exempting Emergency Uses of Methyl Bromide .....	2060-AL94
2725	SAN No. 4871 Control of Emissions From New Locomotives and New Marine Diesel Engines Less Than 30 Liters per Cylinder .....	2060-AM06
2726	SAN No. 4873 NESHAP: Area Source Standards—Glass Manufacturing Industry and Clay Ceramics Industry .....	2060-AM12
2727	SAN No. 4874 NESHAP: Area Source Standards for Miscellaneous Chemical Manufacturing .....	2060-AM19

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

Sequence Number	Title	Regulation Identifier Number
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2729	SAN No. 4886 NESHAP: Area Source Standards—Plating and Polishing .....	2060-AM37
2730	SAN No. 4884 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers .....	2060-AM44
2731	SAN No. 4885 Flexible Air Permit Rule .....	2060-AM45
2732	SAN No. 4888 Area Source NESHAP for Secondary Nonferrous Metals .....	2060-AM70
2733	SAN No. 4889 NESHAP for Stainless and Nonstainless Steel Electric Arc Furnace (EAF) Manufacturing—Area Source .....	2060-AM71
2734	SAN No. 4908 NESHAP: General Provisions (Once In Always In)—Amendments .....	2060-AM75
2735	SAN No. 4926 NESHAP: Defense Land Systems and Miscellaneous Equipment .....	2060-AM84
2736	SAN No. 4927 NESHAP: Iron and Steel Foundries; Amendments .....	2060-AM85
2737	SAN No. 4940 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions .....	2060-AM91
2738	SAN No. 4699.2 Implementing Periodic Monitoring in Federal and State Operating Permit Programs .....	2060-AN00
2739	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
2740	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
2741	SAN No. 4978 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations—Area Sources .....	2060-AN21
2742	SAN No. 5008 Review of the National Ambient Air Quality Standards for Ozone .....	2060-AN24
2743	SAN No. 4794.2 Prevention of Significant Deterioration, Non-Attainment New Source Review, and New Source Performance Standards: Emissions Test for Electric Generating Units .....	2060-AN28
2744	SAN No. 4988 National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production, Amendments .....	2060-AN33
2745	SAN No. 4866.1 NESHAP: Site Remediation Amendments—Response to Litigation .....	2060-AN36
2746	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
2747	SAN No. 5015 NESHAP: Area Source Standards—Chemical Preparations Industry .....	2060-AN46
2748	SAN No. 5016 NESHAP: Area Source Standards—Paint and Allied Products .....	2060-AN47
2749	SAN No. 5017 Protection of Stratospheric Ozone: Amending Requirements To Import Used Ozone-Depleting Substances for Destruction in the United States .....	2060-AN48
2750	SAN No. 5020 Action on Petition To List Diesel Exhaust as a Hazardous Air Pollutant .....	2060-AN49
2751	SAN No. 5052 Protection of Stratospheric Ozone: Ban on the Import of Pre-Charged Products .....	2060-AN58
2752	SAN No. 4752.1 Transition to New or Revised Particulate Matter (PM) NAAQS .....	2060-AN59
2753	SAN No. 5025 Revisions to the Definition of Potential To Emit (PTE) .....	2060-AN65
2754	SAN No. 5029 Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: SAFETEA-LU HOV Facilities Rule .....	2060-AN68
2755	SAN No. 5030 National Volatile Organic Compound Emission Standards for Aerosol Coatings .....	2060-AN69
2756	SAN No. 5036 Petroleum Refineries—New Source Performance Standards (NSPS)—Subpart J .....	2060-AN72
2757	SAN No. 5045 Revision to Definition of Volatile Organic Compounds—Exclusion of Four Compounds .....	2060-AN75
2758	SAN No. 5059 Review of the National Ambient Air Quality Standards for Lead .....	2060-AN83
2759	SAN No. 5093 Risk and Technology Review Phase II .....	2060-AN85
2760	SAN No. 5076 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reasonable Possibility in Recordkeeping .....	2060-AN88
2761	SAN No. 5100 Refinement to Increment Modeling Procedures .....	2060-AO02
2762	SAN No. 5071 Hospital/ Medical/ Infectious Waste Incineration Units—Response to Remand and 5-Year Technology Review .....	2060-AO04
2763	SAN No. 4839.6 Final Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact .....	2060-AO05
2764	SAN No. 4891.1 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing; Second Group of Amendments .....	2060-AO07
2765	SAN No. 5115 Air Quality Index Reporting and Significant Harm Level for PM2.5 .....	2060-AO11
2766	SAN No. 5105 Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines .....	2060-AO12
2767	SAN No. 5132 Consumer and Commercial Products, Group 3: Control Techniques Guidelines in Lieu of Regulations for Paper, Film, and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings .....	2060-AO14
2768	SAN No. 4585.1 NESHAP: Portland Cement Notice of Reconsideration .....	2060-AO15



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

Sequence Number	Title	Regulation Identifier Number
2769	SAN No. 5126 Risk and Technology Review for Group 1: Polymers and Resins I; Polymers and Resins II, Acetal Resins, and Hydrogen Fluoride .....	2060-AO16
2770	SAN No. 5131 Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of a Family of Four Hydrofluoropolyethers (HFPEs) .....	2060-AO17
2771	SAN No. 5120 Response to Request for Reconsideration of Final Air Emission MACT Rules for Large Municipal Waste Combustors (MWCs) .....	2060-AO18
2772	SAN No. 5068 Prevention of Significant Deterioration for PM2.5—Increments, Significant Impact Levels, and Significant Monitoring Concentrations .....	2060-AO24
2773	SAN No. 5136 Protection of Stratospheric Ozone: Extension of Global Lab and Analytical Use Exemption for Essential Class I Ozone Depleting Substances .....	2060-AO28
2774	SAN No. 5138 Protection of the Stratospheric Ozone: The 2008 Critical Use Exemption From the Phaseout of Methyl Bromide .....	2060-AO30
2775	SAN No. 5109 Revisions to Cogeneration Unit Definition under CAIR, CAMR, and NESHAP and Corrections to CAIR and Acid Rain Program Rules .....	2060-AO33
2776	SAN No. 5107 Update of Test Procedure Schedule for All-Terrain Vehicles .....	2060-AO35

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

Sequence Number	Title	Regulation Identifier Number
2777	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation .....	2009-AA00
2778	SAN No. 3569 Source-Specific Federal Implementation Plan for Four Corners Power Plant; Navajo Nation .....	2009-AA01
2779	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives .....	2060-AJ61
2780	SAN No. 3975 Review of New Sources and Modifications in Indian Country .....	2060-AH37
2781	SAN No. 4752 Clean Air Fine Particle Implementation Rule .....	2060-AK74
2782	SAN No. 3380 NSPS: SOCMI—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60 .....	2060-AE94
2783	SAN No. 3958 Amendments to Standard of Performance for New Stationary Sources; Monitoring Requirements ...	2060-AH23
2784	SAN No. 4668 NESHAP: Halogenated Solvent Cleaning—Residual Risk Standards .....	2060-AK22
2785	SAN No. 4719 NESHAP: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements .....	2060-AK54
2786	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline .....	2060-AJ82
2787	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana, Sulfur Dioxide (SO2) Area .....	2008-AA00
2788	SAN No. 4348 Inspection/Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule .....	2060-AI97
2789	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
2790	SAN No. 4722 California Gasoline Technical Correction .....	2060-AK56
2791	SAN No. 4706 Anti-Dumping Baseline Recalculation for Downstream Oxygenate Addition .....	2060-AK69
2792	SAN No. 4793 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Debottlenecking, Aggregation, and Project Netting .....	2060-AL75
2793	SAN No. 4809 Control of Emissions of Air Pollution From New Motor Vehicles: On-Board Diagnostic Requirements for Heavy-Duty Engines and Vehicles Above 14,000 Pounds and In-Use, Not-To-Exceed Emission Standard Test .....	2060-AL92
2794	SAN No. 4830 Alternative Work Practice for Leak Detection and Repair .....	2060-AL98
2795	SAN No. 4846 NESHAP and NSPS for Municipal Solid Waste Landfills—Amendments .....	2060-AM08
2796	SAN No. 4856 Protection of Stratospheric Ozone: Amendments to the Section 608 Leak Repair Regulations .....	2060-AM09
2797	SAN No. 4859 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization .....	2060-AM14
2798	SAN No. 4882 Control of Emissions From Nonroad Spark-Ignition Engines and Equipment .....	2060-AM34
2799	SAN No. 4900 Protection of Stratospheric Ozone: Import Petitioning Requirements for Halon-1301 Aircraft Fire Extinguishing Vessels .....	2060-AM46
2800	SAN No. 4916 Protection of Stratospheric Ozone; Refrigerant Recycling; Certification of Recovery and Recovery/Recycling Equipment Intended for Use With Substitute Refrigerants .....	2060-AM49
2801	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
2802	SAN No. 4901 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act .....	2060-AM55

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

Sequence Number	Title	Regulation Identifier Number
2803	SAN No. 4907 NESHAP: Gasoline Distribution Area Source Standards .....	2060-AM74
2804	SAN No. 4915 Standards of Performance for Stationary Spark Ignited Internal Combustion Engines .....	2060-AM81
2805	SAN No. 4757.1 Component Durability Procedures for New Light Duty Vehicles, Light Duty Trucks, and Heavy Duty Vehicles .....	2060-AN01
2806	SAN No. 4958 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Amendments .....	2060-AN10
2807	SAN No. 4969 Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program and the NOx Budget Trading Program .....	2060-AN16
2808	SAN No. 4951 Revisions to Air Emissions Reporting Requirements .....	2060-AN20
2809	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
2810	SAN No. 4993 Optional Chassis Certification for Diesel Vehicles .....	2060-AN39
2811	SAN No. 5011 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004 .....	2060-AN43
2812	SAN No. 5014 NESHAP: Area Source Standards—Reciprocating Internal Combustion Engines .....	2060-AN62
2813	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
2814	SAN No. 5035 New Source Performance Standards (NSPS): Equipment Leaks-Subparts VV and GGG .....	2060-AN71
2815	SAN No. 5043 Defect Reporting for On-Highway Motor Vehicles and Engines .....	2060-AN73
2816	SAN No. 5048 Renewable Fuels Standard Rule .....	2060-AN76
2817	SAN No. 5049 Prevention of Significant Deterioration, Non-Attainment New Source Review, and Title V: Treatment of Corn Milling Facilities Under the "Major Emitting Facility" Definition .....	2060-AN77
2818	SAN No. 5055 National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing: Amendments .....	2060-AN80
2819	SAN No. 5056 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2007 .....	2060-AN81
2820	SAN No. 5057 Transportation Conformity Rule Amendments To Implement Provisions Contained in the 2005 Transportation Bill (SAFETEA-LU) .....	2060-AN82
2821	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
2822	SAN No. 4752.2 Final Rule for Implementation of the New Source Review (NSR) Program for PM2.5 .....	2060-AN86
2823	SAN No. 4697.1 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries .....	2060-AN87
2824	SAN No. 5077 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Removal of Vacated Elements .....	2060-AN92
2825	SAN No. 5080 Regulation of Fuels and Fuel Additives: Updated Volatility Standard for Alaska Only .....	2060-AN94
2826	SAN No. 5089 Reconsideration of New Source Performance Standards (NSPS) for Electric Utility, Industrial, Commercial, and Institutional Steam Generating Units .....	2060-AN97
2827	SAN No. 5094 Clean Air Mercury Rule: Federal Plan .....	2060-AN98
2828	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
2829	SAN No. 5112 Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams .....	2060-AO01
2830	SAN No. 5106 National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations—Amendment .....	2060-AO03
2831	SAN No. 4421.1 Ambient Air Monitoring Regulations: Correcting and Other Amendments .....	2060-AO06
2832	SAN No. 4161.1 Update of Continuous Instrumental Test Methods: Technical Amendments .....	2060-AO09
2833	SAN No. 4599.2 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances—N-Propyl Bromide in Solvent Cleaning .....	2060-AO10
2834	SAN No. 5130 Change in Regulatory Deadline for Rulemaking To Address the Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder .....	2060-AO26
2835	SAN No. 5114 Amendment of Definitions for National Emissions Standards for Hazardous Pollutants for Radionuclides, Subparts H and I .....	2060-AO31
2836	SAN No. 5065 Protection of Stratospheric Ozone: Revision of Refrigerant Recycling and Recovery Equipment Standards .....	2060-AO32
2837	SAN No. 5104 Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the East St. Louis, Illinois, Ozone Non-Attainment Area .....	2060-AO34
2838	SAN No. 5124 Fuel Economy Regulations for Automobiles: Technical Amendments and Corrections .....	2060-AO36
2839	SAN No. 5125 Nonroad Diesel Technical Amendments .....	2060-AO37

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

Sequence Number	Title	Regulation Identifier Number
2840	SAN No. 5140 Recommended Test Methods for State Implementation Plans (40 CFR Part 51, Appendix M), Addition of Method 207, "Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources" .....	2060-AO39
2841	SAN No. 5141 Response to Reconsideration Regarding NESHAP Startup, Shutdown, and Malfunction Amendments .....	2060-AO40

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

Sequence Number	Title	Regulation Identifier Number
2842	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
2843	SAN No. 4266 Review of the National Ambient Air Quality Standards for Carbon Monoxide .....	2060-AI43
2844	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins—Amendments .....	2060-AH47
2845	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas .....	2060-AH01
2846	SAN No. 4751 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines—Petition To Delist .....	2060-AK73
2847	SAN No. 4782 Petition To Delist Hazardous Air Pollutant: 4,4'—Methylene Diphenyl Diisocyanate .....	2060-AK84
2848	SAN No. 4689 Section 126 Rule Withdrawal Provision .....	2060-AK41
2849	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations .....	2060-AI03
2850	SAN No. 5047 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Reconsideration of the Particulate Matter Standard) .....	2050-AG29
2851	SAN No. 5047.1 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration) .....	2050-AG35
2852	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions .....	2060-AH31
2853	SAN No. 4796 Section 126 Rule: Withdrawal of Findings for Sources in Michigan .....	2060-AL83
2854	SAN No. 4797 Lifting the Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rule-making for Purposes of Reducing Interstate Ozone Transport ("NOx SIP Call") .....	2060-AL84
2855	SAN No. 4849 Petition To Delist a Hazardous Air Pollutant From Section 112 of the Clean Air Act: Methyl Isobutyl Ketone (MIBK) .....	2060-AM20
2856	SAN No. 4676.3 Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement (RMRR); Maintenance and Repair Amendments .....	2060-AM62
2857	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
2858	SAN No. 4929 NESHAP: Taconite Iron Ore Processing; Amendments .....	2060-AM87
2859	SAN No. 4625.4 Implementation Rule for 8-Hour Ozone NAAQS: Reconsideration; Overwhelming Transport Classification .....	2060-AN26
2860	SAN No. 4910.1 NESHAP: Organic Liquid Distribution (Non-Gasoline); Amendments .....	2060-AN37
2861	SAN No. 5009 Notice for Information on Determining the Emissions Reductions Achieved From Limiting the VOC Content of Architectural Coatings .....	2060-AN42
2862	SAN No. 5079 Rule Interpreting the Scope of Title V Operating Permit Modifications Where EPA Has Approved Alternative Monitoring and Testing Provisions .....	2060-AN93
2863	SAN No. 5095 NESHAP: Mercury Cell Chlor-Alkali Plants—Amendments .....	2060-AN99
2864	SAN No. 5122 Area Source NESHAP for Ferroalloys Production .....	2060-AO13
2865	SAN No. 5111 Review of the Primary National Ambient Air Quality Standard for Nitrogen Dioxide .....	2060-AO19
2866	SAN No. 5116 Reconsideration of Stationary Combustion Turbine NSPS (Subpart KKKK) .....	2060-AO23
2867	SAN No. 5135 NESHAP—Area Source Standards—Nine Metal Fabrication and Finishing Source Categories (12 SIC's, 25 NAICS Codes) .....	2060-AO27
2868	SAN No. 5145 Review of New Source Performance Standards—Nonmetallic Minerals .....	2060-AO41
2869	SAN No. 5143 Review of New Source Performance Standards—Portland Cement .....	2060-AO42
2870	SAN No. 5142 Review of New Source Performance Standards (Subpart UUU)—Mineral Dryers/Calciners .....	2060-AO43

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## CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2871	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand) .....	2060-AA61
2872	SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment To Implement Court Remand .....	2060-AJ78
2873	SAN No. 4657 NESHAP: Group II Polymers and Resins—Residual Risk Standards .....	2060-AK13
2874	SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards .....	2060-AK14
2875	SAN No. 4748 Control of Hazardous Air Pollutants From Mobile Sources .....	2060-AK70
2876	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
2877	SAN No. 4875 NESHAP: Oil and Natural Gas Production Facilities—Area Source Rule .....	2060-AM16
2878	SAN No. 4865 Strategy for Addressing Air Emissions From Animal Feeding Operations .....	2060-AM26
2879	SAN No. 4866 NESHAP: Site Remediation: Amendments .....	2060-AM30
2880	SAN No. 4906 NESHAP: Area Source Standards—Clay Ceramics Industry .....	2060-AM53
2881	SAN No. 3259.2 Nonattainment Major New Source Review (NSR) .....	2060-AM59
2882	SAN No. 4959 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances in Foam Blowing .....	2060-AN11
2883	SAN No. 4962 Fuel Economy Labeling of Motor Vehicles: Revisions To Improve Calculation of Fuel Economy Estimates .....	2060-AN14
2884	SAN No. 4987 Industrial, Commercial, and Institutional Boiler and Process Heater NESHAP, Reconsideration of Emissions Averaging Provision and Technical Corrections .....	2060-AN32
2885	SAN No. 5010 Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of HFE-7300 .....	2060-AN34
2886	SAN No. 4998 Treatment of Data Influenced by Exceptional Events .....	2060-AN40
2887	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
2888	SAN No. 5051 Protection of Stratospheric Ozone: 2007 Critical Use Exemptions for Methyl Bromide .....	2060-AN54
2889	SAN No. 5027 Amendment to Tier 2 Vehicle Emission Standards and Gasoline Sulfur Requirements: Exemption for U.S. Territories .....	2060-AN66
2890	SAN No. 5044 Interpretive Rulemaking To Clarify the Scope of Certain Monitoring Requirements for Federal and State Operating Permits Programs .....	2060-AN74
2891	SAN No. 4839.5 Final Extension of the Deferred Effective Date of Non-Attainment Designations for 8-Hour Ozone NAAQS for Early Action Compact Areas .....	2060-AN90
2892	SAN No. 5073 Other Solid Waste Incineration Units: Response to Petition for Reconsideration .....	2060-AN91
2893	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
2894	SAN No. 5084 Standards of Performance for New Industrial—Commercial—Institutional Steam Generating Units: Amendment for Facility-Specific NOx Standard .....	2060-AN96
2895	SAN No. 4571.4 Notice of Status of Submission of Clean Air Mercury Rule (CAMR) State Plans for New and Existing Stationary Sources: Electric Utility Steam Generating Units .....	2060-AO08
2896	SAN No. 5103 Clean Air Interstate Rule (CAIR) and Federal Implementation Plans for CAIR; Corrections .....	2060-AO21
2897	SAN No. 4625.7 Implementation of the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) Phase II: Correction Notice .....	2060-AO22

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

Sequence Number	Title	Regulation Identifier Number
2898	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste .....	2060-AH63
2899	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
2900	SAN No. 4964 Amendment of the Standards for Radioactive Waste Disposal in Yucca Mountain, Nevada .....	2060-AN15

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## NOISE CONTROL ACT (NCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2901	SAN No. 5102 Revision of Hearing-Protector Regulations .....	2060-AO25

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

Sequence Number	Title	Regulation Identifier Number
2902	SAN No. 4728 Endocrine Disruptor Screening Program (EDSP); Implementing the Screening and Testing Phase	2070-AD61
2903	SAN No. 4985 Pesticides; Determination of Status of Prions as Pests .....	2070-AJ26

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

Sequence Number	Title	Regulation Identifier Number
2904	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials .....	2070-AD30
2905	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Protein Genes ....	2070-AD49
2906	SAN No. 5007 Pesticides; Competency Standards for Occupational Users .....	2070-AJ20
2907	SAN No. 5006 Pesticides; Agricultural Worker Protection Standard Revisions .....	2070-AJ22
2908	SAN No. 5005 Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs) .....	2070-AJ27
2909	SAN No. 5031 Pesticides; Expansion of Crop Grouping Program .....	2070-AJ28
2910	SAN No. 5050 Pesticide Agricultural Container Recycling Program .....	2070-AJ29

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

Sequence Number	Title	Regulation Identifier Number
2911	SAN No. 2687 Pesticides; Data Requirements for Conventional Chemicals .....	2070-AC12
2912	SAN No. 4596 Pesticides; Data Requirements for Biochemical and Microbial Products .....	2070-AD51
2913	SAN No. 4611 Plant Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants .....	2070-AD55
2914	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	2070-AD56
2915	SAN No. 3222 Groundwater and Pesticide Management Plan Rule .....	2070-AC46

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

Sequence Number	Title	Regulation Identifier Number
2916	SAN No. 4027 Pesticides; Tolerance Processing Fees .....	2070-AJ23
2917	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations .....	2015-AA00
2918	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products .....	2070-AD14
2919	SAN No. 5082 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs) .....	2070-AJ32
2920	SAN No. 5101 Plant-Incorporated Protectant—Associated Fusion Proteins (PIP-AFPs) .....	2070-AJ33



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

Sequence Number	Title	Regulation Identifier Number
2921	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations .....	2020-AA44

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

Sequence Number	Title	Regulation Identifier Number
2922	SAN No. 5058 Nanoscale Materials Under TSCA .....	2070-AJ30

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

Sequence Number	Title	Regulation Identifier Number
2923	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce .....	2070-AB20
2924	SAN No. 3990 Test Rule; Testing of Certain High Production Volume (HPV) Chemicals .....	2070-AD16
2925	SAN No. 4512 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture .....	2070-AD48
2926	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
2927	SAN No. 4878 TSCA Inventory Nomenclature for Enzymes and Proteins .....	2070-AJ04
2928	SAN No. 4975 Effects of Transfers of Ownership on Obligations Under Section 5 of TSCA .....	2070-AJ15
2929	SAN No. 4984 Clarification on Guidance for Activated Phosphors .....	2070-AJ21

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

Sequence Number	Title	Regulation Identifier Number
2930	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban .....	2070-AC21
2931	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers .....	2070-AD58
2932	SAN No. 1976 Significant New Use Rules (SNURs); Follow-Up Rules on Non-5(e) New Chemical Substances .....	2070-AA59
2933	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders .....	2070-AB27
2934	SAN No. 4983 Significant New Use Rule (SNUR); Mercury Switches in Motor Vehicles .....	2070-AJ19
2935	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules .....	2070-AB08
2936	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules .....	2070-AB11
2937	SAN No. 4176 Voluntary High Production Volume (HPV) Chemical Challenge Program .....	2070-AD25
2938	SAN No. 3493.4 Testing Agreement for Diethanolamine .....	2070-AJ09
2939	SAN No. 3493.5 Testing Agreement for Hydrogen Fluoride .....	2070-AJ10
2940	SAN No. 3493.7 Testing Agreement for Phthalic Anhydride .....	2070-AJ11
2941	SAN No. 3493.6 Testing Agreement for Maleic Anhydride .....	2070-AJ13
2942	SAN No. 4974 Significant New Use Rule; Perfluoroalkyl Sulfonates (PFAS) .....	2070-AJ18
2943	SAN No. 1923.1 Significant New Use Rule for Chloranil .....	2070-AJ31

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

Sequence Number	Title	Regulation Identifier Number
2944	SAN No. 3148 Asbestos Model Accreditation Plan Revisions .....	2070-AC51
2945	SAN No. 4376 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule .....	2070-AC64

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

Sequence Number	Title	Regulation Identifier Number
2946	SAN No. 3557 Lead-Based Paint Activities; Amendments for Renovation, Repair, and Painting .....	2070-AC83
2947	SAN No. 4597 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues .....	2070-AD52
2948	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances .....	2070-AB79
2949	SAN No. 3493 Future Testing for Existing Chemicals (Overview Entry) .....	2070-AB94
2950	SAN No. 4876 Voluntary Children's Chemical Evaluation Program (VCCEP) .....	2070-AC27
2951	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs) .....	2070-AC76
2952	SAN No. 3882 Test Rule; Certain Metals .....	2070-AD10
2953	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives .....	2070-AD28
2954	SAN No. 4395 Test Rule; Multiple Substance Rule for the Testing of Developmental and Reproductive Toxicity ....	2070-AD44
2955	SAN No. 1923 Follow-Up Rules on Existing Chemicals .....	2070-AA58
2956	SAN No. 3528 Significant New Use Rule (SNUR); Refractory Ceramic Fibers (RCFs) .....	2070-AC37
2957	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants) .....	2070-AD53
2958	SAN No. 2150.1 Polychlorinated Biphenyls (PCBs); Exemption Request From U.S. Maritime Administration (MARAD) .....	2070-AJ05
2959	SAN No. 3493.1 Testing Agreement for Perfluorooctanoic Acid (PFOA) .....	2070-AJ06
2960	SAN No. 3493.2 Testing Agreement for Aryl Phosphates (ITC List 2) .....	2070-AJ07
2961	SAN No. 3493.3 Test Rule; Brominated Flame Retardants (BFRs) .....	2070-AJ08

## TOXIC SUBSTANCES CONTROL ACT (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2962	SAN No. 4858 Notification of Chemical Exports Under TSCA Section 12(b) .....	2070-AJ01

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

Sequence Number	Title	Regulation Identifier Number
2963	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

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

Sequence Number	Title	Regulation Identifier Number
2964	SAN No. 3215 Emergency Planning and Community Right-To-Know Act: Amendments to Parts 355 and 370 .....	2050-AE17
2965	SAN No. 4692 Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-Like Compounds Category Under EPCRA, Section 313 .....	2025-AA12

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

Sequence Number	Title	Regulation Identifier Number
2966	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation .....	2025-AA11
2967	SAN No. 2425.4 TRI; Response to Petition To Delete Chromium, Antimony, and Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory .....	2025-AA16
2968	SAN No. 2425.1 TRI; Response to Petition To Add Diisononyl Phthalate to the Toxics Release Inventory List of Toxic Chemicals .....	2025-AA17
2969	SAN No. 2425.3 TRI; Response to Petition To Delete Acetonitrile From the Toxics Release Inventory List of Toxic Chemicals .....	2025-AA19

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

Sequence Number	Title	Regulation Identifier Number
2970	SAN No. 3215.1 Emergency Planning and Community Right-To-Know Act: Amendments and Streamlining Rule ...	2050-AG40

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

Sequence Number	Title	Regulation Identifier Number
2971	SAN No. 4896 Toxics Release Inventory Reporting Burden Reduction Rule .....	2025-AA14

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

Sequence Number	Title	Regulation Identifier Number
2972	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers .....	2050-AE81

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

Sequence Number	Title	Regulation Identifier Number
2973	SAN No. 4977 Expanding the Comparable Fuels Exclusion Under RCRA .....	2050-AG24
2974	SAN No. 4670.1 Definition of Solid Wastes Revisions .....	2050-AG31
2975	SAN No. 4828 RCRA Incentives for Performance Track Members .....	2090-AA34

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

Sequence Number	Title	Regulation Identifier Number
2976	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials .....	2050-AE23
2977	SAN No. 5019 Criteria for Safe and Environmentally Protective Use of Granular Mine Tailings .....	2050-AG27
2978	SAN No. 5128 Waste Management System; Testing and Monitoring Activities; Methods Innovation Rule; Correction .....	2050-AG38

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

Sequence Number	Title	Regulation Identifier Number
2979	SAN No. 3856 Management of Cement Kiln Dust (CKD) .....	2050-AE34
2980	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
2981	SAN No. 4735 RCRA Smarter Waste Reporting .....	2050-AF01
2982	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
2983	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Industrial Wipes .....	2050-AE51
2984	SAN No. 4606 Revisions to the Export Requirements for Wastes Destined for the OECD Countries and for Spent Lead Acid Batteries .....	2050-AE93
2985	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision) .....	2050-AC71

## EPA

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

Sequence Number	Title	Regulation Identifier Number
2986	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
2987	SAN No. 4920 Rulemaking To Streamline Laboratory Waste Management in Academic and Research Laboratories .....	2050-AG18
2988	SAN No. 3147.1 Hazardous Waste Manifest Revisions—Standards and Procedures for Electronic Manifests .....	2050-AG20
2989	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
2990	SAN No. 5127 Amendment to the Universal Waste Rule: Addition of Pharmaceuticals and Consumer Products in Consumer Product Packaging .....	2050-AG39
2991	SAN No. 4565 Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York .....	2090-AA29

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

Sequence Number	Title	Regulation Identifier Number
2992	SAN No. 4469 Standards for the Management of Coal Combustion Wastes—Non-Power Producers and Minefilling .....	2050-AE83
2993	SAN No. 4778 Revisions of the Lead-Acid Battery Export Notification and Consent Requirements .....	2050-AF06
2994	SAN No. 4743 Land Disposal Restrictions: Modifying the Land Disposal Treatment Standard for Radioactive Lead Solids and Hazardous Debris; Definition of Macroencapsulation .....	2050-AF12

## OIL POLLUTION ACT (OPA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2995	SAN No. 2634.5 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Requirements—Extension of Compliance Dates .....	2050-AG36

## OIL POLLUTION ACT (OPA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2996	SAN No. 2634.3 Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Requirements—Amendments .....	2050-AG23

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

Sequence Number	Title	Regulation Identifier Number
2997	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites .....	2050-AD75
2998	SAN No. 5117 CERCLA Notification Requirements and the Agricultural Sector .....	2050-AG37

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

Sequence Number	Title	Regulation Identifier Number
2999	SAN No. 4177 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
3000	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities .....	2050-AF03
3001	SAN No. 4971 National Contingency Plan Revisions To Align With the National Response Plan .....	2050-AG22

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

Sequence Number	Title	Regulation Identifier Number
3002	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces—Phase II .....	2040-AD39
3003	SAN No. 4746 Regulations for Gray and Black Water Discharges From Cruise Ships Operating in Certain Alaskan Waters .....	2040-AD89
3004	SAN No. 4980 Effluent Limitations Guidelines and Standards for Chlorine and Chlorinated Hydrocarbon Manufacturing Process .....	2040-AE82
3005	SAN No. 5064 2008 Effluent Guidelines Program Plan .....	2040-AE89
3006	SAN No. 2634.2 Revisions to the Spill Prevention, Control, and Countermeasure (SPCC) Rule .....	2050-AG16

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

Sequence Number	Title	Regulation Identifier Number
3007	SAN No. 4690 NPDES Permit Requirements for Peak Wet Weather Discharges From Publicly Owned Treatment Works Treatment Plants Serving Sanitary Sewer Collection Systems Policy .....	2040-AD87
3008	SAN No. 4996 Concentrated Animal Feeding Operation Rule .....	2040-AE80
3009	SAN No. 5040 Water Transfers Rule .....	2040-AE86
3010	SAN No. 5098 Implementation Guidance for Mercury Water Quality Criteria .....	2040-AE87

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

Sequence Number	Title	Regulation Identifier Number
3011	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements .....	2050-AE87
3012	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
3013	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures .....	2040-AC93
3014	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
3015	SAN No. 3786 NPDES Applications Revisions .....	2040-AC84
3016	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
3017	SAN No. 4822 Effluent Guidelines and Standards: Recodification of Various Effluent Guidelines .....	2040-AE61
3018	SAN No. 4948 Effluent Limitations Guidelines and Standards for Airport Deicing Operations .....	2040-AE69
3019	SAN No. 4949 Effluent Limitations Guidelines and Standards for Drinking Water Supply and Treatment .....	2040-AE74
3020	SAN No. 4967 New/Revised Ambient Water Quality Criteria (AWQC) for Recreational Waters .....	2040-AE77
3021	SAN No. 3663.1 Availability of and Procedures for Removal Credits .....	2040-AE88



## EPA

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

Sequence Number	Title	Regulation Identifier Number
3022	SAN No. 5119 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category .....	2040-AE91

## CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3023	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act .....	2040-AC75
3024	SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring .....	2040-AC92
3025	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
3026	SAN No. 4950 Test Procedures for the Analysis of E. coli, Enterococci, Fecal Coliforms, and Salmonella Under the Clean Water Act .....	2040-AE68
3027	SAN No. 4965 2006 Effluent Guidelines Program Plan .....	2040-AE76
3028	SAN No. 4995 Rulemaking on Direct Application of Pesticides to Waters of the United States in Compliance With FIFRA .....	2040-AE79

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

Sequence Number	Title	Regulation Identifier Number
3029	SAN No. 4821 Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List .....	2040-AE60
3030	SAN No. 4966 Drinking Water Regulations for Aircraft Public Water System .....	2040-AE84

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

Sequence Number	Title	Regulation Identifier Number
3031	SAN No. 4745 Drinking Water Contaminant Candidate List 3 .....	2040-AD99
3032	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
3033	SAN No. 2281 National Primary Drinking Water Regulations: Radon .....	2040-AA94
3034	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb .....	2040-AC13
3035	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR .....	2040-AD54
3036	SAN No. 4775 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements .....	2040-AD94
3037	SAN No. 4236 Underground Injection Control: Update of State Programs .....	2040-AD40
3038	SAN No. 5066 Second 6-Year Review of Existing National Primary Drinking Water Regulations .....	2040-AE90

## EPA

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

Sequence Number	Title	Regulation Identifier Number
3039	SAN No. 4770 Unregulated Contaminant Monitoring Regulation for Public Water Systems Revisions .....	2040-AD93

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

Sequence Number	Title	Regulation Identifier Number
3040	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations .....	2040-AB85

## Environmental Protection Agency (EPA)

### General

## Proposed Rule Stage

#### 2702. 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	06/00/07	
Final Action	12/00/07	

**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

#### 2703. SECURITY REQUIREMENTS FOR TOXIC SUBSTANCES CONTROL ACT CONFIDENTIAL BUSINESS INFORMATION ACCESS FOR CONTRACTORS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** Current security requirements for Toxic Substances Contract Act Confidential Business Information (TSCA CBI) access for contractors are implemented in three Environmental

Protection Agency contract clauses, 1552.235-75, 1552.235-76, and 1552.235-78. Security requirements for the Government and contractors have been updated in a 2003 TSCA CBI Protection Manual. This rulemaking will implement the new TSCA CBI requirements into the three EPAAR clauses cited above.

#### Timetable:

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

**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

## EPA—General

## Proposed Rule Stage

**2704. AWARD—TERM CONTRACTING****Priority:** Info./Admin./Other**Legal Authority:** 41 USC 418(b); 5 USC 301, sec 205(c); 63 Stat 390, as amended**CFR Citation:** 48 CFR 1516; 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**2705. 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	09/00/07	
Final Action	04/00/08	

**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**2706. • AGE DISCRIMINATION REGULATIONS—EPA-ASSISTED PROGRAMS—AGE DISCRIMINATION ACT OF 1975****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6101 et seq**CFR Citation:** 40 CFR 7.10 to 7.180**Legal Deadline:** None

**Abstract:** The Age Discrimination Act of 1975 prohibits discrimination based on age in programs or activities that receive Federal financial assistance, and requires Federal agencies to issue regulations implementing the Act. Recipients are aware of this prohibition and are already in compliance with this requirement. This amendment will add age as a protected classification to EPA's nondiscrimination regulations (40 CFR part 7), which already prohibit

discrimination based on race, color, national origin, sex, or handicap in EPA-assisted programs or activities pursuant to title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and section 13 of the Federal Water Pollution Control Act of 1972. The 1975 Age Discrimination Act uses the same prohibitory language as title VI and section 504. Promulgating this amendment will bring EPA in line with other Federal agencies that have already issued age discrimination regulations—such as U.S. Department of Justice (DOJ) and the U.S. Department of Health and Human Services (HHS). HHS is responsible for approving age discrimination regulations before they are published, and has already approved EPA's proposed amendment.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5121;

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**RIN:** 2090-AA37

## Environmental Protection Agency (EPA)

## Final Rule Stage

## General

**2707. 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	06/00/07	

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3580;**Agency Contact:** Frances Smith, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460

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**RIN:** 2030-AA37**2708. 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	12/19/06	71 FR 76082
NPRM Comment Period End	02/20/07	
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; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-GENERAL/2006/December/Day-19/g21402.pdf>;**Agency Contact:** Robert Hargrove, Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 2252A, Washington, DC 20460  
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**RIN:** 2020-AA42**2709. 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, New Mexico, 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 to 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	10/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4536;**Agency Contact:** Kristina Heinemann, Environmental Protection Agency, Office of the Administrator, 1807T, Washington, DC 20460

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**RIN:** 2090-AA27**2710. 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. Peña*, 115 S.Ct. 2097 (1995), and were identified as part of the Clinton Administration's review of affirmative action programs. They include: (1) Placing greater emphasis on requiring assistance agreement recipients to

## EPA—General

## Final Rule Stage

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

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

**Additional Information:** SAN No. 4056; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA->

GENERAL/2003/July/Day-24/g18002.pdf;

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**Related RIN:** Previously reported as 2020-AA39

**RIN:** 2090-AA38

## Environmental Protection Agency (EPA)

## Long-Term Actions

## General

**2711. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

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

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

**Abstract:** EPA regulations at 40 CFR part 2, subpart B, provide procedures for handling and disclosing information claimed as confidential business information (CBI). Although the current

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

**2712. UTILIZATION OF SMALL, MINORITY, AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS****Timetable:**

Action	Date	FR Cite
Transferred to RIN 2090-AA38	03/22/07	

RIN: 2020-AA39

**2713. IMPLEMENTATION OF 2 CFR PART 180**

Priority: Info./Admin./Other

CFR Citation: 2 CFR 1532

**Completed:**

Reason	Date	FR Cite
Final Action	01/19/07	72 FR 2421

**Regulatory Flexibility Analysis Required: No**

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2030-AA94

## Environmental Protection Agency (EPA)

## Prerule Stage

## Clean Air Act (CAA)

**2714. • PROTECTION OF STRATOSPHERIC OZONE: RESTRICTING ACCESS TO PRE-2005 STOCKS OF METHYL BROMIDE**

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 82

Legal Deadline: None

**Abstract:** EPA is concerned with the environmental impacts that could result from the need to manufacture additional methyl bromide to serve the needs of approved critical users where part of their overall need could be served by drawing from the inventory of methyl bromide produced prior to January 1, 2005. Therefore, EPA intends to issue an advance notice considering the need to propose a regulation restricting access to pre-2005 inventory only to meet the needs of the approved critical users, recognizing that such a restriction would not replace, in whole or in part, the critical use nomination process. This restriction would ensure that those uses of methyl bromide that do not seek and receive a critical use nomination could not access pre-phaseout inventory.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/00/07	
NPRM	06/00/08	
Final Action	01/00/09	

**Regulatory Flexibility Analysis Required: No**

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 5137;

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RIN: 2060-AO29

**2715. • CONTROL OF EMISSIONS FROM NEW MARINE COMPRESSION-IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER**

Priority: Other Significant

Legal Authority: Clean Air Act

CFR Citation: 40 CFR 1042

Legal Deadline: None

**Abstract:** Emissions from category 3 marine engines (greater than 30 liters per cylinder) 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 marine diesel engines on ships flagged in the United States. This rulemaking will

consider new standards for oxides of nitrogen and particulate matter. Technologies under consideration include aftertreatment devices and the use of distillate or low sulfur fuel. This rule will consider whether it is appropriate to apply these standards to foreign flagged vessels that use U.S. ports.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/07	

**Regulatory Flexibility Analysis Required: No**

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAN No. 5129;

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RIN: 2060-AO38

**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)****Proposed Rule Stage****2716. AMENDMENT TO SUBPARTS H  
AND I FOR EMISSIONS OF  
RADIONUCLIDES OTHER THAN  
RADON FROM DOE FACILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 95–95; CAA 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;**Agency Contact:** Behram Shroff,  
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**RIN:** 2060–AK81

**2717. 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	01/00/08	

**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

**2718. 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 that are funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. Then, on November 30, EPA promulgated regulations, known as the General Conformity Regulations, to ensure that other Federal actions also conformed to the SIPs. The EPA has not reviewed or revised the General Conformity Regulations since their 1993 promulgation. Several Federal agencies have identified concerns over the implementation of the General Conformity Regulations, including the requirements for areas designated nonattainment for the newly promulgated NAAQS. In conjunction with an ad hoc work group of representatives from several Federal agencies, EPA will review the implementation of the General Conformity Regulations. The EPA will then propose and promulgate any appropriate revision to those regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	

**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

## EPA—Clean Air Act (CAA)

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**2719. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS AND ARCHITECTURAL AND INDUSTRIAL MAINTENANCE COATINGS; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7511b**CFR Citation:** 40 CFR 59**Legal Deadline:** None

**Abstract:** This action consists of amendments to the consumer products and the architectural and industrial (AIM) coatings part 59 VOC rules under section 183(e). Consistent with Clean Air Act Advisory Committee recommendations AQM2.3 and AQM2.4, these rules are being updated to align them with the model rules adopted by the Ozone Transport Commission. In addition, this action will subsume SAN 5009, Determining Emissions Reductions Achieved from Rules Limiting VOC Content of AIM Coatings.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	
Final Action	11/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 4309;**Sectors Affected:** 32599 All Other Chemical Product Manufacturing

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**RIN:** 2060-AI62**2720. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES: N-PROPYL BROMIDE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82**Legal Deadline:** None

**Abstract:** This rule would list whether n-propyl bromide (nPB) is an acceptable substitute for class I and class II ozone depleting substances used 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
NPRM 2—Adhesives	04/00/07	
Final Action	01/00/08	

**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](http://www.epa.gov/ozone/title6)

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[shimamura.monica@epamail.epa.gov](mailto:shimamura.monica@epamail.epa.gov)**RIN:** 2060-AK26**2721. • MODIFICATION TO THE PUBLIC HEARING AND SUBMITTAL REQUIREMENTS FOR STATE IMPLEMENTATION PLANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 23 USC 101; 42 USC 7401 to 7641q**CFR Citation:** 40 CFR 51.102(a) and (f), 51.103; 40 CFR 52.0**Legal Deadline:** None

**Abstract:** The current regulation as written requires States to hold public hearings for any revision to State implementation plans. States currently hold public hearings whether or not the public attends and participates in these hearings. Many of these plan revisions are minor or noncontroversial in nature, and no member of the public or the regulated community attends or participates in the hearing. These hearings consume both valuable time and resources. Rather than requiring a public hearing for all SIP revisions, the proposed revision will allow States to determine those actions for which there may be little or no interest by the public or the regulated community and, for those actions, to provide the public the opportunity to request a public hearing. If no request for public hearing is made, then the State would have fulfilled the requirements, and no public hearing is required to be held. Whether or not a public hearing is held, the State is required to provide a 30-day period for the written submission of comments from the

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public. EPA believes this rule revision will have no affect on public participation in the rulemaking process, but will help State agencies reduce costs by not needing to pay for facilities for public hearings for which no one is interested in attending and participating. In addition, it will increase efficiency by allowing limited staff resources to be devoted to productive activities rather than staffing a hearing that is not attended.

This proposed revision will also establish the minimum required number of electronic (1) and hard copies (2) to be submitted with all official SIP submittals or preliminary requests for EPA review from the current requirement of submitting 5 hard copies. With today's use of electronic processing and the use of the Internet these revisions align the regulatory requirements with the way States and EPA interact and with the way information is made available to the public. Rulemaking dockets are now available electronically, providing greater access to the public because there are no geographic or time limits on where or when documents may be obtained. Previously, when the dockets were comprised solely of hard copies of documents, the public needed to travel to specified locations to review the docket and the docket was available only during business hours. These revisions will reduce costs for States but will not interfere with the public's access to SIP revisions being reviewed by EPA. Rather, as described above, the availability of electronic files simplifies access for the public. Since the promulgation of 40 CFR EPA Regional Offices 3, 4, 7, and 8 have relocated. EPA is updating addresses to provide the public with the current address.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Additional Information:** SAN No. 5113;

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**RIN:** 2004-AA02

**2722. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412(b)(5) et seq

**CFR Citation:** 40 CFR 63 subpart SS; 40 CFR 63.8; 40 CFR 60, app B; 40 CFR 60, app F

**Legal Deadline:** None

**Abstract:** 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 CPMS 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**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

**2723. 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

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multiple method-specific rulemakings, 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	07/00/07	

**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

#### 2724. 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
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:**

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**RIN:** 2060-AL94

#### 2725. 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.

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

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

**Timetable:**

Action	Date	FR Cite
ANPRM	06/29/04	69 FR 39276
ANPRM Comment Period End	08/30/04	
NPRM	04/03/07	72 FR 15938
NPRM Comment Period End	07/02/07	
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

#### 2726. NESHAP: AREA SOURCE STANDARDS—GLASS MANUFACTURING INDUSTRY AND CLAY CERAMICS INDUSTRY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 to 7626; CAA

**CFR Citation:** Not Yet Determined

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

Final, Judicial, December 15, 2007, Two of ten area source category standards to be promulgated by 12/15/2007 as per 3/31/2006 order.

**Abstract:** 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

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products. The hazardous air pollutants (HAP) for which glass manufacturing was listed are lead, arsenic, mercury, nickel, chromium, and manganese. Approximately 150 facilities currently operate in the U.S. producing containers, flat glass, and specialty glass. The specialty glass subcategory includes lighting, lead crystal, art glass, ophthalmic lenses, tableware, and technical glass components and products. Two small businesses exist in the source category, both of which manufacture containers. One of the two is currently well controlled and the regulation will not impose additional control requirements on that facility. The other small business may, depending on the quantity of toxic components in the glass formulation, be required to add air pollution controls according to the rules requirements, specifically, a baghouse and leak detector on the furnace and toxic raw materials used in the glass recipe. Glass manufacturers use HAP metals in raw materials in the glass 'recipe' fed to the furnace to impart specific properties to the final product. About 1,500 tons per year of HAP are released into the ambient air by glass manufacturing plants. HAP emission sources include raw material storage, furnace, and melting operations. Air pollution control devices are generally available for toxic emission points within the glass manufacturing industry. We anticipate that the rule will have regulatory cutoffs, such as total amount of glass produced per year and a weight percent of HAP metals in the total recipe. These cutoffs would exempt glass manufacturers from certain provisions of the rule. However, we intend to require all glass plants producing more than 50 tons per year of glass to be subject to minimum reporting requirements. Furthermore, we intend for glass manufacturers not using one of the HAP metals listed above to be subject to only one-time reporting until they change any glass product recipe causing them to become subject to the rule.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** SAN No. 4873; EPA Docket information: EPA-HQ-OAR-2006-0360

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**RIN:** 2060-AM12**2727. NESHAP: AREA SOURCE STANDARDS FOR MISCELLANEOUS CHEMICAL MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, December 15, 2008, One of ten area source category standards to be promulgated by 12/15/2008 as per 3/31/2006 order.

**Abstract:** This rule will regulate hazardous air pollutant (HAP) emissions from the chemical manufacturing industry, including industrial organic chemicals, inorganic chemicals, pharmaceuticals, pesticides, and polymers and resins. These source categories were listed for regulation under the Urban Air Toxic Strategy to address HAP emissions from area sources.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/08	
Final Action	01/00/09	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4874;

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**RIN:** 2060-AM19**2728. 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. Final, Judicial, December 15, 2007, One of ten area source category standards to be promulgated as per March 31, 2006 order.

**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 a 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 apply 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



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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 240 area source iron foundries in the U.S., 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 190 area source steel foundries in the U.S., 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. Approximately 75 percent of the iron foundries are located in the urbanized areas or urban clusters; approximately 80 percent of the steel foundries are located in the urbanized areas or urban clusters. A preliminary analytical blue print was prepared in July 2006.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Local, State**Federalism:** Undetermined**Additional Information:** SAN No. 4879

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**RIN:** 2060-AM36**2729. NESHAP: AREA SOURCE STANDARDS—PLATING AND POLISHING****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, June 15, 2008, One of ten area source category standards to be promulgated as per March 31, 2006 order.

**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	01/00/08	
Final Action	06/00/08	

**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**2730. AREA SOURCE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS**

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

**Unfunded Mandates:** Undetermined**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial,  
December 15, 2007, Court order calls  
for EPA to issue standards for  
categories of area sources under  
112(c)(6).

**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	
Final Action	09/00/07	

**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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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**2731. 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	06/00/07	
Final Action	03/00/08	

**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

**2732. 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.  
Final, Judicial, December 15, 2008, Court –ordered (part of area source deadline suit).

**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. The secondary nonferrous metals source category is

listed to address emissions of lead from furnace operations. Plants engaged in the recovery of tin, brass, bronze, and zinc through secondary smelting and refining 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 and hydrometallurgical processes. Pyrometallurgical technologies are processes that use heat to separate desired metals from other less or undesirable materials, while with 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. There are no air emissions from hydrometallurgical processes; therefore, the standard will only address pyrometallurgical (furnace) operations. The secondary nonferrous metals area source rule will address furnace melting operations for metals other than iron and steel and their alloys, with the exception of secondary lead, copper, and mercury. Secondary lead is addressed under the secondary lead NESHAP requirement for area sources; likewise, secondary copper is addressed under the secondary copper NESHAP area source standard; and the secondary Mercury standard, a RCRA air rule, regulates secondary Mercury operations; therefore, these operations will not be included under this rule,

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4888; EPA Docket information: EPA-HQ-OAR-2006-0940

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## EPA—Clean Air Act (CAA)

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### 2733. NESHAP FOR STAINLESS AND NONSTAINLESS STEEL ELECTRIC ARC FURNACE (EAF) MANUFACTURING—AREA SOURCE

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Clean Air Act sec 112  
**CFR Citation:** 40 CFR 63  
**Legal Deadline:** Final, Statutory, November 30, 2000.  
Final, Judicial, December 15, 2007, One of ten area source category standards to be promulgated as per March 31, 2006 order.

**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	06/00/07	
Final Action	12/00/07	

#### 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

### 2734. 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	01/03/07	72 FR 69
NPRM Comment Period End	03/05/07	
NPRM Comment Period Extended	04/00/07	
Final Action	12/00/07	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4908;

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RIN: 2060-AM75

### 2735. 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 that 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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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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RIN: 2060-AM84

### 2736. NESHAP: IRON AND STEEL FOUNDRIES; AMENDMENTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, March 23, 2007, OGC and DOJ working with industry to develop settlement agreement, which will have proposal and promulgation deadlines.

**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	04/00/07	
Final Amendment	08/00/07	

#### 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

### 2737. 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 its reconsideration of this issue arising from its final rules of December 31, 2002.

#### Timetable:

Action	Date	FR Cite
NPRM	07/00/07	

#### 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

### 2738. IMPLEMENTING PERIODIC MONITORING IN FEDERAL AND STATE OPERATING PERMIT PROGRAMS

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

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

**CFR Citation:** 40 CFR 70.6(c)(1); 40 CFR 71.6(c)(1); 40 CFR 64

**Legal Deadline:** None

**Abstract:** This rule would revise the 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 four-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 SIPs; 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.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

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

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

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RIN: 2060-AN00

## EPA—Clean Air Act (CAA)

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**2739. RESPONSE TO PETITION OF RECONSIDERATION FOR FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR GEORGIA FOR PURPOSES OF REDUCING OZONE INTERSTATE TRANSPORT****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act title I**CFR Citation:** 40 CFR 51; 40 CFR 78; 40 CFR 97**Legal Deadline:** None

**Abstract:** In this action, EPA is responding to a petition for reconsideration of a final rule we issued under section 110 of the Clean Air Act (CAA) related to the interstate transport of nitrogen oxides (NOx). On April 21, 2004, EPA issued a final rule that required the State of Georgia to submit SIP revisions that prohibit specified amounts of NOx emissions—one of the precursors to ozone (smog) pollution—for the purposes of reducing NOx and ozone transport across State boundaries in the eastern half of the United States. Subsequently, the Georgia Coalition for Sound Environmental Policy (GCSEP) filed a petition for reconsideration requesting that EPA reconsider the inclusion of the State of Georgia in the rule and also requested a stay of the applicability of the requirements as to the State of Georgia. In response to that petition, EPA proposed to stay the effectiveness of the 2004 rule on 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	06/00/07	

**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

**2740. 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 sec 111 and 129**CFR Citation:** 40 CFR 60 subparts AAAA and BBBB; 40 CFR 62 subpart JJJ**Legal Deadline:** None

**Abstract:** This rule would amend the final (December 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
NPRM	04/00/07	
Direct Final Action	04/00/07	

**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

**2741. NESHAP: PAINT STRIPPING AND MISCELLANEOUS SURFACE COATING OPERATIONS—AREA SOURCES****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, December 15, 2007, One of ten area source category standards to be promulgated as per 3/31/2006 order.

**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 per year of a single HAP or 25 tons per 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

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refinishing, paint stripping, and surface coating activities.

**Timetable:**

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

**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

**2742. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE**

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

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

**CFR Citation:** 40 CFR 50

**Legal Deadline:** Final, Statutory, July 18, 2002, CAA Amendments of 1977. NPRM, Judicial, June 20, 2007. Final, Judicial, March 12, 2008.

**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.

**Timetable:**

Action	Date	FR Cite
Notice	12/29/05	70 FR 77155
NPRM	07/00/07	
Final Action	03/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5008;

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**RIN:** 2060-AN24

**2743. PREVENTION OF SIGNIFICANT DETERIORATION, NON-ATTAINMENT 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 sec 111(a)(4)

**CFR Citation:** 40 CFR 51; 40 CFR 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.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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**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](http://www.epa.gov/nsr)

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**RIN:** 2060-AN28

#### 2744. 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 to 63.217

**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 DC Circuit on June 18, 2004, in *Mossville Environmental Action v. EPA*, 370 F.3d 1232 (DC 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	
Final Action	06/00/08	

**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

#### 2745. 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	01/00/08	

**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

#### 2746. NESHAP: ACRYLIC/MODACRYLIC FIBERS, CHEMICAL MANUFACTURING: CHROMIUM COMPOUNDS, FLEXIBLE FOAM FABRICATION, AND FOAM PRODUCTION, CARBON BLACK PRODUCTION, LEAD ACID BATTERY MANUFACTURING, WOOD PRESERVING

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, June 15, 2007, six area source categories to be final as per March 31, 2006 order.

**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

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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 to 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); 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	04/04/07	72 FR 16635
NPRM Comment Period End	05/04/07	
Final Action	06/00/07	

**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

**2747. NESHAP: AREA SOURCE STANDARDS—CHEMICAL PREPARATIONS INDUSTRY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, June 15, 2009, Court ordered—part of area source deadlines.

**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

**2748. 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:** Final, Judicial, December 15, 2008, Court-ordered—part of area source deadlines.

**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

**2749. 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



## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**2750. 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:** NPRM, Judicial, March 14, 2007, As per 12/2005 Consent Decree, extended several times from original date of 6/12/2006. Final, Judicial, May 1, 2007, As per 12/2005 Consent Decree. Only required if Agency proposes to grant petition.

**Abstract:** EPA received a petition from Environmental Defense to list Diesel Exhaust as a Hazardous Air Pollutant (HAP). This notice announces EPA's decision to deny the petition. This decision is based on several considerations. First, diesel exhaust is a mixture of numerous chemicals and its composition can vary between engines and under different operating conditions. Thus, "diesel exhaust" is not appropriate for listing because it does not present an effective regulatory target. Second, adding an emission mixture such as diesel exhaust to the list of hazardous air pollutants appears to be contrary to Congress' intent that EPA list individual substances rather than mixtures. Finally, adding diesel exhaust to the list of hazardous air pollutants would have little practical impact on public health or the environment because EPA is already addressing emissions from diesel engines through a number of voluntary and regulatory programs, and adding diesel exhaust to the list of HAP would not likely impact the level of control achieved in these programs.

The deadline for signature of the Federal Register notice is November 15, 2006. (Received extension by litigants December 14, 2006; Received another extension by litigants March 14, 2007.)

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	

**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**Agency Contact:** Jaime Pagan, Environmental Protection Agency, Air

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**RIN:** 2060-AN49**2751. 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 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**2752. TRANSITION TO NEW OR REVISED PARTICULATE MATTER (PM) NAAQS****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.

**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	07/00/07	

**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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## EPA—Clean Air Act (CAA)

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RIN: 2060-AN59

### 2753. 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	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

### 2754. 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.

**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	05/00/07	

**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

### 2755. 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:** Final, Judicial, September 30, 2007, sec 183(e) VOC rules as per March 31, 2006 order.

**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

## EPA—Clean Air Act (CAA)

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**2756. 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**Agency Contact:** Bob Lucas, Environmental Protection Agency, Air and Radiation, C439-03, Research Triangle Park, NC 27711  
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**RIN:** 2060-AN72**2757. REVISION TO DEFINITION OF  
VOLATILE ORGANIC COMPOUNDS—  
EXCLUSION OF FOUR 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	07/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 5045;**Agency Contact:** William L. Johnson, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711  
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Phone: 202 564-1174  
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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 µ/m<sup>3</sup> 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 to 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.

**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**Agency Contact:** Ginger Tennant, Environmental Protection Agency, Air and Radiation, C504-06, Research Triangle Park, NC 27711  
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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**RIN:** 2060-AN83

### 2759. RISK AND TECHNOLOGY REVIEW PHASE II

**Priority:** Other Significant

**Legal Authority:** CAA sec 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, 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
NPRM	08/00/07	
Final Rule	06/00/09	

**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

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**2760. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NON-ATTAINMENT NEW SOURCE REVIEW (NSR): REASONABLE POSSIBILITY IN RECORDKEEPING****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA title 1 C and D**CFR Citation:** 40 CFR 51, app S; 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** Final, Judicial, September 30, 2007, OGC told the court that the final would be signed in September EPA is at risk of being put on a court-ordered deadline.**Abstract:** This rulemaking would clarify the “reasonable possibility” recordkeeping standard that we promulgated in the NSR Reform rule of 2002. In June 2005, the DC 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	03/08/07	72 FR 10445
NPRM Comment Period End	05/07/07	
Final Action	08/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5076; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/March/Day-08/a3897.htm>;**Agency Contact:** Lisa Sutton, Environmental Protection Agency, Air and Radiation, C339-03, Research Triangle Park, NC 27711  
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Email: [montanez.jessica@epamail.epa.gov](mailto:montanez.jessica@epamail.epa.gov)**RIN:** 2060-AN88**2761. • REFINEMENT TO INCREMENT MODELING PROCEDURES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** Part C of title I of the Clean Air Act (CAA) contains the requirements for a component of the major New Source Review (NSR) program known as the Prevention of Significant Deterioration (PSD) program. This program sets forth procedures for the preconstruction review and permitting of new and modified major stationary sources of air pollution located in areas meeting the National Ambient Air Quality Standards (NAAQS); i.e., “attainment” areas, or in areas for which there is insufficient information to classify an area as either attainment or nonattainment; i.e., “unclassifiable” areas. The applicability of the PSD program to a particular source must be determined in advance of construction and is pollutant-specific.

The PSD program also established increments, which are maximum increases in ambient air concentrations allowed in a PSD area over a baseline concentration. These increments follow the three-tiered area classification system established by Congress in section 163 of the CAA. Class I areas include certain national parks and wilderness areas that were designated by Congress as areas of special national concern, where the need to prevent air quality deterioration is the greatest. class II areas are all areas not specifically designated in the CAA as class I areas and class III areas are the ones originally designated as Class II, where higher levels of industrial development (and emission growth) are desired.

In this rulemaking, we propose to refine several aspects of the method that may be used to calculate an increase in concentration for increment purposes. These refinements are intended to clarify how States and regulated sources may calculate increases in concentration for purposes of determining compliance with the PSD increments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 5100;**Agency Contact:** Jessica Montanez, Environmental Protection Agency, Air and Radiation, C504-03, Research Triangle Park, NC 27711  
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Email: [svendsgaard.dave@epa.gov](mailto:svendsgaard.dave@epa.gov)**RIN:** 2060-AO02**2762. • HOSPITAL/ MEDICAL/INFECTIOUS WASTE INCINERATION UNITS—RESPONSE TO REMAND AND 5-YEAR TECHNOLOGY REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 60**Legal Deadline:** NPRM, Judicial, January 27, 2007, As per 1/27/2006 Settlement Agreement.  
Final, Judicial, January 27, 2008, As per 1/27/2006 Settlement Agreement.**Abstract:** Under section 129 of the Clean Air Act (CAA), EPA is required to adopt and implement maximum achievable control technology (MACT) standards for both new and existing hospital/medical/infectious waste incineration units (HMIWI). Regulations for HMIWI were promulgated on September 15, 1997, and those standards have been adopted and fully implemented with all retrofits completed. However, these regulations were subsequently remanded by the Court on March 2, 1999. The fundamental issue leading to the remand was the approach and methodology used by EPA to develop the HMIWI regulations. In effect, the Court questioned whether the regulations developed by EPA reflected

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the actual emission performance of the best controlled similar unit for new HMIWI and the average of the best performing 12 percent of units for existing HMIWI, and remanded the regulations to EPA for further explanation of its reasoning in determining the minimum regulatory "floors" for new and existing HMIWI. The purpose of the first part of this project is to respond to this remand. The second part of this project pertains to Clean Air Act section 129(a)(5), which requires EPA to review and, if necessary, revise standards developed under section 129 every 5 years. This process, known as the 5-year technology review, involves assessing the current environmental performance of hospital/medical/infectious waste incineration units and revising the emission limits to reflect this actual performance. The purpose of the second part of this project is to review the performance of control technology and the associated emission reductions achieved by the promulgated HMIWI regulations to determine whether they should be revised to better reflect MACT. We note that implementation of these MACT standards has been highly effective, reducing emissions of the nine section 129 pollutants (particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium) by more than 95 percent, and has reduced dioxin/furan and mercury emissions by more than 99 percent since 1995. Additionally, the number of operational units has dropped significantly since promulgation in 1997 from 2,400 units to approximately 80 units today. The amendments resulting from this 5-year review are expected to be minor, but will prevent backsliding of HMIWI unit performance.

**Timetable:**

Action	Date	FR Cite
NPRM	02/06/07	72 FR 5509
NPRM Comment Period End	04/09/07	
Final Action	02/00/08	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** SAN No. 5071; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2007/February/Day-06/a1617.htm>;

EPA Docket information: EPA-HQ-OAR-2006-0534

**URL For More Information:**

<http://www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html>

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**RIN:** 2060-AO04

**2763. • FINAL EXTENSION OF THE DEFERRED EFFECTIVE DATE FOR 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR THE DENVER EARLY ACTION COMPACT**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7407; 42 USC 7501 to 7515; 42 USC 7601**CFR Citation:** 40 CFR 81

**Legal Deadline:** NPRM, Judicial, March 1, 2007, NPRM must publish by 03/01/2007 to allow sufficient time to publish Final by 06/01/2007 — 30 days prior to 07/01/2007 effective date. Final, Judicial, June 1, 2007, Final to be published 06/01/2007 to be effective 07/01/2007 to avoid Denver going into nonattainment.

**Abstract:** This rule proposes to defer the effective date of nonattainment designations for the Denver Early Action Compact (EAC) area from July 1, 2007, until April 15, 2008. In a previous rulemaking (November 29, 2006), EPA deferred until April 15, 2008, the nonattainment designations for 13 other EAC areas which 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 action must be finalized and published in the Federal Register by March 1, 2007, in order to obtain public comments, finalize a rule, and publish by June 1, 2007, which will make it effective 30 days prior to the July 1, 2007, deferral date. If this timing is not met then

Denver will automatically lapse into nonattainment.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9285
NPRM Comment Period End	04/02/07	
Final Action	06/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 4839.6; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-09/a12960.htm>; Split from RIN 2060-AN90. 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-AO05

**2764. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING; SECOND GROUP OF AMENDMENTS**

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

**Abstract:** A final rule for this source category was published on November 10, 2003. Several parties petitioned the rule and final amendments to address issues raised by the petitioners were published on July 14, 2006. This action will correct several errors in the final amendments. Also, this action will propose an alternative control option for wastewater treatment tanks operated

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under negative pressure. Because the rule references the HON, the change will be made to the wastewater standards in the HON.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4891.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-08/a23666.htm>; Split from RIN 2060-AM43.

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**RIN:** 2060-AO07

**2765. • AIR QUALITY INDEX REPORTING AND SIGNIFICANT HARM LEVEL FOR PM2.5**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 58.50; 40 CFR 58, app G; 40 CFR 51.150 subpart H

**Legal Deadline:** None

**Abstract:** On July 23, 1999, EPA adopted revisions to the uniform air quality index used by States for daily air quality reporting to the general public in accordance with section 319 of the Clean Air Act (Act). These changes included the addition of the following elements: A new category described as “unhealthy for sensitive groups”; two new requirements, 1) to report a pollutant-specific sensitive group statement when the index is above 100 and 2) to use specific colors if the index is reported in a color format; new breakpoints for the ozone

(O3) sub-index in terms of 8-hour average O3 concentrations; a new sub-index for fine particulate matter (PM2.5); and conforming changes to the sub-indices for coarse particulate matter (PM10), carbon monoxide (CO), and sulfur dioxide (SO2). In addition, EPA changed the name of the index from the Pollutant Standards Index to the Air Quality Index (AQI). The revisions enhance the communication of pollutant-specific health effects information to members of sensitive groups, including precautionary actions that can be taken by individuals to reduce exposures of concern. The revisions also enhance the usefulness of the AQI with regard to other programs that provide air quality information and related health information to the general public, including State and local real-time air quality data mapping and community action programs.

In 2006, EPA promulgated a revised national ambient air quality standard (NAAQS) for PM2.5 levels of 35 ug/m3, 24-hour average. The purpose of this rulemaking is to make revisions to the AQI sub-index for PM2.5 to be consistent with the new daily standard. It is important to make this revision expeditiously to allow members of the public, especially members of sensitive groups, to take exposure reduction measures when PM2.5 levels are forecasted to be high. State and local air agencies are encouraging EPA to make the revisions as soon as possible.

EPA has never set a Significant Harm Level (SHL) for PM2.5. There are SHLs for sulfur dioxide, ozone, carbon monoxide, PM10, and nitrogen dioxide. Designated areas must have contingency plans in place to prevent ever reaching this level. There is not currently an SHL for PM2.5. The SHL is typically the same concentration as the 500 level of the AQI. So along with revising the AQI for PM2.5, we will also set an SHL for PM2.5.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5115;

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**RIN:** 2060-AO11

**2766. • COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS; RESPONSE TO REMAND OF NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 60; 40 CFR 62

**Legal Deadline:** None

**Abstract:** This action will propose EPA's response to the remand of the Commercial and Industrial Solid Waste Incineration (CISWI) New Source Performance Standards and Emission Guidelines under section 129 of the CAA. This action also will propose several amendments to the standards. We are considering covering the following types of units located at commercial or industrial facilities that currently are not covered under CISWI: Units with waste heat recovery, units that burn more than 30 percent municipal solid waste at commercial/industrial facilities, and cyclonic burn barrels. We also will clarify provisions regarding air curtain incinerators, the exemption for chemical recovery units, the exemption for spent sulfuric acid production, startup and shutdown, and the definition of clean wood waste. Finally, in response to the voluntary remand of the CISWI rules, we will examine and revise as appropriate the methodology for developing the MACT floors and emission limits.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**Additional Information:** SAN No. 5105;

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**RIN:** 2060-AO12

**2767. • CONSUMER AND  
COMMERCIAL PRODUCTS, GROUP 3:  
CONTROL TECHNIQUES GUIDELINES  
IN LIEU OF REGULATIONS FOR  
PAPER, FILM, AND FOIL COATINGS;  
METAL FURNITURE COATINGS; AND  
LARGE APPLIANCE COATINGS**

**Priority:** Other Significant

**Legal Authority:** Clean Air Act

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Judicial,  
September 30, 2007.

**Abstract:** This action announces the Administrator's determination under section 183(e) for three categories of consumer and commercial products that control techniques guidelines (CTG) are substantially as effective in reducing VOC emissions in ozone nonattainment areas as national rules for these categories. The proposal will solicit comments on the proposed determinations and will announce draft control technique recommendations for each of the product categories. The final notice will finalize the determination and will announce availability of CTGs covering these categories. There is a court-ordered deadline of September 30, 2007 for the final determination and issuance of CTGs.

**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. 5132;

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**RIN:** 2060-AO14

**2768. • NESHAP: PORTLAND CEMENT  
NOTICE OF RECONSIDERATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

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

**Legal Deadline:** Final, Judicial,  
December 20, 2007, Settlement  
Agreement.

**Abstract:** On December 20, 2006, we published final amendments to the Portland Cement NESHAP. These amendments were in response to a remand by the DC Circuit Court of portions of the final rule published in 1999. At the same time as the final amendments were published, we also published a notice of reconsideration of the final new source limits for mercury and total hydrocarbons (a surrogate for non-dioxin organic HAP). We also are reconsidering the ban on the use of certain mercury containing fly ash in both new and existing kilns. We took this action because there are still substantive technical issues, and there was not sufficient opportunity for public comment on parts of the final action. In addition to these reconsiderations, we anticipate we may receive a reconsideration request from the industry on other parts of the final rule, specifically the work practice standard for existing kilns to not recycle cement kiln dust to the extent that product quality is adversely affected.

We have stated in the notice that we will complete this reconsideration by December 20, 2007. As part of this effort, we are requesting that five cement facilities that have wet scrubbers or lime spray dryers for SO<sub>2</sub> control perform inlet and outlet testing for speciated mercury emissions and

submit the test data to EPA to be used in the reconsideration for the new source mercury standard. We are assuming that the cement industry will provide any additional data they want us to consider on the other matters under reconsideration and have no other plans for any other testing programs or data gathering at this time.

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No.  
4585.1; Split from RIN 2060-AJ78.; EPA  
Docket information: EPA-HQ-OAR-  
2002-0051

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**RIN:** 2060-AO15

**2769. • RISK AND TECHNOLOGY  
REVIEW FOR GROUP 1: POLYMERS  
AND RESINS I; POLYMERS AND  
RESINS II, ACETAL RESINS, AND  
HYDROGEN FLUORIDE**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

**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, processes, and control technologies according to section 112(d)(6) of the CAA. We will use available data



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including emissions from the most recent 2002 national emission inventory (NEI) and augment it with available site-specific data. We 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.

This action is called Risk and Technology Review (RTR) Group 1. It will address EPA's obligation to conduct a residual risk review and to conduct a technology review. It includes nine source categories, each affected by one of four MACT standards. The nine source categories are: Polysulfide rubber (P&R I MACT); ethylene propylene rubber (P&R I MACT); butyl rubber (P&R I MACT); neoprene (P&R I MACT); epoxy resins (P&R II MACT); non-nylon polyamides (P&R II MACT); hydrogen fluoride (GMACT); acetal resins (GMACT); and mineral wool (Mineral Wool MACT).

We will also conduct a technology review. Where additional controls are identified, standards would be developed that include technology, work practice, or performance standards as amendments to the existing MACT standards.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5126;

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**RIN:** 2060-AO16

# 2770. • AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF A FAMILY OF FOUR HYDROFLUOROPOLYETHERS (HFPEs)

**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 these HFPEs from the list of volatile organic compounds (VOCs) on the basis that, as a precursor, these compounds make a negligible contribution to the formation of tropospheric ozone. These compounds have the potential for use as refrigerants because they are not stratospheric ozone depleters. This action will remove the necessity to control these particular HFPEs as VOCs in State Implementation Plans for attaining the ozone standard.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5131;

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**RIN:** 2060-AO17

# 2771. • RESPONSE TO REQUEST FOR RECONSIDERATION OF FINAL AIR EMISSION MACT RULES FOR LARGE MUNICIPAL WASTE COMBUSTORS (MWCS)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 129

**CFR Citation:** 40 CFR 60

**Legal Deadline:** Final, Judicial, July 16, 2007, Litigation stayed until 7/16/2007—EPA must publish final response to request for reconsideration by that date.

**Abstract:** EPA originally adopted air emission standards for new and existing large municipal waste combustors (MWCs) in 1995. As required by section 129 of the CAA, EPA reviewed these standards and proposed revised standards. The proposal occurred on December 19, 2005, and final standards were published on May 10, 2006 (71 FR 27323). A number of individuals, including Earthjustice, filed litigation on various aspects of the standards. Earthjustice also filed a request for EPA to reconsider four items included in the final standards. Earthjustice did not believe the changes made to the four items following proposal were adequately explained in the final FR notice. EPA agreed to reconsider the items and, following reconsideration, would publish a FR notice explaining EPA's logic for the changes, take comment on the action, and publish a final action. In response to this commitment by EPA, the Court has "held" the litigation until the reconsideration action is complete. EPA has committed to the Court to complete the reconsideration (proposal and final FR action) within 9 months. The Court then issued an order for EPA to complete the reconsideration in 9 months. EPA filed its motion with the Court on October 16, 2006, and has, therefore, committed to complete the reconsideration by July 16, 2007 (9 months).

**Timetable:**

Action	Date	FR Cite
NPRM	03/20/07	72 FR 13016
NPRM Comment Period End	04/19/07	
Final Action	07/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5120;

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RIN: 2060-AO18

#### 2772. • PREVENTION OF SIGNIFICANT DETERIORATION FOR PM2.5—INCREMENTS, SIGNIFICANT IMPACT LEVELS, AND SIGNIFICANT MONITORING CONCENTRATIONS

**Priority:** Other Significant

**Legal Authority:** Clean Air Act

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

**Legal Deadline:** None

**Abstract:** Section 166 of the Clean Air Act authorizes the Environmental Protection Agency to establish regulations to prevent significant deterioration (PSD) of air quality due to emissions of any pollutant for which a NAAQS has been promulgated. The NAAQS for PM2.5 was promulgated in 1997. On November 1, 2005, EPA proposed regulations for the implementation of the PM2.5 program including the New Source Review (NSR) provisions. In that NPRM, we indicated that we would be proposing a separate rule for developing increments, Significant Impact Levels (SILs) and Significant Monitoring Concentrations (SMCs), to facilitate implementation of a PM2.5 PSD program. Increments are maximum allowable increases in ambient PM2.5 concentrations (PM2.5 increments) allowed in an area above the baseline concentration. SILs are a screening tool used by a major PSD source to determine if it needs to do a comprehensive increments analysis. If a source's impacts of PM2.5 emissions are less than the corresponding SIL, the source's impacts are considered to be de minimis and no further modeling analyses are required. Similarly, SMCs are a screening tool used by a major PSD source to determine if site-specific ambient monitoring is necessary.

In this NPRM, we are proposing three options each for developing PM2.5 increments, SILs and SMCs. EPA's proposed increment options are the percent of NAAQS option, also known as the "safe harbor" approach, the "Equivalent Increment" approach and

a variation of the second option that also considers the stringency of PM2.5 NAAQS. For SILs we would be seeking comments on three options—percent of increments option, emissions ratio of PM10 option, and NAAQS ratio of PM10 option. For SMCs the three options would be Emissions Ratio option, NAAQS Ratio option, and Lowest Detectable Concentration option.

##### Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5068;

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RIN: 2060-AO24

#### 2773. • PROTECTION OF STRATOSPHERIC OZONE: EXTENSION OF GLOBAL LAB AND ANALYTICAL USE EXEMPTION FOR ESSENTIAL CLASS I OZONE DEPLETING SUBSTANCES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82.8(b)

**Legal Deadline:** None

**Abstract:** EPA is proposing to extend the global lab and analytical use exemption for production and import of class I ozone depleting substances from December 31, 2007, to December 31, 2009, authorized by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and consistent with the Clean Air Act Amendments. The exemption applies to production and import of ozone-depleting substances for essential laboratory and analytical uses as

defined by the Montreal Protocol. The Montreal Protocol has permitted this exemption since 1994. EPA is also proposing to apply the exemption to methyl bromide produced and imported after the January 1, 2005, phaseout date, authorized by the Parties to the Protocol in Decision XVII/15.

##### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5136;

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RIN: 2060-AO28

#### 2774. • PROTECTION OF THE STRATOSPHERIC OZONE: THE 2008 CRITICAL USE EXEMPTION FROM THE PHASEOUT OF METHYL BROMIDE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** EPA is proposing an exemption to the phaseout of methyl bromide to meet the needs of 2008 critical uses. Specifically, EPA is authorizing uses that will qualify for the 2008 critical use exemption and the amount of methyl bromide that may be produced, imported, or supplied from inventory for those uses in 2008. EPA takes this action under the authority of the Clean Air Act to reflect recent consensus decisions taken by the parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at the 18th Meeting of the Parties.

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**Timetable:**

Action	Date	FR Cite
NPRM	07/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5138;**Agency Contact:** Aaron Levy, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AO30**2775. • REVISIONS TO COGENERATION UNIT DEFINITION UNDER CAIR, CAMR, AND NESHA AND CORRECTIONS TO CAIR AND ACID RAIN PROGRAM RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA sec 111; 42 USC 7401 et seq**CFR Citation:** 40 CFR 51, 72, et seq; 40 CFR 60, 72, 75**Legal Deadline:** None**Abstract:** EPA is proposing action to revise the thermal efficiency standard that is part of the cogeneration unit definition under the Clean Air Interstate Rule (CAIR), Federal Implementation Plan for CAIR, Clean

Air Mercury Rule (CAMR), and Proposed Federal Plan for CAMR. Units meeting the cogeneration unit definition may be exempt from these rules. Specifically, EPA is proposing to revise the thermal efficiency standard in the cogeneration unit definition so that the standard would apply only to the fossil fuel portion of a unit's energy input. This change to the CAIR, CAIR FIP, CAMR, and proposed CAMR Federal Plan would likely result in exempting some additional cogeneration units from these rules.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/07	
Final Action	09/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5109;**Agency Contact:** Elyse Steiner, Environmental Protection Agency, Air and Radiation, 6204J, Washington, DC 20005-4113

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**RIN:** 2060-AO33**2776. • UPDATE OF TEST PROCEDURE SCHEDULE FOR ALL-TERRAIN VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 1051**Legal Deadline:** None**Abstract:** In the FRM for new emission standards for recreational vehicles, we stated our intent to revisit and potentially develop a new exhaust emission test procedure for all terrain vehicles (ATVs). In the interim, an optional steady-State test procedure was allowed through the 2008 model year. In this action, we will extend the period in which the optional test procedure may be used. We will also discuss the current state of the evaluation of a potential new ATV test procedure.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5107;**Agency Contact:** Michael Samulski, Environmental Protection Agency, Air and Radiation, OAR/OTAQ/ASD, Ann Arbor, MI 48105

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**RIN:** 2060-AO35**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)****Final Rule Stage****2777. 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 is finalizing Federal Implementation Plans to regulate emissions from the Navajo Generating Station and the Four Corners Power Plant. The plants were previously complying with emissions limits in the Arizona and New Mexico State Implementation Plans. However, EPA's promulgation of the Tribal Authority Rule clarified that State air quality regulations generally could not be

extended to facilities located on the reservation. These FIPs establish federally enforceable emissions limitations for sulfur dioxide, nitrogen oxides, total particulate matter, and opacity, and a requirement for control measures for dust.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48725

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Action	Date	FR Cite
Notice	01/26/00	65 FR 4244
Final Action	04/00/07	

**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**2778. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR FOUR CORNERS POWER PLANT; NAVAJO NATION****Priority:** Other Significant**Legal Authority:** 42 USC 1740**CFR Citation:** 40 CFR 60**Legal Deadline:** None

**Abstract:** EPA is finalizing Federal Implementation Plans to regulate emissions from the Navajo Generating Station and the Four Corners Power Plant. The plants were previously complying with emissions limits in the Arizona and New Mexico State Implementation Plans. However, EPA's promulgation of the Tribal Authority Rule clarified that State air quality regulations generally could not be extended to facilities located on the reservation. These FIPs establish federally enforceable emissions limitations for sulfur dioxide, nitrogen oxides, total particulate matter, and opacity, and a requirement for control measures for dust.

**Timetable:**

Action	Date	FR Cite
Reproposal	09/12/06	71 FR 53631
Final Action	04/00/07	

**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/2006/September/Day-12/a15097.pdf>; Formerly listed as RIN 2060-AF42

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**RIN:** 2009-AA01**2779. 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
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**2780. 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

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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
Final Action	02/00/08	

**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

**2781. CLEAN AIR FINE PARTICLE IMPLEMENTATION RULE**

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

**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.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/05	70 FR 65984
Final Action	04/00/07	

**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

**2782. 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, appendix J to part 60; 40 CFR 63, appendix C to part 63

**Legal Deadline:** None

**Abstract:** These standards are based on a combination of control techniques that require removal or destruction of volatile organic compounds from wastewater at synthetic organic chemical manufacturing industry plants. Designated chemical process units, i.e., process lines or process units, would be subject to the rule. Constructed, reconstructed, or modified designated chemical process units would be required to apply appropriate controls to affected wastewater tanks, surface impoundments, containers, individual drain systems, and oil and water separators, and to treat process wastewater to remove or destroy the volatile organic compounds. On September 12, 1994, EPA proposed Standards of Performance for New Stationary Sources: Volatile Organic Compound Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Wastewater (40 CFR part 60, subpart YYY). On October 11, 1995, the EPA issued a supplemental proposal, which clarified and revised the previously proposed rule. On December 9, 1998, EPA published a supplement to the proposed rule that consisted of revised definitions, alternative test procedures, and clarifications of requirements, and that proposed to add Appendix J to 40 CFR part 60. In conjunction with the rule development for the NSPS, amendments to appendix C to part 63 were proposed on June 30, 2004. The final rule will encompass the clarifications and revisions to subpart YYY, appendix J, and 40 CFR part 63, appendix C.

**Timetable:**

Action	Date	FR Cite
NPRM (NSPS)	09/12/94	59 FR 46780
Supplemental NPRM 1	10/11/95	60 FR 52889
Supplemental NPRM 2	12/09/98	63 FR 67988
NPRM Amendment	06/30/04	69 FR 39383
Final Action	03/00/08	

**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>;

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**Sectors Affected:** 3251 Basic Chemical Manufacturing

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**RIN:** 2060-AE94

### 2783. AMENDMENTS TO STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60, app F, procedure 3

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

**Abstract:** This rulemaking adds a procedure 3 to appendix F of 40 CFR part 60. This action provides quality assurance specifications for continuous opacity monitor systems (COMSs) installed for compliance. States may cite this procedure for sources with installed COMS subject to compliance limitations.

#### Timetable:

Action	Date	FR Cite
Final Action	09/00/07	

#### 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

### 2784. 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, April 16, 2007, 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 per year. On December 3, 1999, the rule was amended by adding compliance options for continuous web cleaning machines. Continuous web cleaning machines are considered a subset of in-line cleaning machines and are defined as: "A solvent cleaning machine in which parts such as film, coils, wire, and metal strips are cleaned at speeds typically in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent application area of the solvent cleaning machine, and then recoiled or cut." This action is required by the CAA to assess residual risk and develop standards as necessary to provide an ample margin of safety.

#### Timetable:

Action	Date	FR Cite
NPRM	08/17/06	71 FR 47670
Notice of Data Availability (NODA)	12/14/06	71 FR 75182
Final Action	04/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**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

### 2785. 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) 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

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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	06/00/07	

**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

#### 2786. MODIFICATION OF THE ANTI-DUMPING BASELINE DATE CUT-OFF LIMIT FOR DATA USED IN DEVELOPMENT OF AN INDIVIDUAL BASELINE

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** "Dumping" refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and "dump" them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing

"anti-dumping" rules on the books that codify this Clean Air Act prohibition. This regulation is a minor technical amendment to those existing regulations. It would amend a portion of those regulations to allow the use of data collected after January 1, 1995, in the development of baselines, and it would establish a cut-off date of January 1, 2002, for the submission of all individual baselines under the anti-dumping program. This date is the same as that allowed for foreign refineries seeking a unique individual baseline under the anti-dumping program.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	01/00/08	

**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

#### 2787. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA, SULFUR DIOXIDE (SO<sub>2</sub>) AREA

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

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

**CFR Citation:** 40 CFR 52

**Legal Deadline:** None

**Abstract:** The State of Montana submitted a sulfur dioxide (SO<sub>2</sub>) State Implementation Plan (SIP) for the Billings/Laurel, Montana, area. On May 2, 2002 and May 22, 2003 we partially and limitedly approved and partially and limitedly disapproved Montana's SO<sub>2</sub> SIP for Billings/Laurel. EPA intends to propose a Federal Implementation Plan (FIP) to cover those parts of the State's plan we disapproved. EPA's FIP will assure that

the Billings/Laurel area will attain and maintain the SO<sub>2</sub> NAAQS.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/06	71 FR 39259
Final Action	06/00/07	

**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

#### 2788. 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

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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 Rule	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

### 2789. 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 that may have significant unintended negative impacts on refiners and importers. Today’s proposed actions would not compromise the environmental goals of the RFG program, or result in any

environmental degradation. Today’s proposed actions would not have any negative impact on small businesses or State/local/tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/05	70 FR 646
Final Action	06/00/07	

**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

### 2790. 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 that were published in the Federal Register on March 29, 2001 (66 FR 17230). The corrected regulatory provision restores the definition of California gasoline as used in the enforcement exemptions for California gasoline under the regulation of fuels and fuel additives.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	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

### 2791. ANTI-DUMPING BASELINE RECALCULATION FOR DOWNSTREAM OXYGENATE ADDITION

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80.91

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
Direct Final Rule	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

### 2792. 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.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4793; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA->

AIR/2006/September/Day-14/a15248.htm

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**RIN:** 2060-AL75

### 2793. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MOTOR VEHICLES: ON-BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY-DUTY ENGINES AND VEHICLES ABOVE 14,000 POUNDS AND IN-USE, NOT-TO-EXCEED EMISSION STANDARD TEST

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 86

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	01/24/07	72 FR 3200
NPRM Comment Period End	03/26/07	
Final Action	07/00/07	

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

EPA publication information: NPRM -

[http://www.epa.gov/fedrgstr/EPA-](http://www.epa.gov/fedrgstr/EPA-AIR/2007/January/Day-24/a110a.htm)[AIR/2007/January/Day-24/a110a.htm](http://www.epa.gov/fedrgstr/EPA-AIR/2007/January/Day-24/a110a.htm);**Agency Contact:** Todd Sherwood,  
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Email: [pugliese.holly@epamail.epa.gov](mailto:pugliese.holly@epamail.epa.gov)**RIN:** 2060-AL92**2794. 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, 2007, Thompson Report  
commitment date for proposal and  
March, 2007 for promulgation.**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 that will detect leaks  
at a reduced cost 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

Action	Date	FR Cite
Extended NPRM Comment Period End	06/07/06	71 FR 32885
Final Action	07/00/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4830;**Agency Contact:** David Markwordt,  
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Email: [hustvedt.ken@epamail.epa.gov](mailto:hustvedt.ken@epamail.epa.gov)**RIN:** 2060-AL98**2795. NESHAP AND NSPS FOR  
MUNICIPAL SOLID WASTE  
LANDFILLS—AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7601**CFR Citation:** 40 CFR 63.1960; 40 CFR  
63.1975; 40 CFR 63.1980**Legal Deadline:** None**Abstract:** This 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 part 60, promulgated on March 12,  
1996. The amendment is being  
undertaken in response to requests toclarify 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
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;  
EPA publication information: NPRM -  
[http://www.epa.gov/fedrgstr/EPA-](http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-08/a7493.htm)  
[AIR/2006/September/Day-](http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-08/a7493.htm)  
[08/a7493.htm](http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-08/a7493.htm); NPRM was published  
09/08/2006 (71 FR 53272) as RIN 2060-  
AJ41.**Agency Contact:** Karen Rackley,  
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Email: [hustvedt.ken@epa.gov](mailto:hustvedt.ken@epa.gov)**Related RIN:** Previously reported as  
2060-AH13, Previously reported as  
2060-AJ41**RIN:** 2060-AM08**2796. 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

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**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
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](http://www.epa.gov/ozone/title6/608)

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**RIN:** 2060-AM09

**2797. NESHAP: AREA SOURCE STANDARDS—ETHYLENE OXIDE HOSPITAL STERILIZATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

NPRM, Judicial, October 31, 2006, As per 5/22/2003 Revised Partial Consent Decree.

Final, Judicial, December 20, 2007, As per 5/22/2003 Revised Partial Consent Decree.

**Abstract:** On November 6, 2006, the Agency proposed two options to address the Clean Air Act requirements for hospital sterilizers. One option requires no action and the other action requires implementation of a work practice. 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:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4859; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/November/Day-06/a18644.htm>;

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**RIN:** 2060-AM14

**2798. 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.

**Timetable:**

Action	Date	FR Cite
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

**2799. 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

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**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 DFRM	06/07/06	71 FR 32840
Final Action	06/00/07	

**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>; EPA Docket information: EPA-HQ-OAR-2005-0131

**URL For More Information:**

[www.epa.gov/ozone/title6](http://www.epa.gov/ozone/title6)

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**RIN:** 2060-AM46

**2800. PROTECTION OF STRATOSPHERIC OZONE; REFRIGERANT RECYCLING; CERTIFICATION OF RECOVERY AND RECOVERY/RECYCLING EQUIPMENT INTENDED FOR USE WITH SUBSTITUTE REFRIGERANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** 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
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](http://www.epa.gov/ozone/title6/608)

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**RIN:** 2060-AM49

**2801. 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 it 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	07/00/07	

**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

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**2802. 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 on 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. The 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
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**2803. NESHA: GASOLINE DISTRIBUTION AREA SOURCE STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Judicial, October 31, 2006, As per 05/22/2003 Revised Partial Consent Decree. Final, Judicial, December 20, 2007, As per 05/22/2003 Revised Partial Consent Decree.

**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 had 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	
NPRM Comment Period Extended	01/08/07	72 FR 726
Final Action	01/00/08	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** SAN No. 4907; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/November/Day-09/a18656.htm>

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**RIN:** 2060-AM74**2804. 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, Consent Decree entered 7/15/2004 regarding NSPS for compression-ignited stationary engines and NSPS for spark-ignited engines. Final, Judicial, December 20, 2007, Consent Decree entered 7/15/2004 regarding NSPS for compression-ignited stationary engines and NSPS for spark-ignited engines.

**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.

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**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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[wayland.robertj@epamail.epa.gov](mailto:wayland.robertj@epamail.epa.gov)**RIN:** 2060-AM81**2805. 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 emissions 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 emissions 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	08/00/07	

**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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**Abstract:** This action will be done as two separate amendments to the final National Emission Standard for Hazardous Air Pollutants for the surface coating of automobiles and

light-duty trucks. The first amendment will add an option to include the coating of heavier vehicles under the automobile and light-duty truck rule. The second amendment will clarify the interaction between this rule and the NESHAP for surface coating of plastic parts and products. The second amendment 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	12/22/06	71 FR 76956
NPRM Comment Period End	01/22/07	
Direct Final Rule	12/22/06	71 FR 76922
Direct Final Amendment	04/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** SAN No. 4958; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-22/a21974.htm>;

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**RIN:** 2060-AN10

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**2807. 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 with 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**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**2808. 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**2809. 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

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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
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**2810. 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 NO<sub>x</sub>, NMHC, and PM from the crankcase over its lifetime. Therefore, given the availability of technologies to control crankcase emissions and the significant environmental benefit from 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 40 CFR section 86.007-11. 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 Rule	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**2811. 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.



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**Timetable:**

Action	Date	FR Cite
NPRM	12/18/06	71 FR 75816
NPRM Comment Period End	02/16/07	
Final Action	04/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** SAN No. 5011; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/December/Day-18/f21285.htm>; Legal Deadline continued: Federal Plan must be promulgated 2 years after the final publication of the Emission Guidelines rule (December 16, 2005, 70 FR 74869, <http://www.epa.gov/fedrgstr/EPA-AIR/2005/December/Day-16/a23716.htm>); EPA Docket information: EPA-HQ-OAR-2006-0364

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**RIN:** 2060-AN43**2812. 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, As per 05/22/2003 Revised Partial Consent Decree. Final, Judicial, December 20, 2007, As per 05/22/2003 Revised Partial 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:** No**Small Entities Affected:** Businesses**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**2813. 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 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

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**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

#### 2814. NEW SOURCE PERFORMANCE STANDARDS (NSPS): EQUIPMENT LEAKS-SUBPARTS VV AND 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, EPA 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 SOCM sources (subpart VV) and oil refineries (subpart GGG). EPA 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

#### 2815. 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 that may be available to indicate a need for an investigation.

#### Timetable:

Action	Date	FR Cite
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

#### 2816. RENEWABLE FUELS STANDARD RULE

**Priority:** Other Significant

**Legal Authority:** PL 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.

**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 per yr in 2006 up to 7.5 billion gal per yr in 2012. The Act provides that if EPA fails to promulgate regulations within one year, then a default value of 2.78 percent 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 a 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 December 30, 2005 interprets the default provision so that it can be implemented with certainty in the event EPA fails to promulgate the RFS within 1 year of enactment. It provides for refiners, importers, and

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blenders to meet the 2.78 percent 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.

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/06	71 FR 55552
Final Action	04/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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

**Additional Information:** SAN No. 5048; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-22/a7887a.htm>;

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**RIN:** 2060-AN76

### 2817. PREVENTION OF SIGNIFICANT DETERIORATION, NON-ATTAINMENT NEW SOURCE REVIEW, AND TITLE V: TREATMENT OF CORN MILLING FACILITIES UNDER THE "MAJOR EMITTING FACILITY" DEFINITION

**Priority:** Other Significant

**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' recent recognition of the enormous role that domestically produced ethanol can play in reducing our dependence on foreign oil (by Congress' 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	04/00/07	

**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

### 2818. 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	04/00/07	

**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

### 2819. PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2007

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

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**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 chemicals, 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 64670
NPRM Comment Period End	12/04/06	
Final Action	04/00/07	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** SAN No. 5056; EPA publication information: NPRM - NPRM: <http://www.epa.gov/fedrgstr/EPA-AIR/2006/November/Day-03/a18581.htm>; EPA Docket information: EPA-HQ-OAR-2006-0159

**URL For More Information:**

<http://www.epa.gov/ozone/title6/phaseout/index.html>

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**RIN:** 2060-AN81**2820. TRANSPORTATION CONFORMITY RULE AMENDMENTS TO IMPLEMENT PROVISIONS CONTAINED IN THE 2005 TRANSPORTATION BILL (SAFETEA-LU)****Priority:** Other Significant**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 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
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**2821. 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; 40 CFR 61; 40 CFR 63**Legal Deadline:** None

**Abstract:** The final rule will extend the time period required for source owners and operators to conduct initial performance tests in response to force majeure. 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

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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.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/06	71 FR 45487
Final Action	08/00/07	

**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

## 2822. 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.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4752.2; Split from RIN 2060-AK74.

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**RIN:** 2060-AN86

## 2823. 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
Final Action	11/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4697.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/August/Day-23/a13951.htm>; Split from RIN 2060-AK45; EPA Docket information: EPA-HQ-OAR-2005-0151

**URL For More Information:**

<http://www.epa.gov/ozone/title6/phaseout/index.html>

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**RIN:** 2060-AN87

## 2824. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NON-ATTAINMENT NEW SOURCE REVIEW (NSR): REMOVAL OF VACATED ELEMENTS

**Priority:** Other Significant

**Legal Authority:** CAA title I parts C and D

**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	06/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

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**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5077;**Agency Contact:** David Painter,  
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Phone: 919 541–2380  
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Email: svendsgaard.dave@epa.gov**RIN:** 2060–AN92**2825. 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 allow only 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 Rule	06/00/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5080;**Agency Contact:** Jamie Dong,  
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and Radiation, 6406J, Washington, DC  
20460  
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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:** Final, Judicial, April  
13, 2007, Court deadline for final  
amendments.

**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	02/09/07	72 FR 6320
NPRM Comment Period End	03/12/07	
Extension of Comment Period	03/06/07	72 FR 9903
Final Action	04/00/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5089;**Agency Contact:** Christian Fellner,  
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Email: maxwell.bill@epa.gov**RIN:** 2060–AN97**2827. CLEAN AIR MERCURY RULE:  
FEDERAL PLAN****Priority:** Other Significant**Legal Authority:** CAA sec 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	12/22/06	71 FR 77100
NPRM Comment Period End	02/20/07	
Final Action	09/00/07	

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

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

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

**Additional Information:** SAN No. 5094; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-22/a21573.htm>;

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**RIN:** 2060-AN98

## 2828. 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:** NPRM, Judicial, December 15, 2006, Court Promise. Court has stayed litigation with NRDC pending EPA action on reconsideration requests.

**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	12/19/06	71 FR 75902
NPRM Comment Period End	01/18/07	
Extension of Comment Period	01/12/07	72 FR 1473
Final Action	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4625.6; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-19/a21379.htm>; Split from RIN 2060-AJ99.

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**Related RIN:** Split from 2060-AJ99

**RIN:** 2060-AO00

## 2829. • TWO OPTIONAL METHODS FOR RELATIVE ACCURACY TEST AUDITS OF MERCURY MONITORING SYSTEMS INSTALLED ON COMBUSTION FLUE GAS STREAMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 63, app A

**Legal Deadline:** None

**Abstract:** This action proposes to add two optional test methods for mercury emissions to an existing regulatory method requirement. Either or both of these methods may then be used at the discretion of the emission source in

place of the existing specified method as an alternative means of performing relative accuracy test audits of flue gas mercury continuous emission monitors. Either of these methods is considered to be equal in the quality of the results produced to the existing method. Use of either proposed method is not required, but either may be preferred over the existing method requirement because of decreased costs and more timely results. This action does not change any emission standards or add any additional recordkeeping requirements. This action is in regard to testing and monitoring requirements for mercury specified in the Federal Register on May 18, 2005 (70 FR 28606). Since that time EPA has received numerous comments concerning the desirability of allowing use of these optional methods, as they may produce equally acceptable measures of the relative accuracy achieved by mercury monitoring systems. An instrumental test method for mercury and a sorbent trap test method for mercury are being proposed for addition to appendix A of 40 CFR part 63. Their intended use is for the performance of relative accuracy test audits on installed mercury continuous emission monitors. These methods are being proposed so they may be cited as optional alternatives to the current method requirement as noted above. Use of either optional method may be found to be less costly and more timely than the current method requirement, which may still be used.

### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 5112;

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 RIN: 2060-AO01

### 2830. • NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS: SHIPBUILDING AND SHIP REPAIR (SURFACE COATING) OPERATIONS—AMENDMENT

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** Clean Air Act sec 112  
**CFR Citation:** 40 CFR 63

**Legal Deadline:** Other, Statutory, January 2, 2007, Compliance date for another MACT and this industry would be subject to if these amendments are not in place before then.

**Abstract:** On December 15, 1995, the EPA issued national emission standards for hazardous air pollutants (NESHAP) under section 112 of the Clean Air Act for shipbuilding and ship repair (surface coating) operations. The NESHAP requires existing and new major sources to control emissions of hazardous air pollutants to the extent achievable by the use of maximum achievable control technology. This action is intended to more clearly state the distinction between and the definition of ship and pleasure craft. It is being issued in response to questions concerning whether yachts greater than 20 meters (78.7 feet) in length are ships and, therefore, subject to the NESHAP or pleasure craft. The direct final rule will revise the definitions of pleasure craft and ship and include size criteria to ensure that all activities intended to be subject to the NESHAP are in fact subject to it.

#### Timetable:

Action	Date	FR Cite
NPRM	12/29/06	71 FR 78392
NPRM Comment Period End	01/29/07	
Direct Final Rule	12/29/06	71 FR 78369
Withdrawal of Direct Rule	02/27/07	72 FR 8630
Final Action	07/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5106; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-29/a22428.htm>;

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**RIN:** 2060-AO03

### 2831. • AMBIENT AIR MONITORING REGULATIONS: CORRECTING AND OTHER AMENDMENTS

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** EPA recently finalized changes to the ambient air monitoring regulations in 40 CFR parts 50, 53, and 58 in support of revisions to the PM National Ambient Air Quality Standards that were finalized in a concurrent rulemaking. Additional changes were made in monitoring regulations to implement portions of the National Ambient Air Monitoring Strategy; to take advantage of new continuous particulate matter monitoring technological developments; to update quality assurance procedures; and to more accurately reflect the roles of EPA and other control authorities in designing, reviewing, and modifying ambient air networks. Following the publication of the final monitoring rule, several passages containing potentially ambiguously worded rule and/or preamble text were discovered. Additionally, several text blocks pertaining to PM10 monitoring network design were found to be missing, having been inadvertently omitted from the final rule draft. In this Direct Final action, EPA will clarify the specific instances of ambiguous rule wording, restore omitted text, and document Federal Register printing errors in tables and equations that occurred when the final rule was published on October 17, 2006.

#### Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

**Additional Information:** SAN No. 4421.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/January/Day-17/a179.htm>; Split from RIN 2060-AJ25; Individual Document id in the EPA docket: OAR-2004-0018

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**RIN:** 2060-AO06

### 2832. • UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS: TECHNICAL AMENDMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** This direct final action amends a rulemaking entitled "Update of Continuous Instrumental Test Methods" that was promulgated on May 15, 2006. This rulemaking updated, harmonized, and simplified Methods 3A, 6C, 7E, 10, and 20, which measure oxygen, carbon dioxide, sulfur dioxide, nitrogen oxides, and carbon monoxide emissions from stationary sources. As published, the final rule contains inadvertent errors and created minor unanticipated test situations that need to be clearly addressed. This direct final corrects the errors and clearly explains how the unanticipated situations are handled. These amendments do not make significant changes or add new provisions to the rule nor raise issues that have not been addressed in the public comment period to the updated rule. We are



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simply correcting errors and clarifying portions to reflect the intent of the rule and make them more understandable by applicable parties.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4161.1; Split from RIN 2060-AK61.

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**RIN:** 2060-AO09

### 2833. • PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES—N-PROPYL BROMIDE IN SOLVENT CLEANING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** This rule would list whether n-propyl bromide (nPB) is an acceptable substitute for class I and class II ozone depleting substances used as solvents for general metals, precision, and electronics cleaning. This could provide another alternative to solvents with higher ozone depletion potential that industry is interested in using. Any use conditions would be for the purpose of ensuring that nPB is used in a manner that is safe and environmentally protective.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/03	68 FR 33283
Final Action	04/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4599.2; EPA publication information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-AIR/2003/June/Day-03/a13254.htm>; Split from RIN 2060-AK26. Split from RIN 2060-AJ58. The previous ANPRM was under SAN No. 3525; EPA Docket information: EPA-HQ-OAR-2002-0064

**URL For More Information:**

[www.epa.gov/ozone/title6](http://www.epa.gov/ozone/title6)

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**RIN:** 2060-AO10

### 2834. • CHANGE IN REGULATORY DEADLINE FOR RULEMAKING TO ADDRESS THE CONTROL OF EMISSIONS FROM NEW MARINE COMPRESSION-IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER

**Priority:** Other Significant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 94

**Legal Deadline:** None

**Abstract:** In a 2003 FRM promulgating new standards for these engines (68 FR 9746, February 28, 2003), we established a regulatory deadline of April 27, 2007, to finalize a new tier of standards that would reflect both the state of technology that may permit deeper emission reductions and the status of international action for more stringent standards. Since that time, we have continued to engage the industry and other stakeholders and to assess emission control technology. In addition, we have worked through the International Maritime Organization to further the goal of more stringent exhaust emission standards for all ships used in international traffic. However, the international process has taken longer than anticipated. The purpose of this action is to put a new regulatory deadline in place recognizing the current situation. Because of the long lead times associated with ship designs and the role of the international process

in addressing emissions from foreign flagged ships, we do not believe that this process extension will delay the achievement of further emission reductions from these marine engines.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5130;

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**RIN:** 2060-AO26

### 2835. • AMENDMENT OF DEFINITIONS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS POLLUTANTS FOR RADIONUCLIDES, SUBPARTS H AND I

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 61.90(a); 40 CFR 61.101(a)

**Legal Deadline:** None

**Abstract:** Subparts H and I of 40 CFR part 61 establish standards under the Clean Air Act for emissions of radionuclides other than radon from Department of Energy (DOE) and other non-DOE Federal facilities. The current definition of "effective dose equivalent" refers to a method of calculation in International Commission on Radiological Protection (ICRP) publication no. 26. Removing this reference will prevent confusion if EPA incorporates newer ICRP methods for calculating effective dose equivalent in its compliance models.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/07	

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** SAN No. 5114;**Agency Contact:** Behram Shroff, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060-AO31**2836. • PROTECTION OF STRATOSPHERIC OZONE: REVISION OF REFRIGERANT RECYCLING AND RECOVERY EQUIPMENT STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 82**Legal Deadline:** None**Abstract:** The existing regulations covering specifications for motor vehicle air conditioning refrigerant recovery/recycling machines reference outdated Society of Automotive Engineers (SAE) standards. This regulation will update existing regulations to match newly updated SAE standards.**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5065;**URL For More Information:**<http://www.epa.gov/ozone/snap/refrigerants/lists/mvacs.html>**Agency Contact:** Karen Thundiyil, Environmental Protection Agency, Air and Radiation, 6205J, Washington, DC 20460

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**RIN:** 2060-AO32**2837. • REGULATION OF FUELS AND FUEL ADDITIVES: EXTENSION OF THE REFORMULATED GASOLINE PROGRAM TO THE EAST ST. LOUIS, ILLINOIS, OZONE NON-ATTAINMENT AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 211(k)(6)**CFR Citation:** 40 CFR 80.70**Legal Deadline:** Final, Statutory, January 28, 2007, EPA directed by sec 211(k) of the Clean Air Act to set an effective date within one year of receipt by petition of the Governor. Other, Judicial, March 28, 2007, Withdrawal of DFR must be published by 03/28/2007 to cancel compliance date.**Abstract:** Under section 211(k)(6) of the Clean Air Act, as amended (Act), the Administrator of EPA shall require the sale of reformulated gasoline (RFG) in ozone nonattainment areas upon the application of the Governor of the State in which the nonattainment area is located. EPA received an application July 10, 2006, from the Honorable Rod R. Blagojevich, Governor of the State of Illinois, for the East St. Louis moderate ozone nonattainment area to be included in the reformulated gasoline program. This notice proposes to extend the Act's prohibition against the sale of conventional (i.e., non-reformulated) gasoline in RFG areas to the East St. Louis, Illinois, moderate ozone nonattainment area.**Timetable:**

Action	Date	FR Cite
NPRM	12/27/06	71 FR 77690
NPRM Comment Period End	01/26/07	
Direct Final Action	12/27/06	71 FR 77615
Withdrawal of Direct Final	03/29/07	72 FR 14681
Final Action	05/00/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5104;

EPA publication information: Direct Final Action -

<http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-27/a22162.htm>;**Agency Contact:** Kurt Gustafson, Environmental Protection Agency, Airand Radiation, 1200 Pennsylvania Avenue NW., Washington, DC 20460  
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Email: cook.leila@epamail.epa.gov**RIN:** 2060-AO34**2838. • FUEL ECONOMY REGULATIONS FOR AUTOMOBILES: TECHNICAL AMENDMENTS AND CORRECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 32901 et seq**CFR Citation:** 40 CFR 600**Legal Deadline:** None**Abstract:** This action amends and corrects portions of the Environmental Protection Agency's (EPA) existing fuel economy regulations, located at 40 CFR part 600. There are two reasons for this action. First, some minor corrections and amendments are needed to correct portions of EPA's final rule for fuel economy labeling requirements for cars and light trucks (71 FR 77872, December 27, 2006). Some typographical errors and errors of omission will be corrected. Second, the Department of Transportation finalized new average fuel economy standards for light trucks on April 6, 2006 (71 FR 77872). This rule amended the existing DOT regulations at 49 CFR part 523, 533, and 537, by adding new definitions, setting new fuel economy standards for light trucks, and amending some reporting requirements. In order for DOT to execute its new requirements, DOT's regulations rely on EPA to reference the new definitions and collect the new information from automobile manufacturers, so that EPA can determine the new light truck average fuel economy targets. The new definitions include "medium duty passenger vehicle" and "footprint." Under the Energy Policy and Conservation Act (EPCA), EPA is required to calculate the average fuel economy of a manufacturer using methods it prescribes by regulation. (49 U.S.C. 32904(a)(1)(A)). EPA has conducted this activity for about 30 years and this rulemaking only updates the information the Agency will receive from the auto manufacturers. The changes adopted by DOT include a new

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requirement to determine the “footprint” for each model type of vehicle, so that target standards can be calculated. EPA must therefore collect “footprint” data from auto manufacturers, which includes measurements for front track width, rear track width, wheelbase, and final sales of each model type. EPA’s current regulations do not require manufacturers to submit this information, thus a minor amendment is needed to add this information collection. The DOT rule takes effect with 2008 model year trucks, which can begin to be produced as early as January 2, 2007; thus it is important that EPA begin collecting this new information as soon as possible. These changes do not change the existing EPA test procedures or calculation methods for average fuel economy.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	06/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5124;

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**RIN:** 2060-AO36

**2839. • NONROAD DIESEL TECHNICAL AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 12866; EO 13132; EO 13175; EO 13045; EO 13211

**CFR Citation:** 40 CFR 89; 40 CFR 1039

**Legal Deadline:** None

**Abstract:** In this rulemaking, EPA is making certain technical corrections to the existing rules establishing emission standards for nonroad diesel engines (40 CFR parts 89 and 1039). We are amending those rules to provide nonroad diesel equipment

manufacturers with production technical relief provisions that address minor technical compliance problems that were not foreseen when the original rule was promulgated.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5125;

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**RIN:** 2060-AO37

**2840. • RECOMMENDED TEST METHODS FOR STATE IMPLEMENTATION PLANS (40 CFR PART 51, APPENDIX M), ADDITION OF METHOD 207, “PRE-SURVEY PROCEDURE FOR CORN WET-MILLING FACILITY EMISSION SOURCES”**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

**Abstract:** This action proposes to add a test method for measuring VOC emissions from corn wet milling operations to 40 CFR part 51, appendix M, “Recommended Test Methods for State Implementation Plans.”

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5140;

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**RIN:** 2060-AO39

**2841. • RESPONSE TO RECONSIDERATION REGARDING NESHAP STARTUP, SHUTDOWN, AND MALFUNCTION AMENDMENTS**

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

**Legal Authority:** Clean Air Act

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, April 12, 2007, Issue response before the next status report.

**Abstract:** On June 19, 2006, EarthJustice on behalf of the Coalition for a Safe Environment petitioned the Administrator to reconsider a final action taken on startup, shutdown, and malfunction provisions in the part 63 General Provisions. This action will announce EPA’s response to that petition.

**Timetable:**

Action	Date	FR Cite
Final Action	05/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5141;

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**RIN:** 2060-AO40

**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)****Long-Term Actions****2842. ACCIDENTAL RELEASE  
PREVENTION REQUIREMENTS: RISK  
MANAGEMENT PROGRAMS UNDER  
THE CLEAN AIR ACT, SECTION  
112(R)(7); AVAILABILITY OF  
INFORMATION TO THE PUBLIC;  
TECHNICAL AMENDMENT****Priority:** Info./Admin./Other**Legal Authority:** CAA 112(r)**CFR Citation:** 40 CFR 68.210**Legal Deadline:** None

**Abstract:** Section 112(r)(7) of the Clean Air Act (CAA) and its implementing regulations at 40 CFR part 68 require certain stationary sources to report an Off-site Consequence Analysis (OCA), including a worst-case release scenario, in a Risk Management Plan (RMP) that is to be made available to the public. In response to concerns that posting OCA information on the Internet might increase the risk of terrorist and other criminal activities, on August 5, 1999, the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act (CSISSFRRRA) was enacted. The Act requires the President to promulgate regulations governing the distribution of the OCA sections of RMPs that, in the opinion of the President, would minimize the likelihood of accidental releases and the risk of terrorist and other criminal activities associated with posting this information. The President delegated his rulemaking authority to the Attorney General and the Administrator of EPA, who jointly promulgated the required regulations at 40 CFR part 1400. The part 1400 regulations restrict the public's access to the OCA sections of RMPs in certain ways. As currently drafted, however, section 68.210(a) of part 68 states that RMPs are available to the public under CAA section 114, which makes information collected under the CAA, including RMPs in their entirety, available to the public, except for confidential business information. EPA is therefore revising 40 CFR section 68.210(a) to reflect the August 2000 rulemaking. The revision will state that OCA data is made available to the public under the provisions of 40 CFR part 1400. This revision is not meant to regulate any new entities.

**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4607;

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**RIN:** 2050-AE95**2843. 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,  
August 1, 1999.

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/09	
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**2844. NESHAP: GROUP I POLYMERS  
AND RESINS AND GROUP IV  
POLYMERS AND RESINS—  
AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63.480 to 63.506  
(Revision); 40 CFR 63.1310 to 63.1335  
(Revision)**Legal Deadline:** None

**Abstract:** During the development of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for elastomers (Group I polymers and resins) and thermoplastics (Group IV polymers and resins) (RINs 2060-AD56 and 2060-AE37), many of the provisions contained in the Hazardous Organic NESHAP (HON) were referenced directly by these polymers and resins regulations due to similarities in processes, emission characteristics, and control technologies. On January 17, 1997, the EPA promulgated changes to the HON to remove ambiguity, to clearly convey EPA intent, and to make the rule easier to understand and implement in response to industry petitions. It is necessary to make parallel changes to the polymers and resins NESHAP; otherwise inconsistencies will exist for NESHAPs regulating similar source categories. An ANPRM was published in the Federal Register on November 25, 1996 (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

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Action	Date	FR Cite
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	12/00/08	

**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

#### 2845. 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 its lands as class I areas to provide enhanced protection for its 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

#### 2846. 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

#### 2847. 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

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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	08/00/08	

**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

**2848. 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

**2849. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 85

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/24/94	59 FR 13912
Final Action	05/00/08	

**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

**2850. NESHAP: NATIONAL EMISSION 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. This final rule will be issued in conjunction with another rule related to the reconsideration proceedings (SAN 5047.1).

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/06	71 FR 14665
Administrative Stay	03/23/06	71 FR 14655
Final Action	To Be	Determined

**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:** <http://www.epa.gov/hwcmact/>

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**RIN:** 2050-AG29

**2851. 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:** Final, Judicial, April 16, 2007.

EPA's promise to court to complete reconsideration. (Sierra Club v. EPA No 05-1441 (D.C. Cir.)) July 16, 2007, EPA to inform court of Agency's intended disposition of rule in light of Brick MACT decision.

**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 September 6, 2006, EPA granted reconsideration of and requested comment on seven issues raised in the petitions. EPA also proposed several amendments and

corrections to the October 2005 final rule that clarify several compliance and monitoring amendments. This final rule will be issued in conjunction with another rule related to the reconsideration proceedings (SAN 5047).

**Timetable:**

Action	Date	FR Cite
NPRM	09/06/06	71 FR 52624
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 5047.1; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-06/a7251.htm>; 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

**2852. 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

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emissions trading could be reconciled in the conformity process.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/08	

**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

### 2853. 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 addresses ozone transport in the eastern half of the United States. EPA established a mechanism in the section 126 rule whereby the rule would be withdrawn for sources in a State if the State submitted, and EPA approved, a SIP that complied with the NOx SIP Call. This was a practical way to address the overlap between the two rules and avoid having sources be subject to two sets of potentially different NOx transport control requirements. As the result of court actions, the compliance dates for the section 126 rule and the NOx SIP Call have been delayed and the NOx SIP Call has been divided into two phases. Therefore, in a separate action, EPA proposed to revise the section 126 rule withdrawal provision so that it will continue to operate under these new circumstances. Under that proposal, where a State submits a NOx SIP that meets only Phase I 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

### 2854. LIFTING THE STAY OF THE EIGHT-HOUR PORTION OF THE FINDINGS OF SIGNIFICANT CONTRIBUTION AND RULEMAKING FOR PURPOSES OF REDUCING INTERSTATE OZONE TRANSPORT ("NOX SIP CALL")

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51.121

**Legal Deadline:** None

**Abstract:** In the Nitrogen Oxides State Implementation Plan Call (NOx SIP Call)(63 FR 57356, October 27, 1998), EPA found that emissions of NOx from 22 States and the District of Columbia (hereinafter referred to as '23 States') significantly contribute to downwind areas' nonattainment of the 1-hour ozone NAAQS. EPA also separately found that NOx emissions from the same 23 States significantly contribute to downwind nonattainment of the 8-hour ozone NAAQS. Subsequently, the U.S. Court of Appeals for the District of Columbia Circuit (DC Circuit)

remanded the 8-hour ozone NAAQS. [American Trucking Associations, Inc. v. EPA, 175 F.3d 1027 on rehearing 195 F.3d 4 (DC 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 DC 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 section 51.121(a)(2), related to the 8-hour ozone national ambient air quality standards (NAAQS). This action does not create any new requirements; it merely 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

### 2855. 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



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## Long-Term Actions

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

**2856. PREVENTION OF SIGNIFICANT  
DETERIORATION (PSD) AND  
NON-ATTAINMENT NEW SOURCE  
REVIEW (NSR): ROUTINE  
MAINTENANCE, REPAIR, AND  
REPLACEMENT (RMRR);  
MAINTENANCE AND REPAIR  
AMENDMENTS**

**Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51.165; 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None

**Abstract:** This rulemaking is a follow up to SAN 4676, which is a final rule that specifies categories of equipment replacement activities that would qualify as "routine maintenance, repair, and replacement" (RMRR) under the Clean Air Act's New Source Review (NSR) Program (40 CFR parts 51 and 52). SAN 4676's final action—referred to as the "equipment replacement provision" (ERP)—was promulgated in the Federal Register on October 27, 2003 (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 December 31, 2002 (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

**2857. 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; 40 CFR 63**Legal Deadline:** None

**Abstract:** This project is part of a four-pronged approach to improve emissions monitoring in air regulations. The purpose of this project is to identify and update existing regulations with poor or no emissions monitoring provisions. More specifically, the purpose of this project is to review parts 60, 61, and 63 regulations where the emissions monitoring provisions are deemed inadequate to provide a reasonable assurance of compliance. An ANPRM was published asking for comments on updating existing regulations with poor or no emissions monitoring provisions. A response to comments document has been prepared. In addition, a database including the initial review of the emissions monitoring provisions' inadequacies of parts 60, 61, and 63 rules has been completed.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/16/05	70 FR 7905
NPRM	10/00/08	

**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>;

## EPA—Clean Air Act (CAA)

## Long-Term Actions

Split from RIN 2060-AK29; Individual Document id in the EPA docket:  
<http://www.epa.gov/edocket>

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**RIN:** 2060-AM63

### 2858. 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 of EPA to establish emissions 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	06/00/09	

**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

### 2859. 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 I Rule to Implement the 8-Hour Ozone NAAQS as requested by Earthjustice. Specifically, this rule will address the Overwhelming Transport Classification. The Phase I Rule provided specific requirements for State and local air pollution control agencies and Tribes to prepare State implementation plans (SIPs) and Tribal Implementation Plans (TIPs) under the 8-hour national ambient air quality standard (NAAQS) for ozone, published by EPA on July 18, 1997. The Clean Air Act (CAA) requires EPA to set ambient air quality standards and requires States to submit SIPs to implement those standards. The 1997 standards were challenged in court, but in February 2001, the Supreme Court determined that EPA has authority to implement a revised ozone standard, but ruled that EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard. The Supreme Court identified conflicts between different parts of the CAA related to implementation of a revised NAAQS, provided some direction to EPA for resolving the conflicts, and left it to EPA to develop a reasonable approach for implementation. Thus, the Phase I 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	08/00/08	

**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

### 2860. 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	06/00/08	

**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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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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### 2861. NOTICE FOR INFORMATION ON DETERMINING THE EMISSIONS REDUCTIONS ACHIEVED FROM LIMITING THE VOC CONTENT OF ARCHITECTURAL COATINGS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** CAAA sec 110  
**CFR Citation:** 40 CFR 51  
**Legal Deadline:** None

**Abstract:** 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

### 2862. 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 Rule	10/00/08	

#### 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

### 2863. 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 seven 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 nine plants in eight 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 2005 only three tons of mercury were unaccounted for, from mercury cell plants. Since the amount of mercury in products, and wastes, and mercury emitted to the air through stacks are 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.

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/08	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5095;

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**RIN:** 2060-AN99**2864. • AREA SOURCE NESHAP FOR FERROALLOYS PRODUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** Section 112 (k) of the Clean Air Act requires the development of standards for area sources that account for 90 percent of the emissions in urban areas of the 33 urban hazardous air pollutants (HAP) listed in the Integrated Urban Air Toxics Strategy. The Integrated Urban Air Toxics Strategy lists ferroalloys production as an area source category. Pollutants emitted include mostly metallic HAP such as manganese, nickel, and chromium compounds, as well as polycyclic aromatic hydrocarbons (PAH) such as benzoanthracene and benzopyrene. Ferroalloys are alloys of iron in which one or more chemical elements are added into molten metal, usually in steelmaking. Worldwide, the principal ferroalloys are those of chromium, manganese, and silicon. Ferroalloys are also made with boron, titanium, cobalt, columbium, molybdenum, nickel, and vanadium, etc. Although calcium carbide and silicon metal are not ferroalloys, they are included in the proposed ferroalloys source category because each is manufactured using virtually

the same equipment and processes as ferroalloys. This source category is currently regulated under both the new source performance standards (NSPS) and the national emissions standards for hazardous air pollutants (NESHAP) for major sources. There are approximately 19 area source facilities in the U.S. An informal information collection request was sent out to the facilities that use electric arc furnaces for production in July 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/08	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** State**Additional Information:** SAN No. 5122;

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**RIN:** 2060-AO13**2865. • REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 7408; 42 USC 7409**CFR Citation:** 40 CFR 50**Legal Deadline:** None

**Abstract:** The Clean Air Act Amendments of 1977 require EPA to review and, if appropriate, revise air quality criteria primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) periodically. On October 11, 1995, the EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO<sub>2</sub>). That action provided the Administrator's final determination, after careful evaluation of comments received on the October 1995 proposal, that revisions to neither the primary nor the secondary NAAQS for NO<sub>2</sub>

were appropriate at that time. On December 9, 2005, the EPA/ORD initiated the current periodic review of NO<sub>2</sub> air quality criteria, the scientific basis for the NAAQS, with a call for information in the Federal Register. (This regulatory action is for the Agency's review of the primary NO<sub>2</sub> NAAQS. Review of the secondary NO<sub>2</sub> NAAQS will be part of a separate regulatory action combined with review of the sulfur dioxide NAAQS.) The EPA's ORD and OAR will prepare a plan for the primary NO<sub>2</sub> NAAQS review, which will be an integrated plan for addressing policy-relevant scientific and technical issues and will include a schedule for the review. Subsequently, a Science Assessment and a Policy Assessment will be prepared jointly by ORD and OAR. The Policy Assessment will evaluate the policy implications of key information contained in the Science Assessment, as well as any appropriate technical analyses. These documents will be reviewed by the Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee established to review the scientific and technical basis of the NAAQS, and the public, and both final documents will reflect the input received through these reviews. As the primary NO<sub>2</sub> NAAQS review is completed, the Administrator's proposal to retain or revise the NO<sub>2</sub> NAAQS will be published with a request for public comment. Input received during the public comment period will be considered in the Administrator's final decision.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 5111;

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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**RIN:** 2060-AO19

### 2866. • RECONSIDERATION OF STATIONARY COMBUSTION TURBINE NSPS (SUBPART KKKK)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CAA 111

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** EPA is granting reconsideration on several relatively minor issues in the recently finalized stationary combustion turbine NSPS rule, subpart KKKK. The final rule does not require NOx continuous emission monitors (CEMS), but many new turbines will be required to install CEMS due to other regulatory programs. The credible evidence rule requires that units with CEMS demonstrate continuous compliance. Issues under reconsideration include if EPA should add a detailed methodology for units with CEMS to determine and report compliance under all situations. EPA will also be proposing to clarify that new, reconstruction, and modification should be determined in a similar manner as the previous stationary combustion turbine NSPS, subpart GG. EPA is not reconsidering the emission standards.

Any changes that result from the reconsideration are not anticipated to result in additional controls being required or an increase in compliance costs.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/08	
Final Action	02/00/09	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5116;

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**RIN:** 2060-AO23

### 2867. • NESHAP—AREA SOURCE STANDARDS—NINE METAL FABRICATION AND FINISHING SOURCE CATEGORIES (12 SIC'S, 25 NAICS CODES)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act sec 112(k)

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, June 15, 2008, Court-ordered deadline.

**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 equivalent to generally available control technology (GACT). The following nine metal fabrication and finishing area source categories have been identified as contributing to the 33 urban HAP emissions (Cd, Cr, Mn, Ni, Pb): (1) Electrical and Electronic Equipment Finishing Operations (SICs 3699, 3621), (2) Fabricated Metal Products (SIC 3499), (3) Fabricated Plate Work (Boiler Shops) (SIC 3443), (4) Fabricated Structural Metal Manufacturing (SIC 3441), (5) Heating Equipment, except Electric (SIC 3433), (6) Industrial Machinery and Equipment: Finishing Operations (SIC's 3531, 3533, 3561), (7) Iron and Steel Forging (SIC 3462), (8) Primary Metal Products Manufacturing (SIC 3399), (9) Valves and Pipe Fittings (SIC 3494). These nine industry sectors have common and similar processes that can emit air pollutants: abrasive blasting, welding, painting, plating, and machining/grinding.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 5135;

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**RIN:** 2060-AO27

### 2868. • REVIEW OF NEW SOURCE PERFORMANCE STANDARDS—NONMETALLIC MINERALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Clean Air Act

**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Judicial, April 16, 2008, As per 11/16/2006 Consent Decree.  
Final, Judicial, April 16, 2009, As per 11/16/2006 Consent Decree.

**Abstract:** Section 111(b)(1)(B) of the Clean Air Act mandates that EPA review and if appropriate revise existing NSPS at least every 8 years. The NSPS was initially promulgated on August 1, 1985. The NSPS was reviewed in the mid-1990's. Final revisions for that review were promulgated on June 9, 1997. On October 2006, EPA entered into a consent decree with the Sierra Club and other environmental groups. The decree requires proposal of any further revisions by April 2008 and final revisions promulgated on April 2009.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/08	
Final Action	04/00/09	

**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. 5145;**Agency Contact:** Bill Neuffer,  
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Email: fruh.steve@epamail.epa.gov**RIN:** 2060–AO41**2869. • REVIEW OF NEW SOURCE  
PERFORMANCE STANDARDS—  
PORTLAND CEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 111**CFR Citation:** 40 CFR 60, subpart F**Legal Deadline:** NPRM, Judicial, May  
31, 2008, Court–ordered deadline.  
Final, Judicial, May 31, 2009,  
Court–ordered deadline.**Abstract:** New Source Performance  
Standards (NSPS) regulate criteria  
pollutants from new stationary sources.  
The Portland Cement NSPS were  
originally promulgated in 1971, and  
last reviewed in 1988. Section 111 of  
the Clean Air Act requires that NSPS  
be reviewed every 8 years, and revised  
as appropriate, so the review isoverdue. The Sierra Club filed a lawsuit  
to compel us to perform this review.  
We have agreed to review the NSPS  
and propose any appropriate changes  
by May 31, 2008, and to promulgate  
the final changes by May 31, 2009.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/08	
Final Action	06/00/09	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5143;**Agency Contact:** Keith Barnett,  
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PERFORMANCE STANDARDS  
(SUBPART UUU)—MINERAL  
DRYERS/CALCINERS****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act**CFR Citation:** 40 CFR 60**Legal Deadline:** None**Abstract:** Section 111(b)(1)(B) of the  
Clean Air Act mandates that EPA  
review, and if appropriate, revise  
existing NSPSs at least every 8 years.  
This NSPS was proposed on April 23,  
1986; and promulgated on September  
28, 1992. There have been no prior  
reviews of this NSPS.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/08	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 5142;**Agency Contact:** Bill Neuffer,  
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## Environmental Protection Agency (EPA)

## Completed Actions

## Clean Air Act (CAA)

**2871. NAAQS: SULFUR DIOXIDE  
(RESPONSE TO REMAND)****Priority:** Other Significant**CFR Citation:** 40 CFR 50.4; 40 CFR  
50.5**Completed:**

Reason	Date	FR Cite
Withdrawn	03/07/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dave Mckee  
Phone: 919 541–5288Fax: 919 541–0237  
Email: mckee.dave@epa.govSusan Stone  
Phone: 919 541–1146  
Email: stone.susan@epa.gov**RIN:** 2060–AA61**2872. PORTLAND CEMENT  
MANUFACTURING INDUSTRY  
NESHAP: AMENDMENT TO  
IMPLEMENT COURT REMAND****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63.1340 to  
63.1359**Completed:**

Reason	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
FR Notice	12/20/06	71 FR 76553
Final Action	12/20/06	71 FR 76518

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Keith Barnett  
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## EPA—Clean Air Act (CAA)

## Completed Actions

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RIN: 2060-AJ78

### 2873. NESHAP: GROUP II POLYMERS AND RESINS—RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Withdrawn	01/09/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2060-AK13

### 2874. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
NPRM	06/14/06	71 FR 34422
Final Action	12/21/06	71 FR 76603

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AK14

### 2875. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES

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

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

**Completed:**

Reason	Date	FR Cite
NPRM	03/29/06	71 FR 15804
Final Action	02/26/07	72 FR 8428

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2060-AK70

### 2876. 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

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Withdrawn	03/07/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AL86

### 2877. NESHAP: OIL AND NATURAL GAS PRODUCTION FACILITIES—AREA SOURCE RULE

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
NPRM	07/08/05	70 FR 39441
Final Action	01/03/07	72 FR 26

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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RIN: 2060-AM16

### 2878. STRATEGY FOR ADDRESSING AIR EMISSIONS FROM ANIMAL FEEDING OPERATIONS

**Priority:** Other Significant

**CFR Citation:** Not Yet Determined

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/13/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AM26

### 2879. NESHAP: SITE REMEDIATION: AMENDMENTS

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
NPRM	05/01/06	71 FR 25531
Final Action	11/29/06	71 FR 69011

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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## EPA—Clean Air Act (CAA)

## Completed Actions

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RIN: 2060-AM30

**2880. NESHAP: AREA SOURCE STANDARDS—CLAY CERAMICS INDUSTRY****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Withdrawn	03/14/07	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bill Neuffer

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RIN: 2060-AM53

**2881. NONATTAINMENT MAJOR NEW SOURCE REVIEW (NSR)****Priority:** Other Significant**CFR Citation:** 40 CFR 51, app S**Completed:**

Reason	Date	FR Cite
Final Action	03/08/07	72 FR 10367

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Lisa Sutton

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RIN: 2060-AM59

**2882. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES IN FOAM BLOWING****Priority:** Other Significant**CFR Citation:** 40 CFR 82**Completed:**

Reason	Date	FR Cite
Final Action	03/28/07	72 FR 14432

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Jeff Cohen

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RIN: 2060-AN11

**2883. FUEL ECONOMY LABELING OF MOTOR VEHICLES: REVISIONS TO IMPROVE CALCULATION OF FUEL ECONOMY ESTIMATES****Priority:** Other Significant**CFR Citation:** 40 CFR 600**Completed:**

Reason	Date	FR Cite
NPRM	02/01/06	71 FR 5426
Final Action	12/27/06	71 FR 77872

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Roberts French

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RIN: 2060-AN14

**2884. INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILER AND PROCESS HEATER NESHAP, RECONSIDERATION OF EMISSIONS AVERAGING PROVISION AND TECHNICAL CORRECTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63.7480**Completed:**

Reason	Date	FR Cite
NPRM	10/31/05	70 FR 62264
Final Action	12/06/06	71 FR 70651

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jim Eddinger

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RIN: 2060-AN32

**2885. AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS—EXCLUSION OF HFE-7300****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 51.100(s)**Completed:**

Reason	Date	FR Cite
NPRM	02/09/06	71 FR 6729
Final Action	01/18/07	72 FR 2193

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dave Sanders

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RIN: 2060-AN34

**2886. TREATMENT OF DATA INFLUENCED BY EXCEPTIONAL EVENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 50**Completed:**

Reason	Date	FR Cite
Final Action	03/22/07	72 FR 13560

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Larry Wallace

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## EPA—Clean Air Act (CAA)

## Completed Actions

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RIN: 2060-AN40

**2887. NESHAP FOR AREA SOURCES: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION, PRIMARY COPPER SMELTING, SECONDARY COPPER SMELTING, PRIMARY NONFERROUS METALS (ZINC, CADMIUM, AND BERYLLIUM)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
NPRM	10/06/06	71 FR 59302
Final Action	01/23/07	72 FR 2930

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AN45

**2888. PROTECTION OF STRATOSPHERIC OZONE: 2007 CRITICAL USE EXEMPTIONS FOR METHYL BROMIDE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 82

**Completed:**

Reason	Date	FR Cite
NPRM	07/06/06	71 FR 38325
Final Action	12/14/06	71 FR 75386

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AN54

**2889. AMENDMENT TO TIER 2 VEHICLE EMISSION STANDARDS AND GASOLINE SULFUR REQUIREMENTS: EXEMPTION FOR U.S. TERRITORIES**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
NPRM	12/28/06	71 FR 78123
Direct Final Rule	12/28/06	71 FR 78086

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AN66

**2890. INTERPRETIVE RULEMAKING TO CLARIFY THE SCOPE OF CERTAIN MONITORING REQUIREMENTS FOR FEDERAL AND STATE OPERATING PERMITS PROGRAMS**

**Priority:** Other Significant

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

**Completed:**

Reason	Date	FR Cite
NPRM	06/02/06	71 FR 32006
Final Action	12/15/06	71 FR 75422

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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RIN: 2060-AN74

**2891. FINAL EXTENSION OF THE DEFERRED EFFECTIVE DATE OF NON-ATTAINMENT DESIGNATIONS FOR 8-HOUR OZONE NAAQS FOR EARLY ACTION COMPACT AREAS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 81

**Completed:**

Reason	Date	FR Cite
NPRM	08/09/06	71 FR 45492
Final Action	11/29/06	71 FR 69022
Correction Notice	12/15/06	71 FR 75431

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

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RIN: 2060-AN90

**2892. OTHER SOLID WASTE INCINERATION UNITS: RESPONSE TO PETITION FOR RECONSIDERATION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 60

**Completed:**

Reason	Date	FR Cite
Notice of Reconsideration of Final Rule	06/28/06	71 FR 36726
Final Action	01/22/07	72 FR 2620

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 2060-AN91

## EPA—Clean Air Act (CAA)

## Completed Actions

**2893. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES—OTHER SOLID WASTE INCINERATION UNITS: TECHNICAL AMENDMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 60**Completed:**

Reason	Date	FR Cite
NPRM	11/24/06	71 FR 68743
Direct Final Rule	11/24/06	71 FR 67802

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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**RIN:** 2060-AN95**2894. STANDARDS OF PERFORMANCE FOR NEW INDUSTRIAL—COMMERCIAL—INSTITUTIONAL STEAM GENERATING UNITS: AMENDMENT FOR FACILITY-SPECIFIC NOX STANDARD****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 60.40b**Completed:**

Reason	Date	FR Cite
NPRM	11/16/06	71 FR 66720
Direct Final Rule	11/16/06	71 FR 66681

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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**RIN:** 2060-AN96**2895. • NOTICE OF STATUS OF SUBMISSION OF CLEAN AIR MERCURY RULE (CAMR) STATE PLANS FOR NEW AND EXISTING STATIONARY SOURCES: ELECTRIC UTILITY STEAM GENERATING UNITS****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect State, local or tribal governments and the private sector.**Legal Authority:** 42 USC 7411; 42 USC 7401; 42 USC 7403; 42 USC 7426; 42 USC 7601; 42 USC 7651**CFR Citation:** 40 CFR 60; 40 CFR 72; 40 CFR 75**Legal Deadline:** None

**Abstract:** CAMR requires that States and Tribes submit, by November 17, 2006, plans that detail how they will achieve the mandated mercury emission reductions. At present, some States have submitted plans, others are still in the process of developing plans, and some are choosing not to submit but to instead use the Federal Plan (which is soon to be proposed). This rule makes a finding that certain States submitted CAMR State Plans by the November deadline. In conjunction with this rule, EPA will send letters to each State or Tribe as a courtesy. This rule does not modify CAMR in any way and simply serves to acknowledge submission of State Plans by the deadline. The rule also acknowledges the efforts of those States and Tribes that have not yet submitted a plan and reaffirms EPA's preference to use States' and Tribes' approaches to achieving the required emission reductions, rather than using a Federal Plan.

**Timetable:**

Action	Date	FR Cite
Final Action	12/14/06	71 FR 75117

**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.

**Additional Information:** SAN No. 4571.4; EPA publication information: Final Action - <http://www.epa.gov/fedrgstr/EPA->

AIR/2006/December/Day-14/a21283.htm; Split from RIN 2060-AJ65; EPA Docket information: OAR-2002-0056

**URL For More Information:**  
[www.epa.gov/ttn/atw/utility/utiltoxpg.html](http://www.epa.gov/ttn/atw/utility/utiltoxpg.html)

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**RIN:** 2060-AO08

**2896. • CLEAN AIR INTERSTATE RULE (CAIR) AND FEDERAL IMPLEMENTATION PLANS FOR CAIR; CORRECTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 51; 40 CFR 96; 40 CFR 97**Legal Deadline:** None

**Abstract:** The Clean Air Interstate Rule (CAIR) and the CAIR FIP contain minor, non-substantive errors that may prove to be misleading and are in need of clarification. This new action corrects typographical errors, makes minor word corrections, and corrects or provides more specificity in references to other paragraphs or sections within the regulatory text. This action does not change any of the CAIR or CAIR FIP rule requirements.

**Timetable:**

Action	Date	FR Cite
Final Action	12/13/06	71 FR 74792

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** SAN No. 5103; EPA publication information: Final Action - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/December/Day-13/a21199.htm>

## EPA—Clean Air Act (CAA)

## Completed Actions

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**RIN:** 2060-AO21

**2897. • IMPLEMENTATION OF THE  
8-HOUR OZONE NATIONAL AMBIENT  
AIR QUALITY STANDARD (NAAQS)  
PHASE II: CORRECTION NOTICE**

**Priority:** Other Significant

**Legal Authority:** 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 notice makes corrections  
to the preamble of the final Phase 2  
rule To Implement the 8-Hour Ozone  
National Ambient Air Quality  
Standards (NAAQS). The preamble of  
the Phase 2 rule cites section 172(e)  
of the Clean Air Act (CAA) in the  
discussion of reasonable further  
progress requirements, and this  
correction notice clarifies that section  
172(c) of the CAA should have been  
cited. This notice is modifying several  
incorrect citations in appendix A of the  
preamble to the Phase 2 rule; that  
appendix addresses calculation of  
reasonable further progress (RFP)  
targets.

**Timetable:**

Action	Date	FR Cite
Final Action, Correction	10/04/06	71 FR 58498

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No.  
4625.7; EPA publication information:  
Final Action, Correction -  
[http://www.epa.gov/fedrgstr/EPA-  
AIR/2006/October/Day-04/a16377.htm](http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-04/a16377.htm);  
Split from RIN 2060-AN23. Split from  
RIN 2060-AJ99.

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**RIN:** 2060-AO22

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Atomic Energy Act (AEA)

**2898. 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](http://www.epa.gov/fedrgstr/EPA-WASTE/2003/November/Day-18/f28651.htm);

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**RIN:** 2060-AH63

**2899. 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

## EPA—Atomic Energy Act (AEA)

## Proposed Rule Stage

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;**Agency Contact:** Ray Clark, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060-AH90

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Atomic Energy Act (AEA)

**2900. 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). EPA

was given the authority to set Yucca Mountain-specific standards in the Energy Policy Act of 1992 (EnPA). The EnPA also requires NRC to adopt our standards in its licensing regulations and use them as a basis to judge compliance of the repository's performance. The Agency issued final Yucca Mountain standards in 2001. In July 2004, the DC Circuit Court returned the standards to EPA for reconsideration of the regulatory time frame. The Court found that the 10,000-year compliance period violates our authorizing statute for Yucca Mountain regulation because it is not "based upon and consistent with" scientific recommendations required from the National Academy of Sciences under the legislation. To address the Court's opinion, we must reassess the time frame in light of the National Academy's recommendation that compliance must be addressed at the time of peak dose, which may be as long as several hundred thousand years into the future.

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/05	70 FR 49014
Final Action	04/00/07	

**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>;**Agency Contact:** Ray Clark, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060-AN15

## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Noise Control Act (NCA)

**2901. • REVISION OF HEARING-PROTECTOR REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** Noise Control Act of 1972, sec 8**CFR Citation:** 40 CFR 211, subpart B**Legal Deadline:** None

**Abstract:** The Office of Air and Radiation plans to undertake a revision of EPA's regulation at 40 CFR part 211,

subpart B, regarding the labeling of products that are sold wholly or in part on the basis of their ability to reduce the level of sound entering a person's ears, typically referred to as "Hearing Protectors." This action is being taken under the authority of section 8 of the Noise Control Act of 1972, which authorizes EPA to revise the current compliance test methodologies as necessary, and incorporate new test methods and rating schemes to address hearing protector technologies that have

evolved since initial promulgation of the regulation in 1979.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** None**Additional Information:** SAN No. 5102;

## EPA—Noise Control Act (NCA)

## Proposed Rule Stage

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**RIN:** 2060-AO25

## Environmental Protection Agency (EPA)

## Prerule Stage

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

### 2902. ENDOCRINE DISRUPTOR 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:** None

**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 to 100 chemicals was finalized in September 2005 (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 to 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.

#### Timetable:

Action	Date	FR Cite
Draft Procedures	08/00/07	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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

#### URL For More Information:

<http://www.epa.gov/scipoly/oscpendo/index.htm>

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**RIN:** 2070-AD61

### 2903. 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) Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Proposed Rule Stage

### 2904. 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, and environmental fate and effects.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4173;

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

#### URL For More Information:

<http://www.epa.gov/pesticides/regulating/data.htm>

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**RIN:** 2070-AD30

### 2905. 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	04/00/07	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

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

#### URL For More Information:

<http://www.epa.gov/pesticides/biopesticides/pips/index.htm>

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**RIN:** 2070-AD49

### 2906. 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

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Proposed Rule Stage

current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the need for changes to the regulation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	

**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

## 2907. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/08	

**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

## 2908. 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	03/00/08	

**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

## 2909. 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	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

## EPA—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

## Proposed Rule Stage

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 5031**Agency Contact:** Rame Cromwell,  
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**RIN:** 2070–AJ28**2910. 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.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/07	

**Regulatory Flexibility Analysis  
Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 5050**Agency Contact:** Jeanne Kasai,  
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**RIN:** 2070–AJ29

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

**2911. PESTICIDES; DATA  
REQUIREMENTS FOR  
CONVENTIONAL CHEMICALS****Priority:** Other Significant**Legal Authority:** 7 USC 136 to 136y**CFR Citation:** 40 CFR 158**Legal Deadline:** None**Abstract:** EPA is revising its data requirements for the registration of conventional pesticide products. In this action, the Agency is revising data requirements that pertain to product chemistry, toxicology, residue chemistry, applicator exposure, post-application exposure, nontarget terrestrial and aquatic organisms, nontarget plant protection, and environmental fate. When promulgated, the data requirements will reflect current scientific knowledge and understanding. These revisions will improve the Agency's ability to make regulatory decisions about the human health and environmental effects of pesticide products to better protect wildlife, the environment, and people, including sensitive subpopulations. Coupled with revision of data requirements, EPA is reformatting the requirements and revising its general procedures and policies associated with data submission. By codifying existing

data requirements, which are currently applied on a case-by-case basis, the pesticide industry, along with other partners in the regulated community, would attain a better understanding and could better prepare for the pesticide registration process.

**Timetable:**

Action	Date	FR Cite
NPRM	03/11/05	70 FR 12277
Notice of Public Meeting	04/01/05	70 FR 16785
Extension of Comment Period	06/08/05	70 FR 33414
Final Action	09/00/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**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.epa.gov/edocket>**Sectors Affected:** 32532 Pesticide and  
Other Agricultural Chemical  
Manufacturing**URL For More Information:**  
[http://www.epa.gov/pesticides/  
regulating/data.htm](http://www.epa.gov/pesticides/regulating/data.htm)**Agency Contact:** Vera Au,  
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**RIN:** 2070–AC12**2912. 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



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data requirements will cover all scientific disciplines for biochemical and microbial pesticides, including product chemistry and residue chemistry, toxicology, and environmental fate and effects. The revision will not include plant-incorporated protectants.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/07	

**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:**

<http://www.epa.gov/pesticides/regulating/data.htm>

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**RIN:** 2070-AD51

### 2913. 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 of NPRM	05/00/07	

**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:**

<http://www.epa.gov/pesticides/biopesticides/pips/index.htm>

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**RIN:** 2070-AD55

### 2914. 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

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Action	Date	FR Cite
Supplemental NPRM 4	07/19/01	66 FR 37855
Notice: Withdrawal of NPRM	05/00/07	

**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:**

<http://www.epa.gov/pesticides/biopesticides/pips/index.htm>

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**RIN:** 2070-AD56**2915. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(a) "FIFRA sec 3"; 7 USC 136(w)**CFR Citation:** 40 CFR 152.170**Legal Deadline:** None

**Abstract:** As proposed, this regulation would have established Pesticide Management Plans (PMPs) as a new regulatory requirement for certain pesticides. Unless a State or tribal authority had an EPA-approved Plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval, and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule were reconsidered to determine whether the program could address water quality issues rather than groundwater only, and to determine the best partnership approach to implementation. During this period, the risk level associated with the named pesticides was reexamined and reduced. Moreover, since the proposal in 1996, many States have adopted the original concept and framework of Pesticide Management Plans and these programs are operational today. This experience and growth in knowledge has exceeded the requirements and

specifications of the original proposal. Accordingly, EPA intends to withdraw the proposed rule in the near future.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
Notice of Availability regarding Metolachlor	02/23/00	65 FR 8925
Supplemental NPRM	03/24/00	65 FR 15885
Notice: Withdrawal of NPRM	05/00/07	

**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)

**2916. 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 tolerance 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

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## Long-Term Actions

**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](http://www.epa.gov/pesticides/regulating/fees/index.htm)

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**RIN:** 2070-AJ23

### 2917. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/08	
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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**Related RIN:** Previously reported as 2020-AA44

**RIN:** 2015-AA00

### 2918. 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: Final Action 1 -

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001\\_register&docid=fr14de01-9.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2001_register&docid=fr14de01-9.pdf);

**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

### 2919. REGULATIONS TO FACILITATE COMPLIANCE WITH THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT BY PRODUCERS OF PLANT-INCORPORATED PROTECTANTS (PIPS)

**Priority:** Other Significant

**Legal Authority:** 7 USC 136 et seq

**CFR Citation:** 40 CFR 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

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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	04/00/08	

**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

**2920. • PLANT–INCORPORATED PROTECTANT—ASSOCIATED FUSION PROTEINS (PIP–AFPS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136

**CFR Citation:** 40 CFR 174.3

**Legal Deadline:** None

**Abstract:** The Agency is determining the regulatory status of a specific type of protein that may arise as a result of inserting genetic material into a plant to produce a plant-incorporated protectant (PIP); e.g., (1) transgene/plant-fusion protein—a protein produced from a fusion of PIP genetic material with plant genetic material and (2) transgene/transgene-fusion protein—a protein produced from an internal rearrangement within the PIP genetic material. This type of protein called a Plant-Incorporated Protectant-Associated Fusion Protein (PIP-AFP), and the genetic material necessary to produce it, should be

considered part of the PIP and thus regulated by EPA under FIFRA and FFDCA section 408. PIP-AFPs can occur during the insertional event when a genetic construct becomes integrated into the genome in such a way that some regulatory control regions are lost or genetic information fused.

Timetable:

Action	Date	FR Cite
NPRM	08/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 5101

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**RIN:** 2070–AJ33

Environmental Protection Agency (EPA)

Completed Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

**2921. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS**

Timetable:

Action	Date	FR Cite
Transferred to RIN 2015-AA00	03/14/07	

**RIN:** 2020–AA44

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)****Prerule Stage****2922. 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 necessary for the assessment of chemical substances and mixtures from persons that manufacture or process them when statutory findings concerning (1) production volume and exposure/entry into the environment or (2) potential hazard can

be made, 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. In October 2006, EPA announced a collaborative process to design a nanoscale material stewardship program inviting 500 organizations and agencies to participate. 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 and a paper that describes determining the inventory status of nanoscale materials.

**Timetable:**

Action	Date	FR Cite
Draft	05/00/07	

**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)  
Toxic Substances Control Act (TSCA)****Proposed Rule Stage****2923. 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	06/00/07	

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2150;

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

**URL For More Information:**  
[www.epa.gov/pcb](http://www.epa.gov/pcb)

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**RIN:** 2070-AB20**2924. TEST RULE; TESTING OF  
CERTAIN HIGH PRODUCTION  
VOLUME (HPV) CHEMICALS****Priority:** Other Significant**Legal Authority:** 15 USC 2603**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** EPA is 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

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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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81658
Final Rule	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](http://www.epa.gov/opptintr/chemtest)

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**RIN:** 2070-AD16

**2925. 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	09/00/07	

**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

**2926. 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 to which target housing transactions the rule applies; add or clarify definitions of important terms; clarify the disclosure responsibilities of agents; clarify what information must be disclosed; clarify recordkeeping requirements to support enforcement; and amend existing regulatory text to resolve some inconsistent interpretations and to incorporate interpretations that have been issued through guidance. Small businesses and State/local/tribal governments that sell or lease target housing will be affected in that they will need to become familiar with new/revised requirements that apply to these transactions. Overall burden is not expected to increase significantly.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/08	

**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;

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53111 Lessors of Residential Buildings and Dwellings; 53121 Offices of Real Estate Agents and Brokers; 522292 Real Estate Credit; 531311 Residential Property Managers

**URL For More Information:**

<http://www.epa.gov/oppt/lead/>

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**RIN:** 2070-AD64

## 2927. 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	12/00/07	

**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

## 2928. EFFECTS OF TRANSFERS OF OWNERSHIP ON OBLIGATIONS UNDER SECTION 5 OF TSCA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 720

**Legal Deadline:** None

**Abstract:** Companies frequently transfer ownership or other rights with respect to a chemical substance to a different company or person. These transfers may have regulatory implications because of the transferor's earlier submittal under the Toxic Substances Control Act (the Act) of a premanufacture notice, a significant new use notice or an exemption notice to EPA for the chemical substance. Either prior to or after commencing the manufacture of the chemical substance, the company may want to transfer the right to manufacture the chemical substance to a new company as part of a merger, corporate reorganization, or other business transaction. The Act can be interpreted as requiring the transferee of a right to manufacture to submit a new premanufacture notice to the Agency, because the transferee is a new person. However, the Agency has not always required the transferee to submit a new notice and has allowed the transferee to manufacture the chemical substance under the original company's authorization. Because there are no rules or formal guidance

concerning the procedure for transferring rights to manufacture, this issue has not been addressed in a clear and consistent manner. Furthermore, it is not clear if a transferee of a right to manufacture is liable under the Act to the same extent as the transferor. Therefore, to clarify these issues, EPA proposes to adopt a rule to accomplish several purposes: (1) To provide a clear procedural mechanism to facilitate the transfer of rights to manufacture to new persons; (2) to require the transferee to specifically assume all of the legal obligations associated with the transferred right to manufacture; and (3) to provide notice to the Agency of a proposed transfer of a right to manufacture, thereby allowing the Agency to engage in more meaningful compliance monitoring.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/08	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4975

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**RIN:** 2070-AJ15

## 2929. 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

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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	07/00/07	

**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)  
Toxic Substances Control Act (TSCA)**

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**2930. LEAD FISHING SINKERS;  
RESPONSE TO CITIZENS PETITION  
AND PROPOSED BAN****Priority:** Other Significant**Legal Authority:** 15 USC 2605 "TSCA 6"**CFR Citation:** 40 CFR 745**Legal Deadline:** None

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

**Timetable:**

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

Action	Date	FR Cite
NPRM	03/09/94	59 FR 11122
Notice: Withdrawal of NPRM	05/00/07	

**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**2931. AMENDMENT TO THE  
PREMANUFACTURE NOTIFICATION  
EXEMPTIONS; REVISIONS OF  
EXEMPTIONS FOR POLYMERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2604**CFR Citation:** 40 CFR 723**Legal Deadline:** None

**Abstract:** In September 2005, EPA proposed an amendment to the Polymer Exemption Rule, which provides an exemption from the premanufacture notification (PMN) requirements of the Toxic Substances Control Act (TSCA). The proposed amendment would exclude from eligibility polymers containing as an integral part of their composition, except as impurities, certain perfluoroalkyl moieties consisting of a CF<sub>3</sub>- or longer chain length. This proposed exclusion includes polymers that contain any one or more of the following: Perfluoroalkyl sulfonates (PFAS); perfluoroalkyl carboxylates (PFAC); fluorotelomers; or perfluoroalkyl moieties that are covalently bound to either a carbon or sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule. If finalized as proposed, any person who intends to manufacture (or import) any of these polymers not already on the TSCA Inventory would have to complete the TSCA premanufacture review process prior to commencing the manufacture or import of such polymers. EPA believes this proposed change to the current regulation is necessary because, based on recent information, EPA can no longer conclude that these polymers "will not present an unreasonable risk to human health or the environment," which is the determination necessary to support an exemption under TSCA, such as the Polymer Exemption Rule.

**Timetable:**

Action	Date	FR Cite
NPRM	03/07/06	71 FR 11485
Final Action	01/00/08	

**Regulatory Flexibility Analysis Required:** No



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**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

### 2932. 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 to 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 Carboxy methylcellulose	06/11/93	58 FR 32628
Final Action: 84-1056	12/00/07	
Final Action: 86-566	12/00/07	
Final Action: Aluminum Cross-Linked Sodium Carboxy methylcellulose	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

### 2933. 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 full notice and comment procedures 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 Rule: Certain Chemical Substances Batch FY06-1	10/06/06	71 FR 59066
Direct Final Rule: Certain Chemical Substances, Batch FY07-1	03/29/07	72 FR 14681
Direct Final Rule: Certain Chemical Substances, Batch FY07-2	05/00/07	
Final Action: Alkenyl Ether of Alkanetriol Polymer (93-458)	12/00/07	
Final Action: Aromatic Amino Ether (P90-1840)	12/00/07	

#### Regulatory Flexibility Analysis

**Required:** No

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**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Additional Information:** SAN No. 3495; EPA publication information: Direct Final Action: SNUR Revocation - <http://www.epa.gov/fedrgstr/EPA-TOX/2006/October/Day-06/t16574.htm>;

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

**URL For More Information:**

<http://www.epa.gov/opptintr/newchems/cnosnurs.htm>

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**RIN:** 2070-AB27

### 2934. 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
Final Action	05/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**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

### 2935. 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 Action: 51st ITC List	06/11/03	68 FR 34832
Final Action: 53rd ITC List	12/07/04	69 FR 70552
Final Action: 55th, 56th, and 58th ITC Lists	08/16/06	71 FR 47122
Final Action: 60th ITC List	09/00/07	

**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](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AB08

### 2936. 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

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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 Action: 51st ITC List (has actions from lists 43, 47, and 50)	05/04/04	69 FR 24517
Final Action: 55th, 56th, and 58th ITC Lists	08/16/06	71 FR 47130
Final Action: 60th ITC List	09/00/07	

**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](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AB11

### 2937. 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](http://www.epa.gov/chemrtk/volchall.htm)

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**RIN:** 2070-AD25

### 2938. TESTING AGREEMENT FOR DIETHANOLAMINE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 "TSCA 4"

**CFR Citation:** 40 CFR 790 to 799

**Legal Deadline:** None

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

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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	12/00/07	

**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](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AJ09**2939. 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	12/00/07	

**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](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AJ10**2940. 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;

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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 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	12/00/07	

**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](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and

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**RIN:** 2070-AJ11**2941. 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	12/00/07	

**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](http://www.epa.gov/oppt/chemtest)**Agency Contact:** Greg Schweer, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AJ13**2942. SIGNIFICANT NEW USE RULE; PERFLUOROALKYL SULFONATES (PFAS)****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2604; 15 USC 2607; 15 USC 2625

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**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 that 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 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	08/00/07	

**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/newchemicals.htm](http://www.epa.gov/opptintr/newchemicals.htm)

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**RIN:** 2070-AJ18

**2943. 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 followup 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 the proposal OPPT is considering the options of repropose 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	10/00/07	

**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) Toxic Substances Control Act (TSCA)

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### 2944. 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

### 2945. 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 that 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

### 2946. 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 sec 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

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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.]

**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
Notice of Availability; Study Results	03/12/07	72 FR 12582
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](http://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; 53131 Residential Property Managers; 23321 Single Family Housing Construction; 54138 Testing Laboratories

**URL For More Information:**

[www.epa.gov/oppt/lead/pubs/renovation.htm](http://www.epa.gov/oppt/lead/pubs/renovation.htm)

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**RIN:** 2070-AC83

**2947. 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](http://www.epa.gov/pcb)

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**RIN:** 2070-AD52

**2948. 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 790-799

**Legal Deadline:** None

**Abstract:** EPA is developing 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



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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.

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/06	71 FR 61926
NPRM Comment Period End	12/19/06	
Extension of Comment Period	12/18/06	71 FR 75704
Final Action	05/00/08	

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

**Additional Information:** SAN No. 2563; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-AIR/2006/October/Day-20/a17569.htm>

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

**URL For More Information:**

[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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RIN: 2070-AB79

**2949. 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 rule-making and allow EPA to consider agreed-upon pollution prevention and other types of product stewardship initiatives by the chemical industry as a possible substitute for or adjunct to certain types of needed testing. For chemicals that have been designated for priority testing consideration by the Interagency Testing Committee (ITC) 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](http://www.epa.gov/oppt/chemtest)

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RIN: 2070-AB94

**2950. 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

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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](http://www.epa.gov/chemrtk/vccep1). Although not currently involving a rulemaking, EPA has included this pilot program in the Regulatory Agenda to inform the public about activities like this related to its chemical testing program.

**Timetable:**

Action	Date	FR Cite
Notice: Initiation of Stakeholder Process and Public Meeting	08/26/99	64 FR 46673
Notice: Stakeholder Involvement Process and Public Meeting	03/29/00	65 FR 16590
Notice Announcing VCCEP and Pilot	12/26/00	65 FR 81700
Notice: Pilot Evaluation Request for Feedback	11/20/06	71 FR 67121
Notice	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4876**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**URL For More Information:**[www.epa.gov/chemrtk/vccep](http://www.epa.gov/chemrtk/vccep)

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**RIN:** 2070-AC27**2951. 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 environmental effects of potential concern from exposure to HAPs, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs. In addition, under section 103(d), EPA is required to conduct a research program on the short- and long-term effects of air pollutants on human health, ascertain the minimum data needed to adequately characterize those health and environmental effects, and assess the risks posed by HAPs.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33178
Supplemental NPRM	12/24/97	62 FR 67466
Supplemental NPRM	04/21/98	63 FR 19694
2		
NPRM—Reproposal	06/00/08	

**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](http://www.epa.gov/oppt/chemtest)

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Email: [schweer.greg@epamail.epa.gov](mailto:schweer.greg@epamail.epa.gov)**RIN:** 2070-AC76**2952. 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 effects that exposures to metals pose for health and the environment with the Agency's efforts to develop a framework for assessing potential risks from exposures to metals. This activity is intended to lead to EPA proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA). A test rule would require manufacturers and processors of certain metals (beryllium, chromium, manganese, mercury, nickel, and selenium) to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR) and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(I) and the Clean Air Act (CAA) section 112. Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific communities. Data from this action would also be used to

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implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based on standards under section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed from the CAA section (b)(1) list of HAPs (delisting).

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3882

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

**URL For More Information:**

[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AD10

**2953. 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](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AD28

**2954. TEST RULE; MULTIPLE SUBSTANCE RULE FOR THE TESTING OF DEVELOPMENTAL AND REPRODUCTIVE TOXICITY**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** On March 4, 1991, EPA issued a proposed TSCA section 4 Test Rule to require testing of 12 chemicals

for developmental and/or reproductive effects. Since issuing that proposed rule, 11 of the subject chemical substances have been sponsored under the international OECD HPV Screening Information Data Set (SIDS) Program, EPA's voluntary HPV Chemical Challenge Program, and/or the International Council of Chemical Associations (ICCA). Information obtained under these various data collection/development programs will be used to inform EPA's decision regarding the need to re-propose and ultimately finalize this TSCA section 4 Test Rule for some or all of the subject chemicals and for which endpoints they should be tested.

**Timetable:**

Action	Date	FR Cite
NPRM—Original	03/04/91	56 FR 9092
NPRM—Reproposal	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4395

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

**URL For More Information:**

[www.epa.gov/oppt/chemtest](http://www.epa.gov/oppt/chemtest)

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**RIN:** 2070-AD44

**2955. 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

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**Legal Deadline:** None

**Abstract:** EPA monitors the commercial development of existing chemicals of concern and/or gathers information to support planned or ongoing risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under the Toxic Substances Control Act (TSCA) sections 5 and/or 8 to require reporting of appropriate needed information by the manufacturers, importers, and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

**Timetable:**

Action	Date	FR Cite
NPRM: 2,4-Pentanedione	09/27/89	54 FR 39548
NPRM: Heavy Metals	01/15/02	67 FR 1937
Final Action: 2,4-Pentanedione	12/00/08	
Final Action: Heavy Metals	12/00/08	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 1923

**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries

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**RIN:** 2070-AA58

### 2956. 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

### 2957. 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

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**2958. 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 greater than 50 ppm PCBs in paint, gaskets, and cable that cannot be easily removed. In 2003, MARAD exported four surplus ships to a shipyard in the United Kingdom, Able UK, for scrapping; however, the planned export of an additional nine ships had been prevented by a temporary restraining order issued by the U.S. District Court for DC. 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, perhaps sometime in 2008, the Agency will conclude its review. EPA can grant these petitions through notice-and-comment rulemaking for a period of up to 1 year, provided it can make a finding of no unreasonable risk and good faith efforts to find substitutes.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/08	

**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**2959. 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.

**Timetable:**

Action	Date	FR Cite
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Final Action: ECA and CO for Fluoropolymer Chemicals Incineration 07/08/05 70 FR 39630

Action	Date	FR Cite
Final Action: ECA and CO for Fluorotelomer-based Polymer Chemicals Incineration	07/08/05	70 FR 39624
Notice: Telomer Report	08/00/08	
Notice: Fluoropolymer Report	10/00/09	

**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:**<http://www.epa.gov/oppt/pfoa/index.htm>

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**RIN:** 2070-AJ06**2960. 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

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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**2961. 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 five 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:**

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**RIN:** 2070-AJ08

## Environmental Protection Agency (EPA)

## Completed Actions

## Toxic Substances Control Act (TSCA)

**2962. NOTIFICATION OF CHEMICAL EXPORTS UNDER TSCA SECTION 12(B)****Priority:** Other Significant**CFR Citation:** 40 CFR 707**Completed:**

Reason	Date	FR Cite
NPRM	02/09/06	71 FR 6733

Reason	Date	FR Cite
Final Action	11/14/06	71 FR 66234
Technical Correction	11/28/06	71 FR 68750

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Greg Schweer

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**RIN:** 2070-AJ01

**Environmental Protection Agency (EPA)**  
**Emergency Planning and Community Right-to-Know Act (EPCRA)**
**Proposed Rule Stage**
**2963. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: MODIFICATION TO THE THRESHOLD PLANNING QUANTITY METHODOLOGY FOR THE EXTREMELY HAZARDOUS SUBSTANCES THAT ARE SOLIDS IN SOLUTION**
**Priority:** Other Significant**Legal Authority:** 42 USC 11001**CFR Citation:** 40 CFR 355**Legal Deadline:** None

**Abstract:** EPA is considering an alternative approach for the threshold planning quantity (TPQ) for chemicals on the Extremely Hazardous Substances (EHS) List that are handled as solids in solution. The current TPQ for solids in solution is based on the assumption that the entire quantity of the solid chemical at a facility could potentially be released to air in event of an accident. EPA will propose a rule that would revise the TPQ for solids in solution and seek comment on an

alternative approach. EPA is pursuing this proposal in part based on industry's request to revisit the TPQ rationale for the chemical paraquat dichloride (handled as a solid in aqueous solution). If the TPQ for solids in solution is raised, it would result in relieving some facilities (number and type unknown at this time) from the regulatory emergency planning and notification requirements under section 302-304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA intends to evaluate various experimental data for accidental air releases of solutions containing solid chemicals when developing revised TPQs. EPA would also seek public comment on the appropriateness of considering aerosol size as a factor for potential off-site exposure to communities.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/08	

**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
**Environmental Protection Agency (EPA)**  
**Emergency Planning and Community Right-to-Know Act (EPCRA)**
**Final Rule Stage**
**2964. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS TO PARTS 355 AND 370**
**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 some of the remaining issues from the proposed rule of June 8, 1998. Reporting thresholds for gasoline and diesel fuel at retail gas stations were finalized on February 11, 1999 (64 FR 7031). This rule will address those reporting changes in section B of the preamble to the proposed rule under the heading "Other Regulatory Changes." The revisions in this rule will have only minimal impact on the regulated community. Most of the changes are minor revisions and clarifications of interpretation that EPA has been providing the regulated communities. In addition, as stated in the proposed rule, 40 CFR parts 355 and 370 will be reorganized and

rewritten in Plain English format to make them clearer and easier to use.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Final Action	12/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3215;

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**RIN:** 2050-AE17
**2965. 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

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Final Rule Stage

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 that 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	05/00/07	

**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. sec. 6921 et seq.), SIC Code 5169 Chemicals and Allied Products-Wholesale, SIC Code 5171 Petroleum Bulk Terminals and Plants, SIC Code 7389 Solvent Recovery Services

(limited to facilities primarily engaged in solvent recovery services on a contract or fee basis).

**URL For More Information:**

[www.epa.gov/tri](http://www.epa.gov/tri)

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**RIN:** 2025-AA12

## Environmental Protection Agency (EPA)

## Long-Term Actions

## Emergency Planning and Community Right-to-Know Act (EPCRA)

### 2966. 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	To Be Determined	

**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](http://www.epa.gov/tri)

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**RIN:** 2025-AA11

### 2967. TRI; RESPONSE TO PETITION TO DELETE CHROMIUM, ANTIMONY, AND 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, and 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, and titanate is reportable under the chromium and antimony compound categories; the deletion of this chemical would eliminate all the reporting requirements under the Toxic Chemical Release Reporting Rule.



## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
Response	To Be	Determined

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

2425.4; EPA publication information: Response-Chromium, Antimony, and Titanate (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).

**URL For More Information:**

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**RIN:** 2025-AA16**2968. TRI; RESPONSE TO PETITION TO ADD DIISONONYL PHTHALATE TO THE TOXICS RELEASE INVENTORY LIST OF TOXIC CHEMICALS**

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

**Legal Authority:** 42 USC 11013 "EPCRA 313"

**CFR Citation:** 40 CFR 372**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/05/00	65 FR 53681
Notice of Data Availability	06/14/05	70 FR 34437
Final Action	02/00/09	

**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).

**URL For More Information:**

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**RIN:** 2025-AA17**2969. 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	05/00/08	

**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:

EPA—Emergency Planning and Community Right—to—Know Act (EPCRA)

Long-Term Actions

Metal Mining (SIC code 10 except SIC codes 1011, 1081, and 1094); Coal Mining (SIC code 12 except SIC code 1241); Electric Utilities (SIC codes 4911, 4931, 4939); Commercial Hazardous Waste Treatment (SIC code 4953); Chemicals and Allied Products-Wholesale (SIC code 5169); Petroleum Bulk Terminals and Plants (SIC code 5171); and Solvent Recovery Services (SIC code 7389).

**URL For More Information:**  
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**RIN:** 2025–AA19

**2970. • EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT: AMENDMENTS AND STREAMLINING RULE**

**Priority:** Other Significant

**Legal Authority:** 42 USC 11002; 42 USC 11004; 42 USC 11048; 42 USC 11021; 42 USC 11022

**CFR Citation:** 40 CFR 370

**Legal Deadline:** None

**Abstract:** This supplemental proposal will address reporting thresholds for rock salt, sand, gravel and other chemicals those pose minimal risk. The proposed rule was published on June 8, 1998 (63 FR 31268). This supplemental rule, when finalized, will minimize burden for those facilities that are currently reporting chemicals that pose minimal risk under sections 311 and 312 of the Emergency Planning and Community Right-To-Know Act. This rule, when finalized, may also reduce the number of facilities subject to these reporting requirements. The reporting requirements under sections 311 and 312 are intended to enhance communities’ awareness of chemical hazards; to facilitate the development of State and local emergency response

plans; and to aid communities and emergency response officials in preparing for and responding to emergencies safely and effectively. By proposing to provide relief from routine reporting of substances with minimal hazards and minimal risk, State and local officials can focus on chemicals that may pose more significant hazard or may present greater risks to the community.

**Timetable:**

Action	Date	FR Cite
Supplemental NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3215.1; Split from RIN 2050-AE17.

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**RIN:** 2050–AG40

Environmental Protection Agency (EPA)

Emergency Planning and Community Right—to—Know Act (EPCRA)

Completed Actions

**2971. TOXICS RELEASE INVENTORY REPORTING BURDEN REDUCTION RULE**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 372

**Completed:**

Reason	Date	FR Cite
NPRM	10/04/05	70 FR 57822
Final Action	12/22/06	71 FR 76932

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2025–AA14

## Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA)

Prerule Stage

### 2972. 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 (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 (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 of new information and data on the management of coal combustion wastes that the Agency will consider in deciding next steps in this effort.

#### Timetable:

Action	Date	FR Cite
NODA	05/00/07	
NPRM	To Be	Determined

#### 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

## Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

### 2973. 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.

#### 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—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

**2974. DEFINITION OF SOLID WASTES REVISIONS**

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

**Legal Authority:** 42 USC 6903 “RCRA sec 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 has issued a supplemental proposal to 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.

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/03	68 FR 61558
Supplemental NPRM	03/26/07	72 FR 14172
Supplemental NPRM Comment Period End	05/25/07	
Final Action	08/00/08	

**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

**2975. 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 National Environmental Performance Track program was designed and endorsed across the Agency with support and collaboration among EPA, States, and environmental non-governmental organizations. Launched in 2000 and supported by each succeeding Administrator, Performance Track recognizes and drives environmental excellence by encouraging facilities with strong environmental programs to go above and beyond their legal requirements.

To become a member, a facility must meet four criteria: Have in place for at least 1 year a well-functioning environmental management system, have maintained a record of sustained regulatory compliance, make a commitment to community outreach and annual public reporting, and make a commitment to continuous environmental improvement. With respect to the last criterion, members

set and make good faith efforts to achieve typically four public and measurable goals to improve the quality of our Nation's air, water, and land. The 470 Performance Track members include major corporations, small businesses, and public facilities from 46 States that are steering a course toward environmental excellence. Through more than 1,500 commitments to continuous improvement, Performance Track members have collectively reduced their water use by 3.5 billion gallons, greenhouse gas emissions by 88,000 metric tons of carbon dioxide equivalent, hazardous waste generation by 130,000 tons, non-hazardous waste generation by 600,000 tons, emissions of sulfur oxides by 17,000 tons, and conserved more than 14,000 acres of habitat.

EPA provides incentives for Performance Track members in recognition of their strong compliance records, sound environmental management systems, and transparency in setting and reporting on public goals. In this action, EPA plans to propose: A streamlined process for permit modifications; performance-based standards for tanks and new capabilities for standardized permits. EPA will also take comment on two topics: (1) Alternative requirements for small-quantity generators that experience episodic generation events that would otherwise cause a shift in generator status for the facility and (2) reduced duplication between RCRA and CAA standards. These incentives will be available only to facilities that are members of the Performance Track program. Should a facility choose to leave the program, any regulatory benefits they receive will no longer be available. None of the proposed provisions in this action will involve any reduction in environmental protection.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/07	
Final Action	11/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4828;

**Agency Contact:** Robert Sachs, Environmental Protection Agency,

## EPA—Resource Conservation and Recovery Act (RCRA)

## Proposed Rule Stage

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**RIN:** 2090-AA34

## Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA)

## Final Rule Stage

### 2976. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6912(a)

**CFR Citation:** 40 CFR 247

**Legal Deadline:** None

**Abstract:** RCRA section 6002 and E.O. 13101 require EPA to prepare guidelines in the Federal Register that designate items that are or can be made with recovered materials and to issue recommendations for government procurement of these items. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. Government procurement of EPA-designated items containing recovered materials fosters markets for recovered materials and, thereby, closes the recycling loop. To date, EPA has designated 61 items under four Comprehensive Procurement Guidelines (CPG1, CPG2, CPG3, and CPG4). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG, that provides recommendations on buying the designated items. The E.O. 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 4 but was 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 4 and 5.

#### 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

Action	Date	FR Cite
NPRM-CPG3	08/26/98	63 FR 45558
Final-CPG3-RMAN3	01/19/00	65 FR 3069
NPRM CPG4	08/28/01	66 FR 45256
NODA on Nylon Carpet	07/16/03	68 FR 42040
NPRM-CPG5	12/10/03	68 FR 68813
Final-CPG4-RMAN4	04/30/04	69 FR 24028
Final CPG 5	09/00/07	
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: NPRM-CPG3-(CPG3 and RMAN 3); 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](http://www.epa.gov/cpg)

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**RIN:** 2050-AE23

### 2977. 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 publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WASTE/2006/April/Day-04/f3104.htm>; EPA Docket information: EPA-HQ-RCRA-2006-0097

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## EPA—Resource Conservation and Recovery Act (RCRA)

## Final Rule Stage

Email: kinch.richard@epa.gov

RIN: 2050–AG27

**2978. • WASTE MANAGEMENT SYSTEM; TESTING AND MONITORING ACTIVITIES; METHODS INNOVATION RULE; CORRECTION**

Priority: Info./Admin./Other

**Legal Authority:** 33 USC 1345(d); 33 USC 1345 (e); 42 USC 6902(a); 42 USC 6907; 42 USC 6912(1); 42 USC 6944; 42 USC 6945(c); 42 USC 6949(c)

**CFR Citation:** 40 CFR 258

**Legal Deadline:** None

**Abstract:** This rule is necessary because it amends and corrects the table in Appendix II to part 258 of 40 CFR by (1) removing three chemical entries and (2) adding two chemical entries. The chemical entry errors being corrected by these amendments inadvertently occurred as a result of

publication of the final MIR on June 14, 2006 (70 FR 34538). The first chemical entry being removed from the table in Appendix II, part 258, is as follows (written here exactly as the entry incorrectly appears in the appendix): “1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene.” This entry is being removed because it incorrectly addresses two different chemicals and their synonyms under one entry. To correct and replace this entry, we are adding the following two chemical entries: “1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride” and “cis-1,1-dichloroethylene; cis-1,2-Dichloroethene.” The other two chemical entries being deleted are: “alpha, alpha-Dimethylphenethylamine,” and “2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin.” These

chemical entries are being removed because those chemicals did not appear in the table prior to publication of the MIR and were inadvertently added during development and publication of the MIR.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5128

**Agency Contact:** Kim Kirkland, Environmental Protection Agency, Solid Waste and Emergency Response, 5397P, Washington, DC 20460  
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**RIN:** 2050–AG38

**Environmental Protection Agency (EPA)  
Resource Conservation and Recovery Act (RCRA)**

## Long-Term Actions

**2979. 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	05/00/08	
Final Action	04/00/09	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3856; EPA publication information: Regulatory Determination- Regulatory Determination;

**Sectors Affected:** 32731 Cement Manufacturing

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## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

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RIN: 2050-AE34

### 2980. 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	To Be	Determined

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4411; This is an extension of a previous notice that contained the following RIN: 2050-AD88.

**Sectors Affected:** 32411 Petroleum Refineries

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RIN: 2050-AE78

### 2981. 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 262.40; 40 CFR 262.41; 40 CFR 264.16; 40 CFR 264.52; 40 CFR 264.56; 40 CFR 264.73; 40 CFR 264.75; 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; 40 CFR 270.30

**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, Local, State, Tribal

**Additional Information:** SAN No. 4735;

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RIN: 2050-AF01

### 2982. 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 about encouraging recycling activities for electronic materials that are collected and dismantled for recovery of useful elements. However, the usefulness of this rule as a pilot project will likely be overtaken upon promulgation of EPA's national proposed cathode ray tube (CRT) 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

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4701; EPA publication information: NPRM - [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002\\_register&docid=fr26de02-26.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr26de02-26.pdf);

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**RIN:** 2003-AA00

### 2983. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT-CONTAMINATED INDUSTRIAL WIPES

**Priority:** Other Significant

**Legal Authority:** 42 USC 6921

**CFR Citation:** 40 CFR 261

**Legal Deadline:** None

**Abstract:** EPA proposed to modify the RCRA regulations for management of solvent-contaminated industrial wipes in response to stakeholder concerns that industrial wipes are over-regulated because they pose little threat to human health and the environment. Industrial wipes are used with solvents across industry in various ways; EPA estimates that there are approximately 471,000 users of industrial wipes in 13 economic sub-sectors, but many users use small numbers of wipes with small amounts of solvents on them.

If finalized, this regulation would provide regulatory relief for two types of solvent-contaminated industrial wipes: (1) Disposable wipes, which are disposed of in a landfill or by combustion after use, and (2) reusable wipes, which are laundered after use to remove the solvent and then are used again. EPA proposed to conditionally exclude disposable industrial wipes from the definition of hazardous waste and to conditionally exclude reusable industrial wipes from the definition of solid waste. The regulation, if finalized, is estimated to

result in \$34 million of savings throughout the economy and has been developed with conditions to ensure that management of these solvents remains protective of human health and the environment.

#### Timetable:

Action	Date	FR Cite
NPRM	11/20/03	68 FR 65586
Final Action	06/00/08	
Notice of Data Availability	To Be	Determined

#### Regulatory Flexibility Analysis Required:

**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](http://www.epa.gov/epaoswer/hazwaste/id/solvents/wipes.htm)

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**RIN:** 2050-AE51

### 2984. REVISIONS TO THE EXPORT REQUIREMENTS FOR WASTES DESTINED FOR THE OECD COUNTRIES AND FOR SPENT LEAD ACID BATTERIES

**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 amending the existing regulation under the Resource Conservation and Recovery Act (RCRA) regarding the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), as specified in 40 CFR 262 subpart H. Proposed regulatory changes under consideration include, but are not limited to, reducing the number of control levels, exempting qualifying shipments sent for laboratory analysis from certain paperwork requirements, requiring recovery facilities to submit a certificate of recovery, and adding provisions for the return or re-export of wastes subject to Amber control procedures under the OECD framework. These amendments would implement revisions that the OECD made to both its framework for hazardous waste transboundary movements between member countries and to its waste lists. The revisions were adopted by the OECD to create a more streamlined, uniform system for exports and imports, resulting in a more efficient international recycling market and increased recycling among the member countries. Since the United States supported the 2001 Decision and is a party to the OECD, the United States is legally obligated to implement these changes within its domestic regulations. Besides addressing the amendments adopted by the OECD in 2001 and 2004, the Agency may also seek to clarify certain existing provisions in subpart H that were identified as potentially ambiguous to the regulated community. In addition to the OECD amendments, the Agency is considering amending the regulations under RCRA regarding the transboundary movements of spent lead-acid batteries being reclaimed, as specified in 40 CFR part 266 subpart G. Currently, spent lead-acid batteries destined for export/reclamation are not subject to the 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. These proposed amendments would require appropriate notice and consent for those batteries intended for export/reclamation. EPA is considering amending the current regulations in the interest of harmonizing them with both the amendments adopted by the OECD



## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

in 2001 and EPA's existing export requirements for RCRA Universal Waste.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**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; Merged with RIN 2050-AF06

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**RIN:** 2050-AE93

**2985. 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 that the Agency believed would be better at predicting which firms will enter bankruptcy and be unable to cover their financial assurance obligations at hazardous waste treatment, storage, and disposal facilities. 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 recently asked the Environmental Financial Advisory Board (a Federal advisory committee) to evaluate the financial test that was proposed in 1991. Specifically, EPA has asked the Board whether EPA should adopt the financial test proposed in 1991 or whether advancements in financial analysis have provided better potential tests in the meantime. In January of 2006, the Board communicated its initial findings.

In an October 20, 2006, response to a recommendation from the Office of Inspector General, the Agency committed to making a decision by the second quarter of FY 2007 on whether to proceed with a rulemaking to revise the corporate financial test. The Agency will consider the Environmental Financial Advisory Board recommendation, and other information, in making that decision. If the Agency decides to proceed with a rulemaking, it will issue a new proposed rule.

**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

**2986. 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.

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/07	72 FR 2219
Final Action	06/00/08	

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

**Additional Information:** SAN No. 4834; EPA publication information: NPRM - <http://www.epa.gov/fedrgst/EPA-WASTE/2007/January/Day-18/f640.htm>; EPA Docket information: EPA-HQ-RCRA-2006-0984

**URL For More Information:**

<http://www.epa.gov/epaoswer/hazwaste/id/f019/f019.htm>

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**RIN:** 2050-AG15**2987. 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:** None

**Additional Information:** SAN No. 4920; EPA publication information: NPRM - <http://www.epa.gov/fedrgst/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**2988. 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.

**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	To Be Determined	

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

**Additional Information:** SAN No. 3147.1; EPA publication information: NPRM - [http://www.gpo.gov/su\\_docs/aces/fr-cont.html](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

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

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/](http://www.epa.gov/epaoswer/hazwaste/gener/manifest/)

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**RIN:** 2050-AG20

### 2989. 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	06/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 5070;

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**RIN:** 2050-AG34

### 2990. • AMENDMENT TO THE UNIVERSAL WASTE RULE: ADDITION OF PHARMACEUTICALS AND CONSUMER PRODUCTS IN CONSUMER PRODUCT PACKAGING

**Priority:** Other Significant

**Legal Authority:** 42 USC 3007; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924; 42 USC 6926; 42 USC 6927; 42 USC 6938

**CFR Citation:** 40 CFR 273

**Legal Deadline:** None

**Abstract:** This action will propose adding hazardous pharmaceutical and consumer product (in the consumer product packaging) wastes to the universal waste system. This incorporation is appropriate because

these wastes are produced by a various and vast community of generators and are often mismanaged due to health care workers and retail chain employees being unfamiliar with the Resource Conservation and Recovery Act regulations. This proposed action will streamline the current regulations governing these wastes, ensuring that hazardous pharmaceutical and consumer product wastes are properly managed.

Expansion of the universal waste system to include hazardous pharmaceutical wastes will allow all pharmaceuticals, waste-like or product-like, to be sent to reverse distribution centers, which have expertise in making hazardous waste determinations and in managing hazardous waste. In addition, the inclusion of hazardous pharmaceutical wastes in the universal waste rule will also encourage health care facilities to manage all their pharmaceutical wastes as universal wastes, particularly wastes that are not regulated as hazardous but which nonetheless pose hazards. Finally, the addition of hazardous pharmaceutical wastes to the rule will facilitate the collection of personal medications from the public at various health care facilities so that they can be properly managed.

The incorporation of hazardous consumer product wastes into the universal waste rule will facilitate the recycling of these products and therefore, reduce their illegal disposal into municipal solid waste landfills and combustors. In addition, consumer products, similar to pharmaceuticals, are often returned by retailers for manufacturer credit. Under the rule, consumer product, regardless of the reason for their return or recall, will not be considered waste until deemed so by the redistribution center. Deferring the waste determination will simplify the compliance requirements for retail stores and will ensure the proper management of these wastes by transferring the function to those who have the expertise in waste determination and management: The manufacturers.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

**Government Levels Affected:** Local, State

**Additional Information:** SAN No. 5127;

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**RIN:** 2050-AG39

### 2991. PROJECT XL SITE-SPECIFIC RULEMAKING FOR THE IBM SEMICONDUCTOR MANUFACTURING FACILITY IN HOPEWELL JUNCTION, NEW YORK

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

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**CFR Citation:** 40 CFR 261.4(a)

**Legal Deadline:** None

**Abstract:** This rulemaking provides a site-specific exclusion from the regulatory definition of solid waste for certain wastewater treatment sludges (otherwise designated as Hazardous Waste No. F006) when they are used as ingredients in the production of cement. Without this exclusion, the sludges being legitimately recycled as substitutes for raw materials would remain subject to hazardous waste regulatory requirements, including the need for a storage permit by the cement manufacturer, which is a major disincentive to recycling the sludges in this manner. This XL project tests the presumption that these sludges can be safely recycled without regulatory oversight.

#### Timetable:

Action	Date	FR Cite
NPRM	06/06/01	66 FR 30349
Supplemental NPRM	04/14/03	68 FR 18042
Final Action	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

## Environmental Protection Agency (EPA)

## Completed Actions

## Resource Conservation and Recovery Act (RCRA)

### 2992. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES—NON-POWER PRODUCERS AND MINEFILLING

**Priority:** Economically Significant

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944

**CFR Citation:** 40 CFR 257

**Legal Deadline:** None

**Abstract:** 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 National Research Council (NRC) established the Committee on Mine Placement of Coal Combustion Wastes in September 2004. The NRC published the committee's findings on March 1, 2006, in a report entitled "Managing Coal Combustion Residues in Mines. The NRC stated that there are three primary regulatory mechanisms that could be used to develop enforceable standards: (1) Changes to the Surface Mining Control and Reclamation Act of 1977 (SMCRA) regulations to address coal combustion residues (CCRs, also known as coal combustion byproducts (CCBs) and coal combustion wastes); (2) Joint Department of Interior's Office of Surface Mining (OSM) and EPA rules pursuant to the authority of SMCRA and RCRA (the Resource Conservation and Recovery Act); or (3) RCRA-D rules that are enforceable through a SMCRA permit. Regardless of the regulatory mechanism selected, the NRC recommended that coordination

between OSM and EPA efforts is needed and would foster regulatory consistency with EPA's intended rule-making proposal for CCR disposal in landfills and impoundments.

As such OSM plans to revise their regulations so that they will expressly provide for the placement of CCBs as part of surface coal mining and reclamation operations permitted under title V of SMCRA and in the reclamation of abandoned mine lands under an abandoned mine lands (AML) reclamation program approved under section 405 of the Act. OSM intends for these regulations to minimize the possibility that the placement of CCB could cause adverse impacts on public health and the environment.

With respect to CCB placement in mines with SMCRA permits, OSM is considering the adoption of regulations that would specifically identify the permit application requirements and performance standards in the existing regulations in 30 CFR Chapter VII that

## EPA—Resource Conservation and Recovery Act (RCRA)

## Completed Actions

apply to the use and disposal of CCBs in mines.

OSM is considering modifying 30 CFR 774.13(b) to specify that permit revision applications proposing the placement of CCBs must be processed as significant revisions, which means that they would be subject to all the notice and public participation requirements that apply to applications for new permits.

Another possible revision is to 30 CFR part 874 that would include minimum requirements applying to any AML reclamation project funded or otherwise conducted under an AML reclamation plan and program approved under section 405 of SMCRA. These requirements would apply to any reclamation project funded under the grants awarded pursuant to section 405(h) and to AML reclamation projects conducted under the provisions of 30 CFR 874.17. The requirements would not apply to other types of AML reclamation projects, as those projects would be outside the scope of SMCRA. However, OSM believes that any requirements that are developed could serve as a template for states to impose comparable requirements for the use and disposal of CCBs on other abandoned mine lands under other provisions of law.

**Timetable:**

Action	Date	FR Cite
Withdrawn	03/16/07	

**Regulatory Flexibility Analysis Required:** No

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

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

**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

**2993. REVISIONS OF THE LEAD-ACID BATTERY EXPORT NOTIFICATION AND CONSENT REQUIREMENTS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR subpart G 266.80 (a)

**Completed:**

Reason	Date	FR Cite
Withdrawn—Merged Into RIN 2050-AE93	04/12/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 2050-AF06

**2994. LAND DISPOSAL RESTRICTIONS: MODIFYING THE LAND DISPOSAL TREATMENT STANDARD FOR RADIOACTIVE LEAD SOLIDS AND HAZARDOUS DEBRIS; DEFINITION OF MACROENCAPSULATION**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 268.42

**Completed:**

Reason	Date	FR Cite
Withdrawn	02/22/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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**RIN:** 2050-AF12

**Environmental Protection Agency (EPA)  
Oil Pollution Act (OPA)****Final Rule Stage****2995. • OIL POLLUTION PREVENTION; SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) REQUIREMENTS—EXTENSION OF COMPLIANCE DATES**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1321

**CFR Citation:** 40 CFR 112

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency plans to extend the dates by which facilities must prepare or amend Spill Prevention, Control, and Countermeasure Plans (SPCC Plans), and implement those Plans. This action would allow the Agency time to promulgate further revisions to the July 17, 2002, SPCC rule before owners and operators are required to meet requirements of the rule related to

preparing or amending, and implementing SPCC Plans. EPA expects to propose further revisions to the SPCC rule in 2007.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/06	71 FR 77357
NPRM Comment Period End	01/25/07	
Final Action	05/00/07	

## EPA—Oil Pollution Act (OPA)

## Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Additional Information:** SAN No. 2634.5; EPA publication information:NODA re certain facilities - <http://www.epa.gov/fedrgstr/EPA-WATER/2004/September/Day-20/w21065.htm>; Split from RIN 2050-AG23. Split from RIN 2050-AG16.**Agency Contact:** Vanessa Rodriguez, Environmental Protection Agency,

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## Environmental Protection Agency (EPA)

## Completed Actions

## Oil Pollution Act (OPA)

**2996. OIL POLLUTION PREVENTION; SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) REQUIREMENTS—AMENDMENTS****Priority:** Economically Significant. Major under 5 USC 801.**CFR Citation:** 40 CFR 112**Completed:**

Reason	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	73543
Final Action	12/26/06	71 FR	77266

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Vanessa Rodriguez

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## Environmental Protection Agency (EPA)

## Proposed Rule Stage

## Comprehensive Environmental Response, Compensation and Liability Act

**2997. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 9605**CFR Citation:** 40 CFR 300.425**Legal Deadline:** None

**Abstract:** This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

**Timetable:**

Action	Date	FR	Cite
Final 20	03/06/98	63 FR	11332
NPRM 24	03/06/98	63 FR	11340
Final 21	07/28/98	63 FR	40182
NPRM 25	07/28/98	63 FR	40247
Final Tex-Tin	09/18/98	63 FR	49855
Final 22	09/29/98	63 FR	51848
NPRM 26	09/29/98	63 FR	51882
Final 23	01/19/99	64 FR	2942
NPRM 27	01/19/99	64 FR	2950
NPRM Midnight Mine	02/16/99	64 FR	7564

Action	Date	FR	Cite
NPRM 28	04/23/99	64 FR	19968
Final 24	05/10/99	64 FR	24949
NPRM Alameda	05/10/99	64 FR	24990
Final 25	07/22/99	64 FR	39878
NPRM 29	07/22/99	64 FR	39886
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

Action	Date	FR	Cite
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
NPRM 45	09/27/06	71 FR	56433
Final 41	05/00/07		
Final 42	05/00/07		
NPRM 46	05/00/07		
Final 43	09/00/07		
NPRM 47	09/00/07		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State

**Additional Information:** SAN No. 3439; EPA publication information: NPRM 24-24; EPA Docket information: [www.regulations.gov](http://www.regulations.gov) EPA-HQ-SFUND-2006-XXXX

**URL For More Information:**[www.epa.gov/superfund](http://www.epa.gov/superfund)

**EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage**

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**RIN:** 2050-AD75

**2998. • CERCLA NOTIFICATION  
REQUIREMENTS AND THE  
AGRICULTURAL SECTOR**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 9603; 42 USC  
11004

**CFR Citation:** 40 CFR 302; 40 CFR 355

**Legal Deadline:** None

**Abstract:** In an effort to reduce future release notification reports to the National Response Center from the animal agricultural industry, the Agency is considering a rulemaking proposing to exempt from CERCLA notification requirements air releases of hazardous substances, ammonia, and hydrogen sulfide from animal waste from all agricultural species. As part of this evaluation, EPA does not anticipate exempting releases of hazardous substances from ammonia storage tanks located at agricultural operations, and thus they would still be reportable at or above their reportable quantity.

Because the EPCRA emergency notification requirements to State and local emergency planning committees

are linked by statute to the CERCLA notification requirements, this rulemaking will also address those EPCRA emergency notification requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/07	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 5117;

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**RIN:** 2050-AG37

**Environmental Protection Agency (EPA)****Final Rule Stage****Comprehensive Environmental Response, Compensation and Liability Act****2999. COOPERATIVE AGREEMENTS  
AND SUPERFUND STATE  
CONTRACTS FOR SUPERFUND  
RESPONSE ACTIONS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 9604(a) to (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) to (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 part 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	05/00/07	

**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

**3000. CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES****Priority:** Other Significant**Legal Authority:** 42 USC 9602 to 9603**CFR Citation:** 40 CFR 302 (Revision)**Legal Deadline:** None

**Abstract:** The Agency is considering a proposal for corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F- and K- waste streams and entries in Appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in Table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in Table 302.4.

**Timetable:**

Action	Date	FR Cite
NPRM	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

**3001. 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. (40 CFR 300.1). The purpose of the NRP is to provide a common organizational structure and procedures for Federal departments and agencies to provide emergency and disaster assistance to State, tribal, and local governments for incidents of national significance. The NRP was developed by the Department of Homeland Security, in close consultation with Federal (including EPA), State, tribal, local governments; first responder organizations; and 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)

## Proposed Rule Stage

## Clean Water Act (CWA)

**3002. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES—PHASE II****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1322; 33 USC 1361**CFR Citation:** 40 CFR 1700**Legal Deadline:** Final, Statutory, May 10, 2001.

**Abstract:** This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996

the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design, and build environmentally sound vessels; to encourage innovative pollution control technology; and to improve operational flexibility. EPA and DOD jointly

promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as hull coating leachate); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish



## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

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	11/00/07	
Final Action	01/00/09	

**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/owow/oceans/regulatory/unds/index.html](http://www.epa.gov/owow/oceans/regulatory/unds/index.html)

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**RIN:** 2040-AD39

**3003. REGULATIONS FOR GRAY AND BLACK WATER DISCHARGES FROM CRUISE SHIPS OPERATING IN CERTAIN ALASKAN WATERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-554, sec 1404 to 1407

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Title XIV: Certain Alaska Cruise Ship Operations (HR 4577) authorizes EPA to establish effluent standards for black and gray water from cruise ships into the waters of Alaska, the Alexander Archipelago, and the

Kachemak Bay National Marine Estuarine Research Reserve. EPA will develop those standards based on the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. The implementation of these regulations will reduce the environmental impacts of cruise ships operating in the waters of Alaska, the Alexander Archipelago, and the Kachemak Bay National Marine Estuarine Research Reserve.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 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

**3004. 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 its review 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/](http://www.epa.gov/waterscience/guide/cch/)

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## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

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RIN: 2040-AE82

### 3005. 2008 EFFLUENT GUIDELINES PROGRAM PLAN

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 33 USC 1251, et seq; 33 USC 1311(d); 33 USC 1314(b); 33 USC 1314(g); 33 USC 1314(m); 33 USC 1316; 33 USC 1317(b)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Other, Statutory, December 21, 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. EPA intends to publish the next preliminary Effluent Guidelines Plan by the end of 2007, in anticipation of publishing a final Effluent Guidelines Plan in 2008. The 2007 preliminary plan will discuss EPA's annual review of effluent limitations guidelines and standards undertaken pursuant to sections 304(b), 304(g), and 307(b). It will also solicit comment on guidelines that EPA is considering for possible revision or new guidelines that may be developed, and will provide a preliminary schedule for such rulemaking.

#### Timetable:

Action	Date	FR Cite
Proposed Plan	10/00/07	
Final Plan	12/00/08	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 5064;

**URL For More Information:** [www.epa.gov/guide/plan.html](http://www.epa.gov/guide/plan.html)

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RIN: 2040-AE89

### 3006. REVISIONS TO THE SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) RULE

**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.

#### Timetable:

Action	Date	FR Cite
Notice Clarifying Certain Issues	05/25/04	69 FR 29728
NPRM 1-yr 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	09/00/07	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 2634.2; Split from RIN 2050-AC62.

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RIN: 2050-AG16

## Environmental Protection Agency (EPA) Clean Water Act (CWA)

## Final Rule Stage

### 3007. NPDES PERMIT REQUIREMENTS FOR PEAK WET WEATHER DISCHARGES FROM PUBLICLY OWNED TREATMENT WORKS TREATMENT PLANTS SERVING SANITARY SEWER COLLECTION SYSTEMS POLICY

**Priority:** Other Significant

**Legal Authority:** 33 USC 1311; 33 USC 1318; 33 USC 1342; 33 USC 1361

**CFR Citation:** 40 CFR 122.41(m)

**Legal Deadline:** None

**Abstract:** During periods of wet weather, wastewater flows received by municipal sewage treatment plants can

significantly increase, which can create operational challenges for sewage treatment facilities. Where peak flows approach or exceed the design capacity of a treatment plant they can seriously reduce treatment efficiency or damage treatment units. In addition to hydraulic concerns, wastewater associated with peak flows may have low organic strength, which can also decrease treatment efficiencies. One engineering practice that some facilities use to protect biological treatment units from damage and to prevent overflows and backups elsewhere in the system is referred to as wet weather blending. Wet weather blending occurs during

peak wet weather flow events when flows that exceed the capacity of the biological units are routed around the biological units and blended with effluent from the biological units prior to discharge. Regulatory agencies, sewage treatment plant operators, and representatives of environmental advocacy groups have expressed uncertainty about National Pollutant Discharge Elimination System (NPDES) requirements addressing such situations. EPA requested public comment on a proposed policy published on November 7, 2003. Based on a review of all the information received, EPA has decided not to

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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.

**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	04/00/07	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4690; EPA publication information: 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](http://www.epa.gov/npdes)

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**RIN:** 2040-AD87

**3008. CONCENTRATED ANIMAL FEEDING OPERATION RULE**

**Priority:** Other Significant

**Legal Authority:** CWA 301, 304, 306, 307, 308, 402, 501

**CFR Citation:** 40 CFR 122; 40 CFR 412

**Legal Deadline:** None

**Abstract:** This rulemaking is in response to the Second Circuit's February 28, 2005, decision in *Waterkeeper Alliance v. 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 onsite. 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 are designed, constructed, maintained, or operated such that a discharge will occur. 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.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4996; EPA publication information: NPRM - <http://www.epa.gov/fedrgstr/EPA-WATER/2006/June/Day-30/w5773.htm>;

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**RIN:** 2040-AE80

**3009. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	06/07/06	71 FR 32887
Final Action	12/00/07	

**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>; EPA Docket information: EPA-HQ-OW-2006-0141

**URL For More Information:**

[www.epa.gov/npdes/agriculture](http://www.epa.gov/npdes/agriculture)

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**RIN:** 2040-AE86

**3010. 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

**EPA—Clean Water Act (CWA)****Final Rule Stage**

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.

**Timetable:**

Action	Date	FR Cite
Final Document	01/00/08	

**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:**<http://www.epa.gov/waterscience/criteria/methylmercury>**Agency Contact:** Fred Leutner, Environmental Protection Agency, Water, 4305T, Washington, DC 20460  
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Email: leutner.fred@epamail.epa.gov**RIN:** 2040-AE87**Environmental Protection Agency (EPA)  
Clean Water Act (CWA)****Long-Term Actions****3011. 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](http://www.epa.gov/oilspill)**Agency Contact:** William Nichols, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A, Washington, DC 20460  
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Phone: 202 564-1974  
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Email: dehaven.leigh@epa.gov**RIN:** 2050-AE87**3012. 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 considered the public comments on the proposed rule and the new data acquired since proposal.

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/93	58 FR 66078
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4370;**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills**URL For More Information:**

## EPA—Clean Water Act (CWA)

## Long-Term Actions

<http://www.epa.gov/waterscience/pulppaper/reg.html>

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**RIN:** 2040-AD49

### 3013. TEST PROCEDURES: PERFORMANCE-BASED MEASUREMENT SYSTEM (PBMS) PROCEDURES AND GUIDANCE FOR CLEAN WATER ACT TEST PROCEDURES

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 33 USC 1314; 33 USC 1361(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This action would establish performance-based measurement procedures and guidance for use in Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. The new procedures would also discuss the format, content, quality assurance/quality control, and data validation requirements for use of test methods. It would also describe EPA's planned steps to provide additional information through technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

#### Timetable:

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3713; EPA publication information: NPRM -

<http://www.epa.gov/fedrgstr/EPA-WATER/1997/March/Day-28/w7221.htm>;

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**RIN:** 2040-AC93

### 3014. 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.

#### Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4049;

#### URL For More Information:

<http://www.epa.gov/waterscience/methods>

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**RIN:** 2040-AD09

### 3015. 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 that 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

### 3016. 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, and 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
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

### 3017. EFFLUENT GUIDELINES AND STANDARDS: RECODIFICATION OF VARIOUS EFFLUENT GUIDELINES

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

**Legal Authority:** Clean Water Act 301; Clean Water Act 304; Clean Water Act 306; Clean Water Act 307; Clean Water Act 308; Clean Water Act 402; Clean Water Act 501

**CFR Citation:** 40 CFR 401; 40 CFR 419

**Legal Deadline:** None

**Abstract:** Several years ago, OW conducted a comprehensive review of effluent guidelines and removed from the Code of Federal Regulations (CFR) provisions contained in a number of regulations that were obsolete or redundant (60 FR 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 that 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

### 3018. EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR AIRPORT DEICING OPERATIONS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** CWA 301; CWA 304; CWA 306; CWA 307; CWA 308; CWA 402; CWA 501

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In EPA's 2004 Effluent Guidelines Plan, we announced that we would begin development of a regulation to control the pollutants discharged from airport deicing operations. Based on preliminary study and on public comments, discharges from deicing operations have the potential to cause fish kills, algae blooms, and contamination to surface

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or ground waters. A likely source of pollutants is aircraft deicing fluid (ADF) that is not properly recaptured, re-used, or treated before discharge. Deicing agents typically contain glycols and additives. There is great disparity among airports in terms of wastewater treatment and also in terms of discharge permits. Based on preliminary estimates, airports annually discharge approximately 21 million gallons of ADF. Early estimates of potential reductions from treatment technology and from pollution prevention practices indicate that those discharges could be lowered to 4 million gallons. Effluent guidelines for these operations would apply only to wastewaters that are considered point source discharges. Discharges that are non-point sources would not be subject to any potential effluent guidelines.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/08	
Final Action	12/00/09	

**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](http://www.epa.gov/waterscience/guide/airport)

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**RIN:** 2040-AE69

**3019. 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	07/00/08	
Final Action	12/00/09	

**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:**

<http://www.epa.gov/waterscience/guide/dw/index.htm>

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**RIN:** 2040-AE74

**3020. 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

**3021. 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.

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## Timetable:

Action	Date	FR Cite
ANPRM	10/14/05	70 FR 60199
NPRM	01/00/10	
Final Action	01/00/11	

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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RIN: 2040-AE88

**3022. • EFFLUENT LIMITATIONS  
GUIDELINES AND STANDARDS FOR  
THE CONSTRUCTION AND  
DEVELOPMENT POINT SOURCE  
CATEGORY**Priority: Other Significant. Major status  
under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: CWA 301; CWA 304;  
CWA 306; CWA 501

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Judicial,  
December 1, 2008.

Final, Judicial, December 1, 2009.

**Abstract:** This rulemaking will  
establish effluent limitations and  
standards for stormwater discharges  
associated with construction and  
development activities. This  
rulemaking and its schedule respond to  
a court order that requires the Agency  
to promulgate final regulations by  
December of 2009. The effluent  
limitations and standards will control  
the discharge of pollutants such as  
sediment in stormwater runoff from

construction and development activities  
and will be implemented through the  
issuance of NPDES permits.

## Timetable:

Action	Date	FR Cite
NPRM	12/00/08	
Final Action	12/00/09	

Regulatory Flexibility Analysis  
Required: UndeterminedGovernment Levels Affected:  
Undetermined

Federalism: Undetermined

Additional Information: SAN No. 5119;

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RIN: 2040-AE91

Environmental Protection Agency (EPA)  
Clean Water Act (CWA)

## Completed Actions

**3023. TEST PROCEDURES FOR THE  
ANALYSIS OF TRACE METALS  
UNDER THE CLEAN WATER ACT**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 136

## Completed:

Reason	Date	FR Cite
Withdrawn	03/07/07	

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: Federal,  
Local, State, Tribal

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RIN: 2040-AC75

**3024. TEST PROCEDURES:  
INCREASED METHOD FLEXIBILITY  
FOR TEST PROCEDURES APPROVED  
FOR CLEAN WATER ACT  
COMPLIANCE MONITORING**

Priority: Substantive, Nonsignificant

CFR Citation: 40 CFR 136

## Completed:

Reason	Date	FR Cite
Withdrawn	03/19/07	

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: Federal,  
Local, State, Tribal

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RIN: 2040-AC92

**3025. 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

CFR Citation: 40 CFR 122; 40 CFR 136;  
40 CFR 141

## Completed:

Reason	Date	FR Cite
Final Action	03/12/07	72 FR 11199

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: Federal,  
Local, State, Tribal

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**EPA—Clean Water Act (CWA)****Completed Actions**

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RIN: 2040–AD71

**3026. TEST PROCEDURES FOR THE ANALYSIS OF E. COLI, ENTEROCOCCI, FECAL COLIFORMS, AND SALMONELLA UNDER THE CLEAN WATER ACT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR sec 136 and 503**Completed:**

Reason	Date	FR Cite
Final Action	03/26/07	72 FR 14219

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 2040–AE68

**3027. 2006 EFFLUENT GUIDELINES PROGRAM PLAN****Priority:** Substantive, Nonsignificant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
NPRM	08/29/05	70 FR 51042
Final Plan	12/21/06	71 FR 76644

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 2040–AE76

**3028. RULEMAKING ON DIRECT APPLICATION OF PESTICIDES TO WATERS OF THE UNITED STATES IN COMPLIANCE WITH FIFRA****Priority:** Other Significant**CFR Citation:** 40 CFR 122.3**Completed:**

Reason	Date	FR Cite
NPRM	02/01/05	70 FR 5093
Final Action	11/27/06	71 FR 68483

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

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RIN: 2040–AE79

**Environmental Protection Agency (EPA)  
Safe Drinking Water Act (SDWA)****Proposed Rule Stage****3029. 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 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	04/00/07	
Final Notice	04/00/08	

**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](http://www.epa.gov/safewater/ccl/index.html)

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RIN: 2040–AE60

## EPA—Safe Drinking Water Act (SDWA)

## Proposed Rule Stage

**3030. 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	01/00/09	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4966;

**URL For More Information:**

<http://www.epa.gov/safewater/airlinewater/index2.html>

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**RIN:** 2040-AE84

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Safe Drinking Water Act (SDWA)

**3031. DRINKING WATER  
CONTAMINANT CANDIDATE LIST 3**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300g-1(b)

**CFR Citation:** None

**Legal Deadline:** Final, Statutory,  
February 24, 2010, SDWA requires EPA  
to publish a list of candidate  
contaminants every 5 years. CCL2  
published 02/24/2005.

**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
Preliminary Final Rule	02/00/08	
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

**3032. 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 DC, 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 to 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,

## EPA—Safe Drinking Water Act (SDWA)

## Final Rule Stage

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 to 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
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:**

<http://www.epa.gov/safewater/lcmr/implement.html>

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**RIN:** 2040-AE83

## Environmental Protection Agency (EPA)

## Long-Term Actions

## Safe Drinking Water Act (SDWA)

**3033. 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 that provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM Original	07/18/91	56 FR 33050
Notice99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
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

**3034. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** EPA promulgated MCLs for aldicarb, aldicarb sulfoxide, and aldicarb sulfone in the Phase II rulemaking in 1991 at levels of 0.003, 0.004, and 0.002 ug/l, respectively. In response to an administrative petition from the manufacturer Rhone-Poulenc, the Agency issued an administrative stay of the effective date. EPA will reexamine risk assessment and occurrence data on aldicarb and make a determination of what further action is appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3238;

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

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RIN: 2040-AC13

### 3035. 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

### 3036. 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	05/00/10	
Final Action	12/00/12	

#### 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](http://www.epa.gov/safewater/tcr/tcr.html)

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RIN: 2040-AD94

### 3037. 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.

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4236;

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**RIN:** 2040-AD40**3038. 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	03/00/09	
Final Notice	07/00/10	

**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)

**3039. UNREGULATED CONTAMINANT MONITORING REGULATION FOR PUBLIC WATER SYSTEMS REVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 141.40**Completed:**

Reason	Date	FR Cite
NPRM	08/22/05	70 FR 4903
Final Action	01/04/07	72 FR 368

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** Dave Munch

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**RIN:** 2040-AD93

Environmental Protection Agency (EPA)

Shore Protection Act (SPA)

Long-Term Actions

3040. 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  
[FR Doc. 07–01422 Filed 04–27–07; 8:45 am]

**BILLING CODE** 6560–50–S

# INDEXES



## **A. INDEX TO ENTRIES THAT AGENCIES HAVE DESIGNATED FOR SECTION 610 REVIEW**

Section 610(a) of the Regulatory Flexibility Act (5 U.S.C. 601) requires each agency to have a plan for the periodic review of its rules that have a significant economic impact on a substantial number of small entities. Each agency must publish annually in the Federal Register a list of the rules that it plans to review in the next year. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

**There currently are no Section 610 reviews underway.**

## **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.

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3033 National Primary Drinking Water Regulations: Radon  
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### **Governmental Jurisdictions**

2946 Lead-Based Paint Activities; Amendments for Renovation, Repair, and Painting  
3033 National Primary Drinking Water Regulations: Radon  
3036 National Primary Drinking Water Regulations: Revisions to the Total Coliform Monitoring and Analytical Requirements and Additional Distribution System Requirements

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3170 Lead-Based Paint Activities; Amendments for Renovation, Repair and Painting



## 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.

### Businesses

2710 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements	Incineration Units Constructed on or Before December 9, 2004
2711 Public Information and Confidentiality Regulations	2812 NESHAP: Area Source Standards—Reciprocating Internal Combustion Engines
2712 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements	2814 New Source Performance Standards (NSPS): Equipment Leaks-Subparts VV and GGG
2714 Protection of Stratospheric Ozone: Restricting Access to Pre-2005 Stocks of Methyl Bromide	2833 Protection of Stratospheric Ozone: Listing of substitutes for Ozone-Depleting Substances—N-Propyl Bromide in Solvent Cleaning
2715 Control of Emissions From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder	2850 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Reconsideration of the Particulate Matter Standard)
2719 National VOC emission Standards for Consumer Products and Architectural and Industrial Maintenance Coating Amendments	2851 NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Response to Petitions for Reconsideration)
2720 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances: N-Propyl Bromide	2867 NESHAP—Area Source Standards—Nine Metal Fabrication and Finishing Source Categories (12 SIC's, 25 NAICS Codes)
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2728 Area Source National Emission Standards for Hazardous Air Pollutants (NESHAP) for Iron and Steel Foundries	2873 NESHAP: Group II Polymers and Resins—Residual Risk Standards
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2741 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations—Area Sources	2906 Pesticides; Competency Standards for Occupational Users
2766 Commercial and Industrial Solid Waste Incineration Units; Response to Remand of New Source Performance Standards and Emission Guidelines	2907 Pesticides; Agricultural Worker Protection Standard Revisions
2768 NESHAP: Portland Cement Notice of Reconsideration	2908 Pesticides; Data Requirements for Plant-Incorporated Protectants (PIPs)
2780 Review of New Sources and Modifications in Indian Country	2910 Pesticides; Agricultural Container Recycling Program
2782 NSPS: SOCM—Wastewater and Amendment to Appendix C of Part 63 and Appendix J of Part 60	2911 Pesticides; Data Requirement for Conventional Chemicals
2784 NESHAP: Halogenated Solvent Cleaning—Residual Risk Standards	2918 Pesticides; Registration Requirements for Antimicrobial Pesticide Products
2787 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO <sub>2</sub> ) Area	2919 Regulations To Facilitate Compliance With the Federal Insecticide, Fungicide, and Rodenticide Act by Producers of Plant-Incorporated Protectants (PIPs)
2797 NESHAP: Area Source Standards—Ethylene Oxide Hospital Sterilization	2922 Nanoscale Materials Under TSCA
2802 Protection of Stratospheric Ozone: Modifications to the Technician Certification Requirements Under Section 608 of the Clean Air Act	2923 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce
2811 Federal Plan Requirements for Other Solid Waste	2924 Test Rule; Testing of Certain High Production Volume

(HPV) Chemicals

2925 Significant New Use Rule (SNUR); Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture  
2926 Lead-Based Paint; Amendments to the Requirements for Disclosure of Known Lead-Based Paint or Lead-Based Paint Hazards in Target Housing  
2930 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban  
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2933 Significant New Use Rule (SNUR); Chemical-Specific SNURs to Extend Provisions of Section 5(e) Orders  
2935 TSCA Sections 8(a) Preliminary Assessment Information Rules  
2936 TSCA Section 8(d) Health and Safety Data Reporting Rules  
2937 Voluntary High Production Volume (HPV) Chemical Challenge Program  
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2939 Testing Agreement for Hydrogen Fluoride  
2940 Testing Agreement for Phthalic Anhydride  
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2944 Asbestos Model Accreditation Plan Revisions  
2945 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule  
2947 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues  
2948 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances  
2949 Future Testing for Existing Chemicals (Overview Entry)  
2951 Test Rule; Hazardous Air Pollutants (HAPs)  
2952 Test Rule; Certain Metals  
2953 Testing Agreement for Certain Oxygenated Fuel Additives  
2954 Test Rule; Multiple Substance Rule for the Testing of Development and Reproductive Toxicity  
2955 Follow-Up Rules on Existing Chemicals  
2956 Significant New Use Rule (SNUR); Refractory Ceramic Fibers (RCFs)  
2957 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants)  
2959 Testing Agreement for Perfluorooctanoic Acid (PFOA)  
2960 Testing Agreement for Aryl Phosphates (ITC List 2)  
2961 Test Rule; Brominated Flame Retardants (BFRs)  
2965 Addition of Toxicity Equivalency (TEQ) Reporting and Quantity Data for Individual Members of the Dioxin and Dioxin-Like Compounds Category Under EPCRA, Section 313  
2966 Clarify TRI Reporting Obligations Under EPCRA Section 323 for the Metal Mining Activities of Extraction and Benefication  
2967 TRI; Response to Petition To Delete Chromium, antimony, and Titanate From the Metal Compound Categories Listed on the Toxics Release Inventory  
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3034 National Primary Drinking Water Regulation Aldicarb  
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## Governmental Jurisdictions

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2741 NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations—Area Sources  
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2811 Federal Plan Requirements for Other Solid Waste Incineration Units Constructed On or Before December 9, 2004  
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2895 Notice of Status of Submission of Clean Air Mercury Rule (CAMR) State Plans for New and Existing Stationary Sources; Electric Utility Steam Generating Units  
2937 Voluntary High Production Volume (HPV) Chemical Challenge Program  
2944 Asbestos Model Accreditation Plan Revisions  
2945 Lead-Based Paint Activities; Bridges and Structures; Training, Accreditation, and Certification Rule and Model State Plan Rule  
2947 Polychlorinated Biphenyls (PCBs); Disposal of PCBs; Implementation Issues  
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Executive Order 12866 entitled “Regulatory Planning and Review,” signed September 30, 1993 (58 FR51735) 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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2939 Testing Agreement for Hydrogen Fluoride

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2971 Toxics Release Inventory Reporting Burden Reduction Rule

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## **E. INDEX TO ENTRIES THAT MAY HAVE FEDERALISM IMPLICATIONS**

Executive Order 13132 entitled “Federalism,” signed August 4, 1999 (64 FR 43255) directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have “federalism implications.” This term refers to actions “that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

The following index lists the regulatory actions in this publication that may have federalism implications. The Sequence Number (Seq. No.) of the entry identifies the location of the entry in this edition.

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3033 National Primary Drinking Water Regulations: Radon