



# Federal Register

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**Monday,  
December 9, 2002**

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**Part XXIII**

**Environmental  
Protection Agency**

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**Semiannual Regulatory Agenda**

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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**


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**ENVIRONMENTAL PROTECTION AGENCY (EPA)****40 CFR Ch. I****FRL-7390-2****Fall 2002 Regulatory Agenda**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Environmental Protection Agency (EPA) publishes the Semiannual Regulatory Agenda to update the public about:

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

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

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

**FOR FURTHER INFORMATION OR TO MAKE GENERAL SUGGESTIONS CONTACT:**

If you have questions or comments about a particular action, please get in touch with the agency contact listed in each Agenda entry. If you have general questions about or suggestions for improving the Agenda or questions about EPA's decision making process, please contact: Phil Schwartz (1806A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; phone: (202)564-6564; e-mail: [schwartz.philip@epa.gov](mailto:schwartz.philip@epa.gov)

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**A. What Is EPA's Overriding Objective in Developing Regulations and Policies and What Key Principles Drive EPA's Rulemaking and Policymaking Process?**

EPA must ensure that the Nation's system of regulatory and nonregulatory environmental controls is even-handed, cost-effective and fully protective of human health and the environment. Key to this objective is our commitment to prepare high quality scientific, economic, and policy analyses which form the foundations of our regulations. These efforts are paramount, because success is measured in the credibility of our decisions and ultimately our effectiveness in protecting human health and the environment. With this in mind, appropriate scientific, economic and policy analyses must be planned and initiated at early stages in the regulatory development process, so that Agency decision makers are well informed of the qualitative and quantitative benefits and costs as they select among alternative approaches.

It is also important that EPA 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 States and businesses, vigorously engaging in public outreach and involvement, and using effective nonregulatory approaches. Research, testing and adoption of new environmental protection methods must also be a central tenet in environmental problem solving. The integration of all these elements via a well managed regulatory development process and a strong commitment to innovative solutions will ensure that we all benefit from significant environmental improvements that are fair, efficient, and protective.

**B. What External Controls Help Shape the Agency's Regulatory Development Efforts?**

Beyond the Agency's own practices, Congress and the President have also established certain parameters for our regulatory development activities through various laws and Executive Orders, respectively.

The basic legal requirements we must follow when we issue a regulation generally are 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. You can find information on many of these laws at <http://www4.law.cornell.edu/uscode/>

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), 13045 (Children's Health Protection), 13175 (Consultation and Coordination with Indian Tribal Governments), 13132 (Federalism), and 13211 (Energy). You can find information on these and other Executive orders at [http://www.archives.gov/federal\\_register/executive\\_orders/disposition\\_tables.html](http://www.archives.gov/federal_register/executive_orders/disposition_tables.html)

**C. How Can You Effectively Participate in EPA's Decisionmaking Process?**

You may participate by getting in touch with the contact person provided in each Agenda entry. You may also participate by commenting on proposed rules that we publish in the Federal Register. Once we have proposed a rule, we will consider and address comments before issuing a final rule. 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 final rule. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

We believe our rules will be more cost-effective and fairer if our development process includes external

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stakeholders working with us in deciding on the solutions to problems.

We urge you to participate with us in this process.

**D. What Is the Relationship Between the Regulatory Agenda and Regulatory Plan?**

Document	How Often?	Why?	What Is Included?
Regulatory Agenda	Spring and Fall	Originally an EPA initiative, now required by EO 12866 and the Regulatory Flexibility Act.	Introductory preamble and rule entries with description, contact person, deadlines, schedule, authority, OMB priority, RFA & UMRA impacts, & sectors affected
Regulatory Plan	Fall, published with the regulatory agenda	Required by EO 12866.	Statement of Priorities and highest priority actions. Entries include all regulatory information plus statement of need, costs & alternatives & risks.

**E. What Actions Are Included in the Agenda?**

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

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

- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

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

**F. How Is the Agenda Organized?**

We have organized the agenda:

- First, by the law that would authorize a particular regulation;
- Second, by the current stage of development (proposal, final, etc.); and
- Third, by the section number of the statute which requires or authorizes the rule.

The following 14 sections deal with 13 laws that EPA administers and a fourteenth broader section called "General" that includes cross-cutting actions, such as rules authorized by multiple statutes and general acquisition rules:

1. General
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)

In each of these 14 sections, there are up to 5 headings covering the following stages of rulemaking:

1. Prerulemakings - Prerulemaking actions are intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking (ANPRMs), significant studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important prerulemaking policy proposals.
2. Proposed Rules - This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).
3. Final Rules - This section includes rules that are within a year of final promulgation.
4. Long-Term Actions - This section includes rulemakings for which the

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next scheduled regulatory action is after November 2003.

5. Completed Actions - This section contains actions that have been promulgated and published in the **Federal Register** since publication of the spring 2002 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.

### G. What Information Is in Agenda Entries?

Agenda entries include the following information, where applicable:

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

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

*Priority:* Entries are placed into one of five categories described below.

**Economically Significant:** As defined in Executive Order 12866, a rulemaking action that may have an annual effect on the economy of \$100 million or more or will 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. OMB reviews all economically significant rules under Executive Order 12866.

**Other Significant:** A rulemaking that is not economically significant but is considered significant by the agency. This category includes rules that are an EPA priority and rules that EPA anticipates will be reviewed by the Office of Management and Budget under Executive Order 12866 because they may:

- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or

loan programs or the rights or obligations of recipients; or

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

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

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

**Informational/Administrative/Other:** A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Agenda to inform the public of the activity.

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 will 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 regulation will address; the need for a Federal solution; to the extent

available, the alternatives that the agency is considering to address the problem; and the potential advantages and disadvantages of the action.

**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 a rule development. The projections in the Agenda are our best estimates as of the date we submit the Agenda for publication. For some entries, the timetable indicates that the date of the next action is "to be determined."

**Regulatory Flexibility Analysis Required:** Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the Regulatory Flexibility Act. Generally, such an analysis is required for proposed or final rules 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 requires an assessment of anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than \$100 million in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If we expect to exceed this \$100 million threshold, we note it in this section.

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

**Agency Contact:** The name, address, phone number, and e-mail address, if

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available, of a person who is knowledgeable about the regulation.

**SAN Number:** A code number that EPA uses to identify and track rulemakings.

**URL's:** For some of our actions we include the Internet addresses for: reading copies of rulemaking documents; submitting comments on proposals; and getting more information about the rulemaking and the program that it is part of.

**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.

#### H. What Tools Are Available To Help Quickly Identify Actions of Interest?

The Regulatory Information Service Center (RISC), the Government Printing Office (GPO), and the EPA have created a number of aids to help you find actions that are of interest to you.

**For Rules That Directly Affect a Particular Industry:** See Appendix F "Environmental Protection Agency Subject Index to the Unified Agenda." If you have access to the Internet, you can use the EPA Regulatory Agenda search engine which is located in the Small Business Regulatory Library section of the EPA website at [www.epa.gov/regagenda](http://www.epa.gov/regagenda). Click on "Search Regulatory Action Database" and then "Access the Database." This tool can be used to search all Agenda entries by keyword and we invite everyone to use it. The GPO also has a search engine which is located at [http://www.access.gpo.gov/su\\_docs/multidb.html](http://www.access.gpo.gov/su_docs/multidb.html).

For Lists of the following types of rules:

- Rules which may have Significant Adverse Economic Impacts on a Substantial Number of Small Businesses, Small Governments, or Small Nonprofit Organizations;
- For Rules that We Expect Will Have Some Adverse Economic Impact on Some Small Entities but Less Than a Significant Impact on a Substantial Number of Them;
- For Rules that Affect State, Local, or Tribal Governments, or Other Federal Agencies;

See the appendices following this Agenda, or you may view them online at

[http://ciir.cs.umass.edu/ua/Fall2002/indexes\\_index.html](http://ciir.cs.umass.edu/ua/Fall2002/indexes_index.html).

#### I. How Can You Access Federal Register Documents and Interpretive Documents via the Internet and via E-mail?

Like many organizations in the public and private sector, EPA is harnessing the power of the Internet to meet the needs of those we serve. The EPA Web site offers more than 100,000 files online. If you want to get automatic e-mails about areas of particular interest as they appear in the **Federal Register** (FR), we maintain 12 collections including: air; water; wastes and emergency response; pesticides; toxic substances; right-to-know and toxic release inventory; environmental impacts; endangered species; meetings; the Science Advisory Board; daily full-text notices with page numbers; and general information. For more information and to subscribe via our FR Web site, visit:

<http://www.epa.gov/fedrgstr/subscribe.htm>. If you have e-mail without full Internet access, please send an e-mail to [envsubset@epa.gov](mailto:envsubset@epa.gov) to request instructions for subscribing to the EPA Federal Register listservers.

Several Web sites allow access to the full text of **Federal Register** documents.

- The GPO site has a number of databases online including the Unified Agenda and the **Federal Register** going back to 1994. This site is the official source for the electronic **Federal Register**. It provides public access via telnet, Internet, and dial-up connection and is located at [http://www.access.gpo.gov/su\\_docs/multidb.html](http://www.access.gpo.gov/su_docs/multidb.html).
- EPA's site (<http://www.epa.gov/fedrgstr/>) has environmental rules issued by EPA and other Federal agencies dating back to October 1994 and lets you search by date, page citation or keyword. It includes links to the RISC and GPO sites. We also have a Regulatory Agenda search engine at: <http://www.epa/regagenda>. To use, first select "Search Regulatory Action Database" and then select "Access the Database."
- RISC maintains a site to help users who want to find information about Federal, State, and local regulations at <http://www.reginfo.gov/>. This site includes links to all agencies' regulatory agendas and regulatory plans going back to October 1995.

In the "Additional Information" section of many of the entries in this Agenda we include the Internet address for documents that we have already published as part of the rulemaking.

We have recently opened an Internet site through which you can access a collection of non-binding guidance materials issued by EPA Headquarters offices since January 1, 1999. The collection includes documents issued to Regions, States, and/or the regulated community that describe how the Agency intends to exercise its discretionary authority and explain what a statute or regulation means. The collection is located at: <http://www.epa.gov/guidance/>.

#### J. What is the New EPA Dockets (EDOCKET) System?

When you want to submit comments on a rule that has been proposed in the *Federal Register* you can use EPA Dockets (EDOCKET). This is an online public docket and comment system designed to expand access to EPA's major headquarter dockets and facilitate the online submission of public comments. EDOCKET provides an unprecedented level of online access to EPA's programs and rulemaking processes, which include documents such as Federal Register notices, supporting materials, and public comments. EDOCKET also includes non-regulatory information such as selected guidance documents. EDOCKET allows the public and EPA staff to search available dockets online, view their contents, and print materials. Visit EDOCKET at <http://www.epa.gov/edocket>. The official public docket is maintained in paper form at the EPA Docket Center (EPA/DC) 1301 Constitution Avenue, NW, Washington, DC, Public Reading Room B-102.

#### K. 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. As required by the Regulatory Flexibility Act (RFA), for rules which we expect may have a significant

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economic impact on a substantial number of small entities we convene a Small Business Advocacy Review Panel to consider the rulemaking before it is proposed. We also prepare regulatory flexibility analyses on these rules. See Appendix B at the end of the Agenda, "Index to Environmental Protection Agency Entries for which a Regulatory Flexibility Analysis is Required" for a list of these rules. See Appendix C for a list of the rules that may affect small entities, but which will not have a

significant impact on a substantial number of them.

**L. Acknowledgment of Participants in the Rulemaking Process**

Finally, I would like to thank and acknowledge the members of the public who take us up on our offer to participate in the rulemaking process. Experience has taught us that we must listen to and involve our stakeholders if we hope to fully understand the issues and write the fairest, most effective

rules. Over the years you, the public, have submitted thousands of comments on our rulemakings. We have heard all of them and adopted many. Protecting human health and the environment is one of our nation's most important quests and I thank you for joining us in this endeavor.

**Dated:** October 4, 2002.

**Thomas J. Gibson,**

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

GENERAL—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3113	SAN No. 4056 Utilization of Small, Minority and Women's Business Enterprises in Procurement Under Assistance Agreements .....	2020-AA39
3114	SAN No. 3580 Incorporation of Class Deviations Into EPAAR .....	2030-AA37
3115	SAN No. 3876 Incrementally Funding Fixed Price Contracts .....	2030-AA50
3116	SAN No. 4292 Proposed Revision to EPA's Implementing NEPA Regulations .....	2020-AA42
3117	SAN No. 4618 Revision of Procedural Rules for Hearings on Cancellations, Suspensions, Changes in Classifications, and Denials of Pesticide Registrations .....	2020-AA44
3118	SAN No. 4693 Privacy Act Regulations .....	2025-AA13
3119	SAN No. 4191 Revision to EPAAR 1552.211-73, Level of Effort .....	2030-AA64
3120	SAN No. 4319 Revisions to Acquisition Regulation Concerning Conflict of Interest .....	2030-AA67
3121	SAN No. 4733 Background Investigations for Contract Employees Performing Services On or Within Federally Owned or Federally Occupied Facilities, Superfund, Oil Pollution Act .....	2030-AA80
3122	SAN No. 4463 Persistent, Bioaccumulative, and Toxic (PBT) Pollutants Strategy .....	2070-AD45

GENERAL—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3123	SAN No. 3817 Implementation of Changes to Governmentwide Debarment and Suspension Common Rule .....	2030-AA48
3124	SAN No. 4021 Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance .....	2020-AA36
3125	SAN No. 4180 Rewriting of EPA Regulations Implementing the Freedom of Information Act .....	2025-AA04
3126	SAN No. 4270 Cross-Media Electronic Reporting (ER) and Recordkeeping Rule ( <b>Reg Plan Seq No. 148</b> ) .....	2025-AA07
3127	SAN No. 4185 Electronic Funds Transfer .....	2030-AA57
3128	SAN No. 4187 EPAAR Coverage on Local Hiring and Training .....	2030-AA62
3129	SAN No. 4572 Fellowship Grant Regulation Revision .....	2030-AA77
3130	SAN No. 4650 Contractor Performance Evaluations .....	2030-AA79
3131	SAN No. 4686 Waste Isolation Pilot Plant (WIPP) FY 2001 Report to Congress .....	2060-AK39
3132	SAN No. 4473 Regulatory Incentives for the National Environmental Performance Track Program .....	2090-AA13
3133	SAN No. 4530 EPA Agencywide Public Involvement Policy .....	2090-AA23
3134	SAN No. 4536 Project XL Site-Specific Rulemaking for NASA White Sands Test Facility Electronic Reporting in Las Cruces, New Mexico .....	2090-AA27

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

GENERAL—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3135	SAN No. 3240 Public Information and Confidentiality Regulations .....	2025-AA02
3136	SAN No. 3671 Guidelines for Carcinogen Risk Assessment .....	2080-AA06
3137	SAN No. 4533 New Jersey Gold Track Project XL Rule .....	2090-AA28

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## GENERAL—Completed Actions

Sequence Number	Title	Regulation Identification Number
3138	SAN No. 4400 Administrative Corrections to EPAAR 1515, Contracting by Negotiation .....	2030-AA73

## CLEAN AIR ACT (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3139	SAN No. 4684 Modification of Source Category Listing for Seven Specific Pollutants — CAA Section 112(c)(6) .....	2060-AK34

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

Sequence Number	Title	Regulation Identification Number
3140	SAN No. 3826 Plastic Parts and Products (Surface Coating) NESHAP .....	2060-AG57
3141	SAN No. 4676 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Routine Maintenance, Repair, and Replacement ( <b>Reg Plan Seq No. 127</b> ) .....	2060-AK28
3142	SAN No. 3263 Performance Warranty and Inspection/Maintenance Test Procedures .....	2060-AE20
3143	SAN No. 3262 Inspection/Maintenance Recall Requirements .....	2060-AE22
3144	SAN No. 3649 Amendments to Method 24 (Water-Based Coatings) .....	2060-AF72
3145	SAN No. 3958 Addition of Opacity Method to Appendix M of 40 CFR Part 51 (Method 203) .....	2060-AH23
3146	SAN No. 3917 Transportation Conformity Rule Amendment: Clarification of Trading Provisions .....	2060-AH31
3147	SAN No. 3975 Review of Minor New Sources and Modifications in Indian Country .....	2060-AH37
3148	SAN No. 4119 Performance Specification 16 - Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources .....	2060-AH84
3149	SAN No. 4003 Technical Change to Dose Methodology for 40 CFR Part 190, Subpart B and 40 CFR 191, Subpart A .....	2060-AH90
3150	SAN No. 1002 NAAQS: Sulfur Dioxide (Response to Remand) .....	2060-AA61
3151	SAN No. 4625 Implementation Rule for 8-hour Ozone NAAQS ( <b>Reg Plan Seq No. 125</b> ) .....	2060-AJ99
3152	SAN No. 3657 NESHAP: Combustion Turbine .....	2060-AG67
3153	SAN No. 3343 NESHAP: Iron and Steel Foundries .....	2060-AE43
3154	SAN No. 3746 NESHAP: Paint Stripping Operations .....	2060-AG26
3155	SAN No. 3656 NESHAP: Reciprocating Internal Combustion Engine ( <b>Reg Plan Seq No. 120</b> ) .....	2060-AG63
3156	SAN No. 3837 NESHAP: Industrial, Commercial, and Institutional Boilers and Process Heaters ( <b>Reg Plan Seq No. 121</b> ) .....	2060-AG69
3157	SAN No. 3651 NESHAP: Lime Manufacturing .....	2060-AG72
3158	SAN No. 3906 NESHAP: Metal Can Manufacturing (Surface Coating) Industry .....	2060-AG96
3159	SAN No. 3907 NESHAP: Surface Coating of Automobiles and Light-Duty Trucks ( <b>Reg Plan Seq No. 122</b> ) .....	2060-AG99
3160	SAN No. 3924 NESHAP: Primary Magnesium Refining .....	2060-AH03
3161	SAN No. 3939 NESHAP: Group I Polymers and Resins and Group IV Polymers and Resins-Amendments .....	2060-AH47
3162	SAN No. 4162 NESHAP: Oil and Natural Gas Production .....	2060-AI13
3163	SAN No. 4571 Electric Utility Steam Generating Unit MACT Regulation .....	2060-AJ65
3164	SAN No. 3673 Protection of Stratospheric Ozone: Reconsideration of Section 608 Sales Restriction .....	2060-AG20
3165	SAN No. 4045 Rulemaking To Modify the List of Source Categories From Which Fugitive Emissions Are Considered in Major Source Determinations .....	2060-AH58
3166	SAN No. 3820 NESHAP: Plywood and Composite Wood Products ( <b>Reg Plan Seq No. 119</b> ) .....	2060-AG52
3167	SAN No. 4309 National VOC Emission Standards for Consumer Products; Proposed Amendments .....	2060-AI62
3168	SAN No. 4380 NESHAP: Taconite Iron Ore Processing Industry .....	2060-AJ02
3169	SAN No. 4555 Electric Arc Furnace NSPS Amendment .....	2060-AJ68
3170	SAN No. 4687 NESHAP: Revision of Area Source Category List Under Section 112(c)(3) and 112(k)(3)(B)(ii) .....	2060-AK40
3171	SAN No. 4712 NESHAP: Hazardous Organic Amendments (HON) .....	2060-AK49
3172	SAN No. 4714 NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units; Amendments .....	2060-AK51
3173	SAN No. 4715 NESHAP: Sources Categories: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sec.112(g) & 112(j); Proposed Amendments .....	2060-AK52
3174	SAN No. 4340 Transportation Conformity Amendments: Response to March 2, 1999, Court Decision ( <b>Reg Plan Seq No. 123</b> ) .....	2060-AI56

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

Sequence Number	Title	Regulation Identification Number
3175	SAN No. 4626 Control of Emissions From Spark Ignition Marine Vessels and Highway Motorcycles ( <b>Reg Plan Seq No. 124</b> ) .....	2060-AJ90
3176	SAN No. 4675 Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel ( <b>Reg Plan Seq No. 126</b> ) .....	2060-AK27
3177	SAN No. 4393 Control of Methyl Tertiary Butyl Ether (MTBE) .....	2060-AJ00
3178	SAN No. 4542 Federal Implementation Plan (FIP) for the Billings/Laurel, Montana Sulfur Dioxide (SO <sub>2</sub> ) Area .....	2008-AA00
3179	SAN No. 4310 NESHAP: Printing and Publishing Industry; Amendments .....	2060-AI66
3180	SAN No. 4313 Petitions to Delist Hazardous Air Pollutants: Methyl Ethyl Ketone .....	2060-AI72
3181	SAN No. 4348 Inspection Maintenance Program Requirements for Federal Facilities; Amendment to the Final Rule .....	2060-AI97
3182	SAN No. 4390 Utility Sector New Source Review (NSR) Alternative Compliance Program .....	2060-AJ14
3183	SAN No. 4415 Petitions to Delist Source Categories From the Source Category List, Developed Pursuant to Section 112(c) of the Clean Air Act .....	2060-AJ23
3184	SAN No. 4421 Revising Regulations on Ambient Air Quality Monitoring .....	2060-AJ25
3185	SAN No. 4428 Protection of Stratospheric Ozone: Phaseout of Chlorobromomethane (Halon 1011) Production and Consumption .....	2060-AJ27
3186	SAN No. 4441 Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units Constructed on or Before November 30, 1999 .....	2060-AJ28
3187	SAN No. 4450 Revisions to Regional Haze Rule To Address Concerns Raised by DC Circuit Regarding Best Available Retrofit Technology (BART) .....	2060-AJ31
3188	SAN No. 4478 Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills: Amendment .....	2060-AJ41
3189	SAN No. 4479 NESHAP: Gasoline Distribution Facilities — Amendment .....	2060-AJ42
3190	SAN No. 4583 Modification of Federal On-Board Diagnostic Regulations for 2004 Model Year Vehicles Below 14,000 lbs. ....	2060-AJ77
3191	SAN No. 4585 Portland Cement Manufacturing Industry NESHAP: Amendment To Implement Court Remand .....	2060-AJ78
3192	SAN No. 4547 Modification of Authority To Grant Alternative Method Approvals .....	2060-AJ83
3193	SAN No. 4584 Performance Specifications for Continuous Parameter Monitoring Systems .....	2060-AJ86
3194	SAN No. 4325 NESHAP: Brick and Structural Clay Products Manufacturing .....	2060-AJ91
3195	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
3196	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
3197	SAN No. 4634 Regulation of Fuel and Fuel Additives: Extension of California Enforcement Exemptions for Reformulated Gasoline to California Phase 3 Gasoline .....	2060-AK04
3198	SAN No. 4599 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances—N-Propylbromide .....	2060-AK26
3199	SAN No. 4683 Air Quality: Revision to Definition of Volatile Organic Compounds — Exclusion of 4 Compounds .....	2060-AK37
3200	SAN No. 4689 Section 126 Rule Withdrawal Provision .....	2060-AK41
3201	SAN No. 4691 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Clean Units .....	2060-AK42
3202	SAN No. 4694 Extension of Alternative Compliance Periods Under the Anti-Dumping Program .....	2060-AK43
3203	SAN No. 4697 Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries .....	2060-AK45
3204	SAN No. 4700 Selection of the Order of Sanctions for Title V Operating Permits Programs .....	2060-AK46
3205	SAN No. 4710 Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2003 .....	2060-AK48
3206	SAN No. 4719 NESHAP for Source Categories: General Provisions; Amendments for Pollution Prevention Alternative Compliance Requirements .....	2060-AK54
3207	SAN No. 4722 California Gasoline Technical Correction .....	2060-AK56

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

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

Sequence Number	Title	Regulation Identification Number
3208	SAN No. 4315 Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation .....	2009-AA00
3209	SAN No. 3569 Source-Specific Federal Implementation Plan for Navajo Generating Station; Four Corners Power Plant .....	2009-AA01



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

Sequence Number	Title	Regulation Identification Number
3210	SAN No. 4115 NESHAP: Chromium Electroplating Amendment .....	2060-AH69
3211	SAN No. 4255 Review of the National Ambient Air Quality Standards for Particulate Matter .....	2060-AI44
3212	SAN No. 4466 Overview of Rulemakings for the Purpose of Reducing Interstate Ozone Transport ( <b>Reg Plan Seq No. 139</b> ) .....	2060-AJ20
3213	SAN No. 4604 Modification of the Anti-Dumping Baseline Date Cut-Off Limit for Data Used in Development of an Individual Baseline .....	2060-AJ82
3214	SAN No. 4154 Emissions From Nonroad Spark-Ignition Engines and Standards for Recreational Spark-Ignition Engines .....	2060-AI11
3215	SAN No. 4532 Motor Vehicle and Engine Compliance Program Fees for: Light-Duty Vehicles and Trucks; Heavy-Duty Vehicles and Engines; Nonroad Engines; and Motorcycles .....	2060-AJ62
3216	SAN No. 3380 NSPS: SOxMI — Wastewater, and Amendment to Appendix C of Part 63 and Appendix J of Part 60 .....	2060-AE94
3217	SAN No. 3741 Service Information Regulation for Light-Duty Vehicles and Trucks .....	2060-AG13
3218	SAN No. 3900 Addition of Method 207 to Appendix M of 40 CFR Part 51 Method for Measuring Isocyanates in Stationary Source Emissions .....	2060-AG88
3219	SAN No. 4022 NESHAP: Coke Ovens: Pushing, Quenching, and Battery Stacks .....	2060-AH55
3220	SAN No. 4120 Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export .....	2060-AH67
3221	SAN No. 4111 NESHAP: Fumed Silica Production .....	2060-AH72
3222	SAN No. 4104 NESHAP: Hydrochloric Acid Production Industry .....	2060-AH75
3223	SAN No. 4096 Phase I (FIP) To Reduce the Regional Transport of Ozone in the Eastern United States .....	2060-AH87
3224	SAN No. 4254 Revision to the Definition of Volatile Organic Compound (VOC) To Exclude Tertiary Butyl Acetate ..	2060-AI45
3225	SAN No. 4464 Rulemaking on Section 126 Petitions From New York and Connecticut Regarding Sources in Michigan; Revision of Definition of Applicable Requirement for Title V Operating .....	2060-AJ36
3226	SAN No. 3470 Requirements for Preparation, Adoption, and Submittal of State Implementation Plans (Guideline on Air Quality Models) .....	2060-AF01
3227	SAN No. 3346 NESHAP: Integrated Iron and Steel .....	2060-AE48
3228	SAN No. 3326 NESHAP: Reinforced Plastic Composites Production .....	2060-AE79
3229	SAN No. 3452 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing .....	2060-AE82
3230	SAN No. 3449 NESHAP: Mercury Cell Chlor-Alkali Plants .....	2060-AE85
3231	SAN No. 3825 NESHAP: Miscellaneous Metal Parts and Products (Surface Coating) .....	2060-AG56
3232	SAN No. 3655 NESHAP: Asphalt Processing and Asphalt Roofing Manufacturing .....	2060-AG66
3233	SAN No. 3652 NESHAP: Refractory Products Manufacturing .....	2060-AG68
3234	SAN No. 3902 NESHAP: Semiconductor Production .....	2060-AG93
3235	SAN No. 3909 NESHAP: Fabric Printing, Coating and Dyeing .....	2060-AG98
3236	SAN No. 3968 NESHAP: Site Remediation .....	2060-AH12
3237	SAN No. 3972 NESHAP: Rocket Engine Test Firing .....	2060-AH35
3238	SAN No. 3971 NESHAP: Organic Liquids Distribution (Non-Gasoline) .....	2060-AH41
3239	SAN No. 2665 Importation of Nonconforming Vehicles; Amendments to Regulations .....	2060-AI03
3240	SAN No. 3556 Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 .....	2060-AF36
3241	SAN No. 3560 Protection of Stratospheric Ozone: Refrigerant Recycling Rule Amendment To Include Substitute Refrigerants .....	2060-AF37
3242	SAN No. 3827 Paper and Other Web Coating NESHAP .....	2060-AG58
3243	SAN No. 3904 NESHAP: Wood Building Products (Surface Coating) .....	2060-AH02
3244	SAN No. 3969 NESHAP: Municipal Solid Waste Landfills .....	2060-AH13
3245	SAN No. 4107 NESHAP: Asphalt/Coal Tar Application on Metal Pipes .....	2060-AH78
3246	SAN No. 4460 NESHAP: Friction Products Manufacturing .....	2060-AJ18
3247	SAN No. 4449 NESHAP: Flexible Polyurethane Foam Fabrication Operations .....	2060-AJ19
3248	SAN No. 4546 NESHAP: Publicly Owned Treatment Works (POTW)—Amendments II .....	2060-AJ66
3249	SAN No. 4685 NESHAP: Chlorine Production .....	2060-AK38
3250	SAN No. 4713 NESHAP for Primary Aluminum Reduction Plants; Amendments .....	2060-AK50
3251	SAN No. 4717 Site Specific Rule for Weyerhaeuser Sulfite Mill .....	2060-AK53
3252	SAN No. 4723 NESHAP: Secondary Aluminum Industry Amendments .....	2060-AK57
3253	SAN No. 3259 Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability .....	2060-AE11
3254	SAN No. 4030 Expanded Definitions for Alternative-Fueled Vehicles and Engines Meeting Low-Emission Vehicle Exhaust Emission Standards .....	2060-AH52

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

Sequence Number	Title	Regulation Identification Number
3255	SAN No. 4622 Control of Emissions of Air Pollution From New Marine Compression-Ignition Engines At or Above 30 Liters per Cylinder ( <b>Reg Plan Seq No. 140</b> ) .....	2060-AJ98
3256	SAN No. 3412 Operating Permits: Revisions (Part 70) .....	2060-AF70
3257	SAN No. 4487 Federal Implementation Plans for Indian Reservations in Idaho, Oregon and Washington .....	2012-AA01
3258	SAN No. 3824 Metal Furniture (Surface Coating) NESHAP .....	2060-AG55
3259	SAN No. 4253 Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Applications of Methyl Bromide .....	2060-AI42
3260	SAN No. 4325 NESHAP: Brick and Structural Clay Products Manufacturing .....	2060-AI67
3261	SAN No. 4343 NESHAP: Clay Ceramics Manufacturing .....	2060-AI68
3262	SAN No. 4144 NESHAP: Engine Test Cells/Stands .....	2060-AI74
3263	SAN No. 4273 Amend Subpart H and I, 40 CFR Part 61, for Emissions of Radionuclides Other Than Radon From DOE Facilities .....	2060-AI90
3264	SAN No. 4433 Interstate Ozone Transport: Response to Court Decisions on the NOx SIP Call, NOx SIP Call Technical Amendments, and Section 126 Rules .....	2060-AJ16
3265	SAN No. 4426 Clarification to Existing Part 63 NESHAP Delegations' Provisions-Work Practices .....	2060-AJ26
3266	SAN No. 4457 NESHAP: Pesticides Active Ingredients—Amendments .....	2060-AJ34
3267	SAN No. 4454 Federal Plan for Small Municipal Waste Combustion Units .....	2060-AJ46
3268	SAN No. 4495 Revisions to Regional Haze Rule To Incorporate Sulfur Dioxide Milestones and Backstop Emissions Trading Program for Nine Western States .....	2060-AJ50
3269	SAN No. 4508 Standards of Performance for New Stationary Sources: Volatile Organic Liquid Storage Vessels; Amendments .....	2060-AJ53
3270	SAN No. 4524 NESHAP: Portland Cement Manufacturing Industry, Amendments to Rule To Implement Settlement Agreement .....	2060-AJ57
3271	SAN No. 4554 Control of Hazardous Air Pollutants From Mobile Sources; Correction .....	2060-AJ67
3272	SAN No. 4548 Compilation of Source-Specific Alternative Methods Being Approved for Source-Category Wide Application .....	2060-AJ84
3273	SAN No. 4591 Benzene Waste Operations NESHAP; Amendments .....	2060-AJ87
3274	SAN No. 4605 Proposed Amendments to Performance Standards and Monitoring Requirements for Particulate Matter at Stationary Sources .....	2060-AJ88
3275	SAN No. 4600 State and Federal Operating Permits Program: Removal of Amendments to Part 70 and Part 71 Compliance Certification Requirements .....	2060-AJ89
3276	SAN No. 4621 Control of Hazardous Air Pollutants From Mobile Sources: Default Baseline Revision and Minor Corrections .....	2060-AJ97
3277	SAN No. 4631 Adoption of the Amended International NOx Standard for Aircraft Engines .....	2060-AK01
3278	SAN No. 4647 Reduction of the Ambient Air Monitoring Fine Particulate Collocated Precision Requirement. ....	2060-AK05
3279	SAN No. 4671 Amendments to Compliance Certification Requirements for State and Federal Operating Permits Programs .....	2060-AK11
3280	SAN No. 4688 Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances .....	2060-AK30
3281	SAN No. 4681 Revision of Combustion Turbines NSPS - Part 60, Subpart GG .....	2060-AK35
3282	SAN No. 4682 Revisions to the Appeal Procedures and the Federal NOx Budget Trading Program, Parts 78 and 97 .....	2060-AK36
3283	SAN No. 4696 Protection of Stratospheric Ozone: Additional Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions .....	2060-AK44
3284	SAN No. 4707 Amendment to the Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Regulations .....	2060-AK47
3285	SAN No. 4721 Control of Air Pollution from New Motor Vehicles: Amendment to the Tier 2 Motor Vehicle Emission Standards .....	2060-AK55
3286	SAN No. 4278 Project XL Site-Specific Rulemaking for Andersen Corporation's Facility in Bayport, Minnesota .....	2090-AA21

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

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

Sequence Number	Title	Regulation Identification Number
3287	SAN No. 4511 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7); Third Party Audit Provisions .....	2050-AE85

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

Sequence Number	Title	Regulation Identification Number
3288	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
3289	SAN No. 4619 Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(3); Revisions to the List of Substances .....	2050-AE96
3290	SAN No. 4531 Evaluation of Updated Test Procedures for the Certification of Gasoline Deposit Control Additives ..	2060-AJ61
3291	SAN No. 2915 Methods for Measurement of Visible Emissions—Addition of Methods 203A, 203B, and 203C to Appendix M of Part 51 .....	2060-AF83
3292	SAN No. 3922 Revised Permit Revision Procedures for the Federal Operating Permits Program .....	2060-AG92
3293	SAN No. 4046 Federal Major New Source Review (NSR) Program for Nonattainment Areas .....	2060-AH53
3294	SAN No. 4070 General Conformity Regulations; Revisions .....	2060-AH93
3295	SAN No. 4247 Revisions to Air Pollution Emergency Episode Requirements (Subpart H, 40 CFR Part 51) .....	2060-AI47
3296	SAN No. 2841 NESHAP: Chromium Electroplating Amendment .....	2060-AH08
3297	SAN No. 3479 Amendments to Parts 51, 52, 63, 70 and 71 Regarding the Provisions for Determining Potential To Emit .....	2060-AI01
3298	SAN No. 3751 NSPS and Emission Guidelines for Other Solid Waste Incinerators .....	2060-AG31
3299	SAN No. 3919 Prevention of Significant Deterioration of Air Quality: Permit Application Review Procedures for Non-Federal Class I Areas .....	2060-AH01
3300	SAN No. 3979 Review of Federal Test Procedures for Emissions From Motor Vehicles; Test Procedure Adjustments to Fuel Economy and Emission Test Results .....	2060-AH38
3301	SAN No. 3525 Protection of Stratospheric Ozone: Update of the Substitutes List Under (SNAP) Program .....	2060-AG12
3302	SAN No. 4662 NESHAP: Perchloroethylene Dry Cleaning Facilities Residual Risk Standards .....	2060-AK18
3303	SAN No. 4672 NESHAP: Solvent Extraction for Vegetable Oil: Amendments .....	2060-AK32
3304	SAN No. 4654 NESHAP: Ethylene Oxide for Sterilization Facilities - Residual Risk Standards .....	2060-AK09
3305	SAN No. 4655 NESHAP: Gasoline Distribution (Stage I) Residual Risk Standards .....	2060-AK10
3306	SAN No. 4656 NESHAP: Group I Polymers and Resins — Residual Risk Standards .....	2060-AK12
3307	SAN No. 4657 NESHAP: Group II Polymers and Resins — Residual Risk Standards .....	2060-AK13
3308	SAN No. 4659 NESHAP: Hazardous Organic NESHAP (HON) Residual Risk Standards .....	2060-AK14
3309	SAN No. 4658 NESHAP: Group IV Polymers and Resins — Residual Risk Standards .....	2060-AK15
3310	SAN No. 4660 NESHAP: Industrial Process Cooling Towers Residual Risk Standards .....	2060-AK16
3311	SAN No. 4661 NESHAP: National Emission Standards for Marine Tank Vessel Loading Operations — Residual Risk Standard .....	2060-AK17
3312	SAN No. 4665 NESHAP: Secondary Lead Smelting Residual Risk Standards .....	2060-AK19
3313	SAN No. 4666 NESHAP: Shipbuilding and Ship Repair Surface Coating — Residual Risk Standards .....	2060-AK20
3314	SAN No. 4667 NESHAP: Wood Furniture Manufacturing Operations — Residual Risk Standards .....	2060-AK21
3315	SAN No. 4668 NESHAP: Halogenated Solvent Cleaning — Residual Risk Standards .....	2060-AK22
3316	SAN No. 4669 NESHAP: Magnetic Tape Manufacturing Operations Residual Risk Standard .....	2060-AK23
3317	SAN No. 4664 NESHAP: Printing and Publishing Industry — Residual Risk Standards .....	2060-AK24
3318	SAN No. 4663 NESHAP: Petroleum Refineries — Residual Risk Standards .....	2060-AK25
3319	SAN No. 4653 NESHAP: Aerospace Manufacturing and Rework Facilities Residual Risk Standards .....	2060-AK08
3320	SAN No. 3910 Streamlined Evaporative Test Procedures .....	2060-AH34
3321	SAN No. 4266 Review National Ambient Air Quality Standards for Carbon Monoxide .....	2060-AI43
3322	SAN No. 4383 Interstate Ozone Transport: Rulemaking on Section 126 Petitions From the District of Columbia, Delaware, Maryland, and New Jersey .....	2060-AI99
3323	SAN No. 4391 Rescinding Finding That Preexisting PM10 Standards Are No Longer Applicable in Northern Ada County/Boise, Idaho .....	2060-AJ05
3324	SAN No. 4535 Protection of Stratospheric Ozone: Process for Exempting Critical and Emergency Uses of Methyl Bromide .....	2060-AJ63
3325	SAN No. 4570 Control of Air Pollution From Motor Vehicles and Engines: Alternative Low-Sulfur Highway Diesel Fuel Transition Program for Alaska .....	2060-AJ72
3326	SAN No. 4620 National Emission Standards for Coke Oven Batteries — Residual Risk Standards .....	2060-AJ96
3327	SAN No. 4471 Project XL Site-Specific Rulemaking for Georgia-Pacific Corporation's Facility in Big Island, Virginia	2090-AA26

## EPA

## CLEAN AIR ACT (CAA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3328	SAN No. 4730 Nonconformance Penalties for 2004 and Later Model Year Heavy-Duty Diesel Engines and Vehicles .....	2060-AK58
3329	SAN No. 3549 NESHAP: Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Units .....	2060-AF28
3330	SAN No. 3986 Consolidated Emissions Reporting Rule .....	2060-AH25
3331	SAN No. 4082 NESHAP: Wet-Formed Fiberglass Mat Production .....	2060-AH89
3332	SAN No. 3638 Revision of EPA's Radiological Emergency Response Plan .....	2060-AI49
3333	SAN No. 3340 NESHAP: Primary Copper Smelting .....	2060-AE46
3334	SAN No. 3551 Amendments to General Provisions Subparts A and B for 40 CFR 63 .....	2060-AF31
3335	SAN No. 3749 NESHAP: Rubber Tire Manufacturing .....	2060-AG29
3336	SAN No. 3823 NESHAP: Large Appliance (Surface Coating) .....	2060-AG54
3337	SAN No. 3905 NESHAP: Metal Coil (Surface Coating) Industry .....	2060-AG97
3338	SAN No. 3964 NESHAP: Leather Finishing Operations .....	2060-AH17
3339	SAN No. 4276 Revision to NOx SIP Call Emission Budgets for Connecticut, Massachusetts and Rhode Island .....	2060-AI80
3340	SAN No. 3970 NESHAP: Cellulose Production Manufacturing .....	2060-AH11
3341	SAN No. 4105 NESHAP: Generic MACT for Carbon Black, Ethylene, Cyanide and Spandex .....	2060-AH68
3342	SAN No. 4114 NESHAP: Polyvinyl Chloride and Copolymers Production .....	2060-AH82
3343	SAN No. 4679 Notice and Response to Court Remand on NOx SIP Call and Section 126 Petitions .....	2060-AK33
3344	SAN No. 4538 Revisions to the Definitions and the Continuous Emission Monitoring Provisions of the Acid Rain Program and the NOx Budget Trading Program .....	2060-AJ43
3345	SAN No. 4558 Transportation Conformity Rule Amendments: Minor Revision and Addition of Grace Period for Newly Designated Nonattainment Areas .....	2060-AJ70
3346	SAN No. 4569 Control of Air Pollution from New Motor Vehicles; Second Amendment to the Tier 2/Gasoline Sulfur Regulations .....	2060-AJ71
3347	SAN No. 4574 Protection of Stratospheric Ozone: Availability of Allowances to Produce Methyl Bromide for Developing Countries .....	2060-AJ74
3348	SAN No. 4646 Amendments to NESHAP for Solvent Extraction for Vegetable Oil Production .....	2060-AJ93
3349	SAN No. 4614 NESHAP: Generic MACT Amendments .....	2060-AJ95
3350	SAN No. 4627 NESHAP: Pesticide Active Ingredient Production — Amendment .....	2060-AK00
3351	SAN No. 4648 Revision to Regulations Implementing the Federal Permits Program in Areas for Which the Indian Country Status Is in Question .....	2060-AK06
3352	SAN No. 4652 Direct Final Rulemaking for Modifications to Reformulated Gasoline (RFG) "Covered Area" Provisions .....	2060-AK07

## ATOMIC ENERGY ACT (AEA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3353	SAN No. 4054 Environmental Radiation Protection Standards for the Disposal of Low-Activity Mixed Radioactive Waste .....	2060-AH63

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

Sequence Number	Title	Regulation Identification Number
3354	SAN No. 4403 Revision of the 40 CFR Part 194 Waste Isolation Pilot Plant Compliance Criteria .....	2060-AJ07

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## ATOMIC ENERGY ACT (AEA)—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2060-AF39	SAN No. 3602 Protective Action Guidance for Drinking Water	09/05/2002	Withdrawn - Agency plans no further action.

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

Sequence Number	Title	Regulation Identification Number
3355	SAN No. 4727 Endocrine Disruptor Screening Program; Priority Setting Criteria ( <b>Reg Plan Seq No. 116</b> ) .....	2070-AD59
3356	SAN No. 4610 Acceptability of Research Using Human Subjects .....	2070-AD57
3357	SAN No. 4216 Pesticides; Emergency Exemption Process Revisions ( <b>Reg Plan Seq No. 115</b> ) .....	2070-AD36

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

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

Sequence Number	Title	Regulation Identification Number
3358	SAN No. 2687 Pesticides; Data Requirements for Conventional Chemicals .....	2070-AC12
3359	SAN No. 4173 Pesticides; Data Requirements for Antimicrobials .....	2070-AD30
3360	SAN No. 4596 Pesticides; Data Requirements for Biochemical and Microbial Products .....	2070-AD51
3361	SAN No. 4728 Endocrine Disrupter Screening Program; Implementing the Screening and Testing Phase ( <b>Reg Plan Seq No. 128</b> ) .....	2070-AD61
3362	SAN No. 4170 Pesticides; Procedures for the Registration Review Program .....	2070-AD29
3363	SAN No. 4609 Pesticides; Exemption of Medical Devices Treated With Antimicrobial Pesticides .....	2070-AD54

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

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

Sequence Number	Title	Regulation Identification Number
3364	SAN No. 4027 Pesticides; Tolerance Processing Fees .....	2070-AD23
3365	SAN No. 4602 Plant Incorporated Protectants (PIPs); Exemption for Those Based on Viral Coat Proteins .....	2070-AD49
3366	SAN No. 2659 Pesticide Management and Disposal; Standards for Pesticide Containers and Containment .....	2070-AB95
3367	SAN No. 3731 Pesticides; Worker Protection Standard (WPS); Glove Amendment .....	2070-AC93
3368	SAN No. 3892 Pesticides; Registration Requirements for Antimicrobial Pesticide Products .....	2070-AD14

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

Sequence Number	Title	Regulation Identification Number
3369	SAN No. 4175 Pesticide Tolerance Reassessment Program .....	2070-AD24
3370	SAN No. 2684 Plant-Incorporated Protectants (Formerly Plant Pesticides) Rulemakings .....	2070-AC02
3371	SAN No. 3432 Pesticide Management and Disposal .....	2020-AA33
3372	SAN No. 4611 Plant-Incorporated Protectants (PIPs); Exemption for Those Derived Through Genetic Engineering From Sexually Compatible Plants .....	2070-AD55
3373	SAN No. 4612 Plant Incorporated Protectants (PIPs); Exemption for PIPs That Act by Primarily Affecting the Plant	2070-AD56
3374	SAN No. 3222 Groundwater and Pesticide Management Plan Rule .....	2070-AC46

## EPA

## FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2070-AD26	SAN No. 4143 Endocrine Disruptor Screening Program	08/10/2002	Withdrawn - Follow-up items are now split into separate entries.
2070-AD47	SAN No. 4496 Pesticides; Data Requirements for Environmental Fate and Ecological Effects	08/21/2002	Merged With RIN 2070-AC12

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

Sequence Number	Title	Regulation Identification Number
3375	SAN No. 4174 Testing Agreement for Certain Oxygenated Fuel Additives .....	2070-AD28
3376	SAN No. 4734 Sustainable Futures; Voluntary Pilot Project Under the TSCA New Chemical Program ( <b>Reg Plan Seq No. 117</b> ) .....	2070-AD60

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

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

Sequence Number	Title	Regulation Identification Number
3377	SAN No. 3557 Lead-Based Paint Activities; Training and Certification for Renovation and Remodeling .....	2070-AC83
3378	SAN No. 2150 Polychlorinated Biphenyls (PCBs); Exemptions From the Prohibitions Against Manufacturing, Processing, and Distribution in Commerce .....	2070-AB20
3379	SAN No. 4635 Amendment to the Premanufacture Notification Exemptions; Revisions of Exemptions for Polymers (40 CFR Part 723) .....	2070-AD58
3380	SAN No. 2563 Test Rule; Certain Chemicals on the ATSDR Priority List of Hazardous Substances .....	2070-AB79
3381	SAN No. 4395 Test Rule; Developmental and Reproductive Toxicity .....	2070-AD44
3382	SAN No. 1923 Follow-Up Rules on Existing Chemicals .....	2070-AA58
3383	SAN No. 4512 Significant New Use Rule; Selected Flame Retardant Chemical Substances for Use in Residential Upholstered Furniture .....	2070-AD48
3384	SAN No. 4598 TSCA Policy Statement on Oversight of Transgenic Organisms (Including Plants) .....	2070-AD53

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

Sequence Number	Title	Regulation Identification Number
3385	SAN No. 3508 Lead; Management and Disposal of Lead-Based Paint Debris .....	2070-AC72
3386	SAN No. 4172 Lead; Notification Requirements for Lead-Based Paint Abatement Activities and Training .....	2070-AD31
3387	SAN No. 1976 Significant New Use Rules; Follow-Up Rules on Non-5(e) New Chemical Substances .....	2070-AA59
3388	SAN No. 3495 Significant New Use Rule (SNUR); Chemical-Specific SNURs To Extend Provisions of Section 5(e) Orders .....	2070-AB27
3389	SAN No. 3493 Test Rule; Generic Entry for ITC Related Testing Decisions .....	2070-AB94
3390	SAN No. 3487 Test Rule; Hazardous Air Pollutants (HAPs) .....	2070-AC76
3391	SAN No. 3990 Test Rule; Certain High Production Volume (HPV) Chemicals .....	2070-AD16
3392	SAN No. 4425 Test Rule; In Vitro Dermal Absorption Rate Testing of Certain Chemicals of Interest to the Occupational Safety and Health Administration .....	2070-AD42
3393	SAN No. 2779 Acrylamide and N-methylolacrylamide Grouts .....	2070-AC17
3394	SAN No. 2178 TSCA Section 8(a) Preliminary Assessment Information Rules .....	2070-AB08
3395	SAN No. 1139 TSCA Section 8(d) Health and Safety Data Reporting Rules .....	2070-AB11
3396	SAN No. 3118 TSCA Section 8(e) Policy; Notice of Clarification .....	2070-AC80
3397	SAN No. 3301 TSCA Inventory Update Rule Amendments .....	2070-AC61
3398	SAN No. 3528 Significant New Use Rule; Refractory Ceramic Fibers (RCFs) .....	2070-AC37
3399	SAN No. 4176 Chemical Right-To-Know Initiative; High Production Volume (HPV) Chemicals .....	2070-AD25

## EPA

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

Sequence Number	Title	Regulation Identification Number
3400	SAN No. 4475 Significant New Use Rule; Perfluoroalkyl Sulfonates (PFOA) .....	2070-AD43

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

Sequence Number	Title	Regulation Identification Number
3401	SAN No. 3148 Asbestos Model Accreditation Plan Revisions .....	2070-AC51
3402	SAN No. 3252 Lead Fishing Sinkers; Response to Citizens Petition and Proposed Ban .....	2070-AC21
3403	SAN No. 4376 Lead-Based Paint Activities; Training, Accreditation, and Certification Rule and Model State Plan Rule - Bridges and Structures .....	2070-AC64
3404	SAN No. 4597 Disposal of Polychlorinated Biphenyls: Implementation Issues .....	2070-AD52
3405	SAN No. 2865 Voluntary Children's Chemical Evaluation Program (VCCEP) .....	2070-AC27
3406	SAN No. 3882 Test Rule; Certain Metals .....	2070-AD10
3407	SAN No. 3559 Notice of TSCA Section 4 Reimbursement Period and TSCA Section 12(b) Export Notification Period Sunset Dates for TSCA Section 4 Substances .....	2070-AC84

## TOXIC SUBSTANCES CONTROL ACT (TSCA)—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2070-AD27	SAN No. 4179 Polychlorinated Biphenyls (PCBs); Use Authorizations	08/31/2002	Withdrawn - Agency plans no further action.

## EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3408	SAN No. 4392 TRI: APA Petition-EPCRA 313 Definition of Overburden As It Relates to the Mining Industry .....	2025-AA08

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

Sequence Number	Title	Regulation Identification Number
3409	SAN No. 4015 TRI; Review of Chemicals on the Original TRI List .....	2025-AA03
3410	SAN No. 2425 TRI; Responses to Petitions Received To Add or Delete or Modify Chemical Listings on the Toxic Release Inventory .....	2025-AA00
3411	SAN No. 4265 TRI; Revisions to the Otherwise Use Activity Exemptions and the Coal Extraction Activities Exemption .....	2025-AA06
3412	SAN No. 4595 Rulemaking To Change Toxics Release Inventory (TRI) Reporting Requirements From Standard Industrial Classification (SIC) Codes to North American Industrial Classification System .....	2025-AA10
3413	SAN No. 4616 Clarify TRI Reporting Obligations Under EPCRA Section 313 for the Metal Mining Activities of Extraction and Beneficiation .....	2025-AA11
3414	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

## EPA

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

Sequence Number	Title	Regulation Identification Number
3415	SAN No. 3215 Emergency Planning and Community Right-To-Know Act: Amendments and Streamlining Rule .....	2050-AE17
3416	SAN No. 3994 Response to a Petition Requesting Deletion of Phosmet From the Extremely Hazardous Substances (EHSs) List .....	2050-AE42
3417	SAN No. 3993 Modification of Threshold Planning Quantity for Isophorone Diisocyanate .....	2050-AE43
3418	SAN No. 3007 TRI; Chemical Expansion; Finalization of Deferred Chemicals .....	2025-AA01
3419	SAN No. 2847 TRI; Pollution Prevention Act Information Requirements .....	2025-AA09

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

Sequence Number	Title	Regulation Identification Number
3420	SAN No. 4094 Land Disposal Restrictions; Notice of Data Availability: Mercury Treatability Studies .....	2050-AE54

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

Sequence Number	Title	Regulation Identification Number
3421	SAN No. 3989 Methods Innovation Rule .....	2050-AE41
3422	SAN No. 4230 Revisions to Solid Waste Landfill Criteria—Leachate Recirculation on Alternative Liners .....	2050-AE67
3423	SAN No. 4091 Modifications to RCRA Rules Associated With Solvent-Contaminated Shop Towels and Wipes ( <b>Reg Plan Seq No. 129</b> ) .....	2050-AE51
3424	SAN No. 4501 Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures ( <b>Reg Plan Seq No. 130</b> ) .....	2050-AE84
3425	SAN No. 4651 Increase Metals Reclamation From F006 Waste Streams ( <b>Reg Plan Seq No. 131</b> ) .....	2050-AE97
3426	SAN No. 4670 Revisions to the Definition of Solid Waste ( <b>Reg Plan Seq No. 132</b> ) .....	2050-AE98
3427	SAN No. 4606 Revisions for Transboundary Shipments of Hazardous Waste for Recovery Within the Organization for Economic Cooperation and Development .....	2050-AE93
3428	SAN No. 4735 RCRA Burden Reduction Initiative, Phase 2 .....	2050-AF01
3429	SAN No. 4534 Project XL Site-Specific Rulemaking for Anne Arundel County Millersville Landfill, Severn, Maryland .....	2090-AA25
3430	SAN No. 4565 Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Hopewell Junction, New York .....	2090-AA29

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

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

Sequence Number	Title	Regulation Identification Number
3431	SAN No. 4028 Standardized Permit for RCRA Hazardous Waste Management Facilities ( <b>Reg Plan Seq No. 142</b> ) .....	2050-AE44
3432	SAN No. 3545 Revisions to the Comprehensive Guideline for Procurement of Products Containing Recovered Materials .....	2050-AE23
3433	SAN No. 3856 Management of Cement Kiln Dust (CKD) ( <b>Reg Plan Seq No. 141</b> ) .....	2050-AE34
3434	SAN No. 4525 Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste .....	2050-AE86
3435	SAN No. 4575 Municipal Solid Waste Landfill Location Restrictions for Airport Safety .....	2050-AE91
3436	SAN No. 4588 Research, Development, and Demonstration Permits for Municipal Solid Waste Landfill .....	2050-AE92
3437	SAN No. 4084 Office of Solid Waste Burden Reduction Project ( <b>Reg Plan Seq No. 143</b> ) .....	2050-AE50
3438	SAN No. 4731 Land Disposal Restrictions; National Treatment Variance for Radioactively Contaminated Cadmium, Mercury, and Silver Waste Batteries .....	2050-AE99
3439	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
3440	SAN No. 4439 Project XL — Ortho-McNeil Pilot Project Allowing On-Site Treatment of Low-Level Mixed Wastes Without RCRA Permit .....	2090-AA14

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



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

Sequence Number	Title	Regulation Identification Number
3441	SAN No. 4470 Standards for the Management of Coal Combustion Wastes Generated by Commercial Electric Power Producers .....	2050-AE81
3442	SAN No. 4469 Standards for the Management of Coal Combustion Wastes — Non-Power Producers and Minefilling .....	2050-AE83
3443	SAN No. 3147 Hazardous Waste Manifest Regulation .....	2050-AE21
3444	SAN No. 4411 Regulation of Hazardous Oil-Bearing Secondary Materials From Petroleum Refining Industry and Other Hazardous Secondary Materials Processed in a Gasification System .....	2050-AE78
3445	SAN No. 3189 Final Determination of the Applicability of the Toxicity Characteristic Rule to Petroleum Contaminated Media and Debris from Underground Storage Tanks .....	2050-AD69
3446	SAN No. 3066 Listing Determination of Wastes Generated During the Manufacture of Azo, Anthraquinone, and Triarylmethane Dyes and Pigments .....	2050-AD80
3447	SAN No. 4092 Recycling of Cathode Ray Tubes (CRTs) and Mercury-Containing Equipment: Changes to Hazardous Waste Regulations .....	2050-AE52
3448	SAN No. 2647 RCRA Subtitle C Financial Test Criteria (Revision) .....	2050-AC71
3449	SAN No. 4233 Land Disposal Restrictions; Treatment Standards for Spent Potliners From Primary Aluminum Reduction (K088) and Regulatory Classification of K088 Vitrification Units .....	2050-AE65
3450	SAN No. 3333 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors — Phase II Covering Boilers and Certain Industrial Furnaces .....	2050-AE01
3451	SAN No. 4418 NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors .....	2050-AE79

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

Sequence Number	Title	Regulation Identification Number
3452	SAN No. 3805 Paint Manufacturing Wastes Listing: Hazardous Waste Management System: Identification and Listing of Hazardous Waste .....	2050-AE32
3453	SAN No. 4208 Requirements for Zinc Fertilizer Made From Recycled Hazardous Secondary Materials .....	2050-AE69
3454	SAN No. 4608 Project XL Site-Specific Rulemaking for Implementing Waste Treatment Systems at Two Virginia Landfills .....	2090-AA30

## OIL POLLUTION ACT (OPA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3455	SAN No. 2634 Oil Pollution Prevention Regulation: Revisions .....	2050-AC62

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

Sequence Number	Title	Regulation Identification Number
3456	SAN No. 3423 Reportable Quantity Adjustments for Carbamates and Carbamate-Related Hazardous Waste Streams; Reportable Quantity Adjustment for Inorganic Chemical Manufacturing Process Waste .....	2050-AE12
3457	SAN No. 4737 Correction of Errors and Adjustment of CERCLA Reportable Quantities .....	2050-AF03
3458	SAN No. 4739 Standards and Practices for Conducting “All Appropriate Inquiry” .....	2050-AF04
3459	SAN No. 4740 Clarification to Interim Standards and Practices for All Appropriate Inquiry Under CERCLA and Notice of Future Rulemaking Action .....	2050-AF05
3460	SAN No. 4177 Revise 40 CFR Part 35 Subpart O: Cooperative Agreements and Superfund State Contracts for Superfund Response Actions .....	2050-AE62

## EPA

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

Sequence Number	Title	Regulation Identification Number
3461	SAN No. 3439 National Priorities List for Uncontrolled Hazardous Waste Sites: Proposed and Final Rules .....	2050-AD75
3462	SAN No. 4201 Criteria for the Designation of Hazardous Substances Under CERCLA Section 102(a) .....	2050-AE63
3463	SAN No. 4736 Administrative Reporting Exemption for Certain Air Releases of NOx .....	2050-AF02

## COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Completed Actions

Sequence Number	Title	Regulation Identification Number
3464	SAN No. 3929 Correct Typographical Errors and Remove Obsolete Language in 40 CFR Part 302 .....	2050-AE88

## COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2050-AE38	SAN No. 3885 Streamlining the Preauthorization Mixed Funding for Application and Implementation of Claims Against Superfund	09/05/2002	Withdrawn - Agency plans no further action.

## CLEAN WATER ACT (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3465	SAN No. 2804 Clean Water Act Definition of Waters of the United States ( <b>Reg Plan Seq No. 118</b> ) .....	2040-AB74

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

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

Sequence Number	Title	Regulation Identification Number
3466	SAN No. 4526 Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Product Schedule Listing Requirements .....	2050-AE87
3467	SAN No. 4264 Water Quality Standards for Alabama—Phase II .....	2040-AD35
3468	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
3469	SAN No. 4377 Test Procedures for the Analysis of Mercury Under the Clean Water Act (Method 245.7) .....	2040-AD52
3470	SAN No. 4378 Revisions to Method Detection and Quantification for Use Under the Clean Water Act and Safe Drinking Water Act .....	2040-AD53
3471	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
3472	SAN No. 4543 Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 3 ( <b>Reg Plan Seq No. 136</b> ) .....	2040-AD70
3473	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 ( <b>Reg Plan Seq No. 133</b> ) .....	2040-AD02
3474	SAN No. 4446 Ocean Discharges Criteria Revisions .....	2040-AD60
3475	SAN No. 4623 Watershed Rule: Total Maximum Daily Load (TMDL) Program Revisions ( <b>Reg Plan Seq No. 137</b> ) .....	2040-AD82
3476	SAN No. 4729 Withdrawal of Total Maximum Daily Load (TMDL) Program Revisions ( <b>Reg Plan Seq No. 138</b> ) .....	2040-AD84
3477	SAN No. 4690 National Pollutant Discharge Elimination System Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions .....	2040-AD87

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

## EPA

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

Sequence Number	Title	Regulation Identification Number
3478	SAN No. 2806 Effluent Guidelines and Standards for the Metal Products and Machinery Category, Phases 1 and 2 <b>(Reg Plan Seq No. 145)</b> .....	2040-AB79
3479	SAN No. 4153 National Pollutant Discharge Elimination System Permit Regulation and Effluent Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs) <b>(Reg Plan Seq No. 146)</b> .....	2040-AD19
3480	SAN No. 4047 Test Procedures for Analysis for Biological Contaminants Under Clean Water Act .....	2040-AD08
3481	SAN No. 4409 Test Procedures: Clean Water Act and Safe Drinking Water Act Methods Update .....	2040-AD59
3482	SAN No. 4541 Test Procedures for the Analysis of Mercury Under the Clean Water Act (Revisions to Method 1631) .....	2040-AD72
3483	SAN No. 4514 Rule To Revise and To Ratify or Withdraw Whole Effluent Toxicity Test Methods .....	2040-AD73
3484	SAN No. 4474 Minimizing Adverse Environmental Impact From Cooling Water Intake Structures at Existing Facilities Under Section 316(b) of the Clean Water Act, Phase 2 <b>(Reg Plan Seq No. 147)</b> .....	2040-AD62
3485	SAN No. 3288 Comparison of Dredged Material to Reference Sediment .....	2040-AC14
3486	SAN No. 3488 Round 2 Standards for the Use or Disposal of Sewage Sludge .....	2040-AC25
3487	SAN No. 4624 Modification to Competitive Process Used by EPA for Water Quality Cooperative Agreements and Wetland Program Development Grants .....	2040-AD83
3488	SAN No. 4726 Revisions to Minimizing Adverse Environmental Impacts From Cooling Water Intake Structures Under Section 316(b) of the Clean Water Act — Phase I .....	2040-AD85

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

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

Sequence Number	Title	Regulation Identification Number
3489	SAN No. 4280 Effluent Guidelines and Standards for the Construction and Development Industry .....	2040-AD42
3490	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
3491	SAN No. 4406 Effluent Guidelines and Standards for the Concentrated Aquatic Animal Production Industry .....	2040-AD55
3492	SAN No. 4407 Effluent Guidelines and Standards for the Meat and Poultry Products Point Source Category (Revisions) .....	2040-AD56
3493	SAN No. 4344 Water Quality Standards for Indian Country Waters .....	2040-AD46
3494	SAN No. 3702 Test Procedures for the Analysis of Trace Metals Under the Clean Water Act .....	2040-AC75
3495	SAN No. 3714 Test Procedures: Increased Method Flexibility for Test Procedures Approved for Clean Water Act Compliance Monitoring .....	2040-AC92
3496	SAN No. 3713 Test Procedures: Performance-Based Measurement System (PBMS) Procedures and Guidance for Clean Water Act Test Procedures .....	2040-AC93
3497	SAN No. 3155 Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase One .....	2040-AC95
3498	SAN No. 4089 Test Procedures for the Analysis of Miscellaneous Metals, Anions, and Volatile Organics Under the Clean Water Act, Phase Two .....	2040-AD12
3499	SAN No. 4357 Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II .....	2040-AD39
3500	SAN No. 3663 Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution .....	2040-AC58
3501	SAN No. 3786 NPDES Streamlining Rule — Round III .....	2040-AC84
3502	SAN No. 4493 Clean Water State Revolving Fund Regulation Revisions Re: Use as Matching Funds .....	2040-AD68

## CLEAN WATER ACT (CWA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3503	SAN No. 3833 Effluent Guidelines and Standards for the Iron and Steel Manufacturing Point Source Category (Revisions) .....	2040-AC90
3504	SAN No. 4192 Effluent Guidelines and Standards for the Bleached Papergrade Kraft Subcategory of the Pulp, Paper, and Paperboard Category; Certification in Lieu of Monitoring for Chloroform .....	2040-AD23
3505	SAN No. 4576 Effluent Guidelines 2002 Program Plan .....	2040-AD78
3506	SAN No. 4375 Revision to Clean Water Act Regulatory Definition of Fill Material .....	2040-AD51

EPA

CLEAN WATER ACT (CWA)—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2040-AD10	SAN No. 4050 Effluent Guidelines and Standards for the Pulp, Paper, and Paperboard Category, Phase II	09/13/2002	Withdrawn - Agency plans no further action at this time.
2040-AD57	SAN No. 4408 Effluent Guidelines and Standards for the Industrial Container and Drum Cleaning Point Source Category	09/13/2002	Withdrawn - Agency plans no further action at this time.

SAFE DRINKING WATER ACT (SDWA)—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3507	SAN No. 4447 Drinking Water: Regulatory Determinations Regarding Contaminants on the Drinking Water Contaminant Candidate List .....	2040-AD61
3508	SAN No. 4424 6-Year Review of Existing National Primary Drinking Water Regulations .....	2040-AD67

SAFE DRINKING WATER ACT (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3509	SAN No. 4341 National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule ( <b>Reg Plan Seq No. 134</b> ) .....	2040-AD37
3510	SAN No. 4342 National Primary Drinking Water Regulations: Stage 2 Disinfection Byproducts Rule ( <b>Reg Plan Seq No. 135</b> ) .....	2040-AD38
3511	SAN No. 4703 Drinking Water Contaminant Candidate List 2 .....	2040-AD86
3512	Drinking Water Contaminant Candidate List 2 .....	2040-AD88

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

SAFE DRINKING WATER ACT (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3513	SAN No. 4638 Unregulated Contaminant Monitoring Regulation: Analytical Method for Aeromonas & National Primary & Secondary Drinking Water Regulations: Analytical Methods for Chemical & Microbiological Contaminants	2040-AD81
3514	SAN No. 2340 National Primary Drinking Water Regulations: Groundwater Rule ( <b>Reg Plan Seq No. 144</b> ) .....	2040-AA97
3515	SAN No. 4561 Minor Revisions to the Public Notification Rule, Consumer Confidence Report Rule, and Primacy Rule .....	2040-AD77

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

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

Sequence Number	Title	Regulation Identification Number
3516	SAN No. 2281 National Primary Drinking Water Regulations: Radon .....	2040-AA94
3517	SAN No. 3238 National Primary Drinking Water Regulations: Aldicarb .....	2040-AC13
3518	SAN No. 4404 National Secondary Drinking Water Regulations (NSDWR): Methyl Tertiary Butyl Ether (MTBE) and Technical Corrections to the NSDWR .....	2040-AD54
3519	SAN No. 4236 Update of State Underground Injection Control Programs .....	2040-AD40

EPA

SAFE DRINKING WATER ACT (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identification Number
3520	SAN No. 4451 Underground Injection Control Class V Phase 2 Revisions .....	2040-AD63

SAFE DRINKING WATER ACT (SDWA)—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
2040-AD31	SAN No. 4212 Use of Screening Methods for Compliance Monitoring of Drinking Water Contaminants	10/25/2002	Withdrawn - No further action planned at this time.
2040-AD48	SAN No. 4369 Regulated Drinking Water Contaminant Occurrence Reporting	10/25/2002	Withdrawn - No further action planned at this time.

SHORE PROTECTION ACT (SPA)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3521	SAN No. 2820 Shore Protection Act, Section 4103(b) Regulations .....	2040-AB85

Environmental Protection Agency (EPA)

Proposed Rule Stage

General

**3113. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN PROCUREMENT UNDER ASSISTANCE AGREEMENTS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 33

**Legal Deadline:** None

**Abstract:** The regulation will codify revisions to the Agency's program for the utilization of Small, Minority and Women's Business Enterprises in procurements under assistance agreements (i.e., grants and cooperative agreements awarded by EPA as well as grants and cooperative agreements awarded by other agencies under interagency agreements with EPA). The revisions are necessary to ensure consistency with the Supreme Court's decision in *Adarand Constructors, Inc. v. Pena*, 115 S.Ct. 2097 (1995), and were identified as part of the Clinton Administration's review of affirmative action programs. They include: (1) placing greater emphasis on requiring assistance agreement recipients to submit documentation supporting

proposed fair share procurement objectives for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) based on the availability of qualified MBEs and WBEs in the relevant geographic market; (2) authorizing or requiring recipients and their prime contractors to take reasonable race/gender-conscious measures (e.g., bidding credits) in the event that race/gender-neutral efforts prove inadequate to meet fair share objectives; and (3) administering statutory MBE/WBE objectives as a national goal, allowing smaller or larger fair share objectives for particular grants or cooperative agreements based on the availability standard.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
Final Action	01/00/05	

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 4056

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**RIN:** 2020-AA39

**3114. 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

## EPA—General

## Proposed Rule Stage

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
NPRM	01/00/03	
Final Action	03/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3580

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**RIN:** 2030-AA37

**3115. INCREMENTALLY FUNDING FIXED PRICE CONTRACTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 486(c)

**CFR Citation:** 48 CFR 1532

**Legal Deadline:** None

**Abstract:** This proposed rule will add subpart 1532.7, Contract Funding, to the Environmental Protection Agency's Acquisition Regulation (EPAAR). It also will revise part 1552 of the EPAAR to include a clause for incrementally funding fixed price contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3876

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**RIN:** 2030-AA50

**3116. PROPOSED REVISION TO EPA'S IMPLEMENTING NEPA REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4321

**CFR Citation:** 40 CFR 6

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
Final Action	07/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4292

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**RIN:** 2020-AA42

**3117. REVISION OF PROCEDURAL RULES FOR HEARINGS ON CANCELLATIONS, SUSPENSIONS, CHANGES IN CLASSIFICATIONS, AND DENIALS OF PESTICIDE REGISTRATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 164 (Revision)

**Legal Deadline:** None

**Abstract:** EPA is preparing a comprehensive revision of the Rules of Practice governing the conduct of licensing adjudications under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The existing Rules of Practice were originally promulgated by EPA in 1973. In the subsequent 19 years, Congress has substantially amended FIFRA, creating a number of additional types of licensing adjudications which are not expressly provided for in the existing Rules of Practice. In order to include provisions tailored to these new types of proceedings, and to incorporate the standard practices which have evolved and the precedents which have been established since these rules were first promulgated, EPA intends to comprehensively revise the FIFRA Rules of Practice.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4618

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

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## Proposed Rule Stage

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RIN: 2020-AA44

**3118. • PRIVACY ACT REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552a

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4693

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RIN: 2025-AA13

**3119. REVISION TO EPAAR 1552.211-73, LEVEL OF EFFORT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301 sec 205(c); 63 Stat 390 as amended

**CFR Citation:** 48 CFR 1552

**Legal Deadline:** None

**Abstract:** This rule will revise EPAAR 1552.211-73, Level of Effort, to define more concisely the services being acquired, and to more accurately reflect the relationship between services provided and fee payments.

**Timetable:**

Action	Date	FR Cite
NPRM (Pending Legal Review)	01/00/03	
Final Action	05/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4191

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RIN: 2030-AA64

**3120. 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	01/00/03	
Final Action	05/00/03	

**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; 5416 Management, Scientific and Technical Consulting Services; 54162 Environmental Consulting Services; 5417 Scientific Research and Development Services; 562 Waste Management and Remediation Services

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RIN: 2030-AA67

**3121. • BACKGROUND INVESTIGATIONS FOR CONTRACT EMPLOYEES PERFORMING SERVICES ON OR WITHIN FEDERALLY OWNED OR FEDERALLY OCCUPIED FACILITIES, SUPERFUND, OIL POLLUTION ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Statutory, September 6, 2002.  
 Final, Statutory, December 5, 2002.

**Abstract:** Executive Orders 10450 and 12968 require that all persons entering Federal service, including contract employees, be investigated for suitability.

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**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	01/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4733**Agency Contact:** Paul Schaffer, Environmental Protection Agency, Administration and Resources Management, 3802R, Washington, DC 20460

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**RIN:** 2030-AA80**3122. PERSISTENT, BIOACCUMULATIVE, AND TOXIC (PBT) POLLUTANTS STRATEGY****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** As described in the Agency's 1998 PBT Strategy, EPA is developing and implementing National Action Plans for certain priority PBT pollutants. These pollutants pose risks because they are toxic, persist in ecosystems, and accumulate in fish and up the food chain. The PBT challenges remaining stem from the pollutants' ability to travel long distances, to transfer rather easily among air, water, and land, and to linger for generations. EPA is forging a new approach to reduce risks from and exposures to priority PBT pollutants through increased coordination among EPA

national and regional programs. This approach also requires the significant involvement of stakeholders, including international, state, local, and tribal organizations, the regulated community, environmental groups, and private citizens. EPA is initially focusing action on 12 substances either individually or as categories and two major cross-cutting issues (monitoring and outreach/risk communication). The action plans will use the full range of tools to prevent and reduce releases of these substances. These tools include international, voluntary, outreach, programmatic, remedial, compliance monitoring and assistance, enforcement, research, and regulatory tools. EPA will integrate and sequence actions within and across action plans, and will seek to leverage these actions on international and industry-sector bases. Beyond these first 12 substances EPA will identify additional PBTs for development of National Action Plans. Although these Plans are not regulatory actions, EPA has included them in the Regulatory Agenda to inform the public and regulated community because the Action Plans may discuss regulatory alternatives for consideration.

**Timetable:**

Action	Date	FR Cite
Notice - Multimedia Strategy for PBTs	11/17/98	63 FR 63926
Notice - Draft National Action Plan for Mercury	11/17/98	63 FR 63926
Notice - Proposed National Action Plan for Alkyl-lead	08/25/00	65 FR 51823
Notice - Proposed National Action Plan for Octachlorostyrene (OCS)	08/25/00	65 FR 51825

Action	Date	FR Cite
Notice - Draft Action Plan for Level 1 Pesticides	11/01/00	65 FR 65314
Notice - Draft Action Plan for Hexachlorobenzene (HCB)	12/08/00	65 FR 77026
Notice - Final Action Plan for Alkyl-lead	07/23/02	67 FR 48177
Notice - Draft Action Plan for Benzo(a)pyrene (B(a)P)	11/00/02	
Notice - Reproposed Action Plan for Mercury	06/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4463**Agency Contact:** Tom Murray, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7409M, Washington, DC 20460

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**RIN:** 2070-AD45

## Environmental Protection Agency (EPA)

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## General

**3123. IMPLEMENTATION OF CHANGES TO GOVERNMENTWIDE DEBARMENT AND SUSPENSION COMMON RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12549; EO 12689 and FASA**CFR Citation:** 40 CFR 32**Legal Deadline:** None

**Abstract:** Periodically OMB amends the Governmentwide common rule for suspension and debarment of contractors and assistance participants who threaten the integrity of Federal programs because of criminal misconduct or poor performance. All agencies must issue changes to their individual codified versions to conform to the common rule. Recently, the Interagency Suspension and Debarment

Coordinating Committee prepared recommendations for comprehensive changes to the common rule to conform to changes made in the Federal Acquisition Regulation (FAR) as a result of the Federal Acquisition Streamlining Act (FASA). In addition, several other proposals to improve or change the rule were recommended by various agencies. In December 1996, OMB declined to implement the



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changes at that time due to differences with some agencies about some changes unrelated to those occasioned by FASA.

Among other things, FASA replaced the small purchase threshold (\$25,000) with the simplified acquisition amount (\$100,000). That change unintentionally exposed certain EPA programs to participation by contractors who may have been debarred for serious misconduct already. OMB has agreed to permit agencies to amend the coverage section of their individual agency rules to reduce or eliminate exposure to suspended or debarred persons.

EPA intends to issue a notice of proposed rulemaking to amend 40 CFR 32.110 to reduce EPA exposure to such consequences.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3817

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**RIN:** 2030-AA48

### 3124. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

**CFR Citation:** 28 CFR 42.101 to 42.112; 28 CFR 42.501 to 42.540; 28 CFR 42.700 to 42.736

**Legal Deadline:** None

**Abstract:** The Department of Justice proposes to make amendments to its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age

Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added definitions of program or activity and program to title VI and added a definition of program or activity to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this proposed regulation explicitly incorporates the CRRA's definition of program or activity and program into the Department's title VI, section 504, and Age Discrimination Act regulations. The Department's proposed regulation will be published as part of a joint notice of proposed rulemaking involving up to 24 Federal agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
Final Action	12/00/02	
Final Action Effective	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4021

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**RIN:** 2020-AA36

### 3125. REWRITING OF EPA REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552

**CFR Citation:** 40 CFR 2

**Legal Deadline:** None

**Abstract:** This document proposes revisions to EPA's regulations under the Freedom of Information Act (FOIA). The FOIA regulations have been streamlined and written in plain English wherever possible. They also

reflect developments in the case law and include updated cost figures for calculating and charging fees. In addition, the proposed revisions include provisions implementing the Electronic Freedom of Information Act Amendments of 1996. These revisions will simplify and expedite responses to FOIA requests.

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/00	65 FR 19703
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4180

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**RIN:** 2025-AA04

### 3126. CROSS-MEDIA ELECTRONIC REPORTING (ER) AND RECORDKEEPING RULE

**Regulatory Plan:** This entry is Seq. No. 148 in part II of this issue of the Federal Register.

**RIN:** 2025-AA07

### 3127. ELECTRONIC FUNDS TRANSFER

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301 Sec 205(c); 63 Stat 390 as amended

**CFR Citation:** 48 CFR 1532.11

**Legal Deadline:** None

**Abstract:** This rule complies with the revised Federal Acquisition Regulations (FAR) coverage regarding implementation of the Debt Collection Improvement Act. Because the revised FAR offers choices in implementation, each agency must communicate with its vendor community its choices. This rule will let our vendor community know that EPA will require the use of FAR Clause 52.232-34, Payment by Electronic Funds Transfer (Non-CCR), as prescribed in FAR 32.1105(a)(2). Within the Clause, under (c) the payment office shall be inserted as the

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prescribed designated office. Further inserted shall be that the required EFT information shall be provided no later than 15 days prior to submission of the first request for payment.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4185

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**RIN:** 2030-AA57

**3128. EPAAR COVERAGE ON LOCAL HIRING AND TRAINING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301 sec 205(c); 63 Stat 390 as amended

**CFR Citation:** 48 CFR 1526; 48 CFR 1552

**Legal Deadline:** None

**Abstract:** This rule will amend the EPA Acquisition Regulation (EPAAR) to include part 1526, Other Socioeconomic Programs, and to revise part 1552, Solicitation Provisions and Contract Clauses. The purpose is to provide an incentive for prime contractors to utilize local hiring and provide training to local hires in specific geographical locations where contractual requirements will be performed. This incentive will support economic development in areas where EPA contracts are performed.

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/98	63 FR 67845
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4187

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**RIN:** 2030-AA62

**3129. FELLOWSHIP GRANT REGULATION REVISION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR part 46

**Legal Deadline:** None

**Abstract:** The fellowship rule (part 46) establishes the requirements applicable to granting all EPA fellowships. It supplements 40 CFR part 30, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." The rule requires submission of data to the Agency; however, a new ICR is not required. The rule is already cleared under current ICR approval.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4572

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**RIN:** 2030-AA77

**3130. • CONTRACTOR PERFORMANCE EVALUATIONS**

**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 1509 and 1552

**Legal Deadline:** None

**Abstract:** This action will revise EPAAR clauses at 1509 and 1552 pertaining to contractor performance

evaluations. EPAAR clauses will be amended to provide for use of the National Institutes of Health (NIH) construction module in the NIH Contractor Performance System.

**Timetable:**

Action	Date	FR Cite
NPRM	02/20/02	67 FR 7657
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4650

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**RIN:** 2030-AA79

**3131. • WASTE ISOLATION PILOT PLANT (WIPP) FY 2001 REPORT TO CONGRESS**

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

**Legal Authority:** PL 102-579, sec 23(a)(2)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This Report to Congress is required by section 23(a)(2) of the WIPP Land Withdrawal Act, which requires EPA to submit an annual report to Congress "on the status of and resources required for the fulfillment of the Administrator's responsibilities under the Act" regarding the Waste Isolation Pilot Plant (WIPP). This report summarizes the activities and progress EPA has made in fulfilling its responsibilities under the Act and outlines the resources required for the Agency to meet its commitments. The WIPP is an underground repository for the permanent disposal of radioactive waste generated as byproducts from nuclear weapons production. It was constructed by the Department of Energy (DOE) and is located near Carlsbad, New Mexico. In 1998, EPA certified that the WIPP complies with EPA's radioactive waste disposal standards at subpart B and C of 40 CFR 191 and EPA's WIPP compliance criteria at 40 CFR 194, and thus is safe

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to contain radioactive waste. Since that time, the DOE has begun emplacing waste in the WIPP. The waste is stored approximately 2,100 feet underground in excavated, natural salt formations. EPA also has responsibility for assuring continual compliance with EPA's radioactive waste disposal standards. EPA continues to have an oversight role at the WIPP to ensure that it continues to protect human health and the environment. This report summarizes EPA's activities past and present.

**Timetable:**

Action	Date	FR Cite
Report to Congress	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4686

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**RIN:** 2060-AK39

### 3132. REGULATORY INCENTIVES FOR THE NATIONAL ENVIRONMENTAL PERFORMANCE TRACK PROGRAM

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The National Environmental Performance Track is designed to recognize facilities that consistently meet their legal requirements and have implemented high-quality environmental management systems, and to encourage them to achieve more by continuously improving their environmental performance and informing and involving the public. Facilities gain entrance to Performance Track by submitting an application that documents that four specific criteria are met: operating environmental management system; commitment to

continuous environmental improvement through documented past improvements and future commitments; engaging the public; and a strong record of compliance. To promote participation in the program, and the environmental and other benefits that will come with it, EPA intends to offer several incentives. Among those incentives are the adjustments in current regulatory requirements that are the subjects of this rulemaking. These include reducing the frequency of reports required under the Maximum Achievable Control Technology (MACT) provisions of the Clean Air Act; streamlined reporting by publicly owned treatment works (POTWs) under the Clean Water Act; extending on-site storage of RCRA waste to 180 days; and soliciting comment on opportunities for PerformanceTrack facilities to consolidate reporting under various environmental statutes into a single report.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/02	67 FR 52674
Final Action	07/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4473

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**RIN:** 2090-AA13

### 3133. EPA AGENCYWIDE PUBLIC INVOLVEMENT POLICY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Environmental Protection Agency is revising its 1981 Public Participation Policy. The policy was updated to reflect changes over the

intervening years such as additional Agency responsibilities, new regulations, expanded public involvement techniques, and the changed nature of public access due to the Internet. The policy will provide guidance and direction to EPA officials on reasonable and effective means to involve the public in its regulatory and program decisions.

**Timetable:**

Action	Date	FR Cite
Draft Public Involvement Policy	12/28/00	65 FR 82335
Final Public Involvement Policy	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4530

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**RIN:** 2090-AA23

### 3134. PROJECT XL SITE-SPECIFIC RULEMAKING FOR NASA WHITE SANDS TEST FACILITY ELECTRONIC REPORTING IN LAS CRUCES, NEW MEXICO

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The purpose of the NASA White Sands Test Facility (WSTF) Electronic Reporting site-specific rule is to enable the NASA WSTF to electronically submit compliance reports and permit information to the New Mexico Environmental 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

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of electronic signature and encryption processes.

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/01	66 FR 55050
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4536

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**RIN:** 2090-AA27

## Environmental Protection Agency (EPA)

## Long-Term Actions

## General

**3135. 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/CBI Regs Proposal to revise EPA's CBI regulations	11/23/94	59 FR 60446

Action	Date	FR Cite
Final/CBI Substant. Final rule to eliminate special treatment of substantiations	To Be Determined	
NPRM/CBI Regs Proposal to revise CBI regs--40 CFR Part 2, Subpart B	To Be Determined	
Final Rule/CBI Regs Final rule revising CBI regs--40 CFR Part 2, Subpart B	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3240

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**RIN:** 2025-AA02

**3136. GUIDELINES FOR CARCINOGEN RISK ASSESSMENT**

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

**Legal Authority:** Not applicable

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Agency will use these guidelines to evaluate suspect carcinogens in line with the policies

and procedures established in the statutes administered by the EPA. These guidelines revise and replace EPA Guidelines for Carcinogen Risk Assessment published at 51 FR 33992, September 24, 1986. These guidelines provide EPA staff and decision-makers with the directions and perspectives necessary to develop and use risk assessments. The guidelines also provide the general public with basic information about the Agency's approaches to risk assessment.

To develop guidelines the Agency must find a balance between consistency and innovation. Consistent risk assessments provide consistent bases to support regulatory decisionmaking. On the other hand, innovation is necessary so the Agency will base its decisions on current scientific thinking. In balancing these and other science policies, the Agency relies on input from the general scientific community through established scientific peer review processes. The guidelines incorporate basic principles and science policies based on evaluation of the currently available information. The revisions place increased emphasis on the role of carcinogenic mechanisms in risk assessment and clearer explication of underlying assumptions in risk assessment.

These guidelines will have minimal to no impact on small businesses or State, local, and tribal governments.

**Timetable:**

Action	Date	FR Cite
Reproposed Guidelines	04/23/96	61 FR 17960
Implementation Policy Final Guidelines	06/25/96	61 FR 32799
	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

## EPA—General

## Long-Term Actions

**Government Levels Affected:** None  
**Additional Information:** SAN No. 3671  
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**RIN:** 2080-AA06

**3137. NEW JERSEY GOLD TRACK PROJECT XL RULE**

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

**Abstract:** The Gold Track Program is a crucial part of NJDEP's efforts to create a State-run tiered performance-

based program. Currently, facilities may join NJDEP's Silver Track Program, which is a lower-level tier that provides recognition for commitments to a certain level of environmental enhancement. Gold Track expands upon these environmental commitments, and offers proportionally greater recognition, as well as actual federal regulatory flexibility to participating facilities. NJDEP is partnering with EPA in the Gold Track effort under the XL program, so as to be able to offer federal regulatory flexibility to Gold Track participants.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	04/16/02 To Be	67 FR 18528 Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4533

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**RIN:** 2090-AA28

## Environmental Protection Agency (EPA)

## Completed Actions

## General

**3138. ADMINISTRATIVE CORRECTIONS TO EPAAR 1515, CONTRACTING BY NEGOTIATION**

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

**CFR Citation:** Not Yet Determined

**Completed:**

Reason	Date	FR Cite
Merged into RIN 2030- AA59	10/02/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 2030-AA73

## Environmental Protection Agency (EPA)

## Prerule Stage

## Clean Air Act (CAA)

**3139. • MODIFICATION OF SOURCE CATEGORY LISTING FOR SEVEN SPECIFIC POLLUTANTS — CAA SECTION 112(C)(6)**

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

**Legal Authority:** Clean Air Act sec 112(c)(6)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This is a notice, not a rule; it will be signed by the AA/OAR, not the Administrator. This action will remove eight source categories from potential regulation under CAA section 112. Section 112(c)(6) of the CAA requires that the EPA identify categories of sources of seven specific pollutants (alkylated lead compounds, polycyclic organic matter (POM), mercury, hexachlorobenzene, PCBs, dioxins and furans) that account for not less than 90 percent of the aggregate emissions of each pollutant and subject

these sources to standards. EPA published that source category listing in April 1998. With this new action, we are removing eight area source categories, all emissions sources of POM, from the list previously identified in April 1998. These categories are no longer needed to achieve the 90 percent requirement. This is because we now are able to count the contribution of area source emissions from Gasoline Distribution (Stage 1) toward the 90 percent requirement for POM. We added this category to our regulatory agenda under a July 1999 Federal Register notice for the Urban Air Toxics Strategy. We are also removing Open Burning of Scrap Tires, an area source category for POM, from the list of anthropogenic stationary source categories included in the section 112(c)(6) inventory analysis. Consequently, this source category will no longer be a candidate for regulation

under section 112(c)(6). This is similar to our exclusion of a number of other source categories (e.g., wildfires) that we do not consider appropriate for regulation under section 112 of the CAA. Open burning of scrap tires is a result of arson, accident, or lightning. It is already banned in all 50 States. With these changes EPA is still able to meet the 90 percent requirement. Note that CAA section 112(c)(6) is currently the subject of a deadline lawsuit. Negotiations with the litigant are ongoing and could result in a court-ordered schedule for these modifications.

**Timetable:**

Action	Date	FR Cite
Notice	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## EPA—Clean Air Act (CAA)

Prerule Stage

**Government Levels Affected:** None  
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**RIN:** 2060-AK34

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

Proposed Rule Stage

**3140. PLASTIC PARTS AND  
 PRODUCTS (SURFACE COATING)  
 NESHAP**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This action would address  
 the hazardous air pollutants (HAP)  
 emissions from the coating of plastic  
 parts. Pollution prevention approaches  
 will be considered.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	08/00/03	

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3826

**Sectors Affected:** 337214 Nonwood  
 Office Furniture Manufacturing; 32614  
 Polystyrene Foam Product  
 Manufacturing; 326199 All Other  
 Plastics Product Manufacturing; 32615  
 Urethane and Other Foam Product  
 (except Polystyrene) Manufacturing;  
 333313 Office Machinery  
 Manufacturing; 33422 Radio and  
 Television Broadcasting and Wireless  
 Communications Equipment  
 Manufacturing; 336399 All Other Motor  
 Vehicle Parts Manufacturing; 336999  
 All Other Transportation Equipment  
 Manufacturing; 339111 Laboratory  
 Apparatus and Furniture  
 Manufacturing; 339112 Surgical and  
 Medical Instrument Manufacturing;  
 33992 Sporting and Athletic Goods  
 Manufacturing; 33995 Sign  
 Manufacturing; 339999 All Other  
 Miscellaneous Manufacturing

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**RIN:** 2060-AG57

**3141. PREVENTION OF SIGNIFICANT  
 DETERIORATION (PSD) AND  
 NONATTAINMENT NEW SOURCE  
 REVIEW (NSR): ROUTINE  
 MAINTENANCE, REPAIR, AND  
 REPLACEMENT**

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

**RIN:** 2060-AK28

**3142. PERFORMANCE WARRANTY  
 AND INSPECTION/MAINTENANCE  
 TEST PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7541; 42 USC  
 7601

**CFR Citation:** 40 CFR 51; 40 CFR 85

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**  
 Undetermined

**Additional Information:** SAN No. 3263

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**RIN:** 2060-AE20

**3143. INSPECTION/MAINTENANCE  
 RECALL REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 51

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/03	
Final Action	04/00/04	

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3262

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**RIN:** 2060-AE22

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3144. 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. The precision of Method 24 for water-based coatings will be improved.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/03	
Final Action	05/00/04	

**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**3145. ADDITION OF OPACITY METHOD TO APPENDIX M OF 40 CFR PART 51 (METHOD 203)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410**CFR Citation:** 40 CFR 51**Legal Deadline:** Final, Statutory, June 15, 2001.

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/92	57 FR 46114
Supplemental NPRM	12/00/02	

**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**3146. TRANSPORTATION CONFORMITY RULE AMENDMENT: CLARIFICATION OF TRADING PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 to 7671 CAA sec 176(c)**CFR Citation:** 40 CFR 51; 40 CFR 93**Legal Deadline:** None

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

emissions trading could be reconciled in the conformity process.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	

**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**3147. REVIEW OF MINOR NEW SOURCES AND MODIFICATIONS IN INDIAN COUNTRY**

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

**Legal Authority:** 42 USC 7410**CFR Citation:** Not Yet Determined**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 and major stationary sources of air pollution in Indian country. Pursuant to the Tribal Air Rule, eligible Indian Tribes may receive EPA authorization to develop and implement such programs. The Federal NSR permitting programs would be effective throughout Indian country and would be implemented by EPA if eligible Indian Tribes do not elect, or do not receive authorization, to manage such programs. The proposed Federal minor NSR rule would require sources in Indian country, with certain exceptions, to obtain a permit prior to construction if they are: (1) new minor sources, (2) existing minor sources undergoing modification, or (3) existing major sources undergoing minor modification. The proposed rule also would allow new or existing stationary sources to accept enforceable limits on their production capacity or hours of operation in order to be considered

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

minor sources and avoid being subject to other Clean Air Act requirements such as the title V operating permit program. The proposed Federal major NSR rule would require sources in nonattainment areas in Indian country to obtain a permit prior to construction if they are: (1) new major sources, or (2) existing major sources undergoing major modification. 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	06/00/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Federal, Tribal

**Additional Information:** SAN No. 3975

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**RIN:** 2060-AH37

### 3148. PERFORMANCE SPECIFICATION 16 - SPECIFICATIONS AND TEST PROCEDURES FOR PREDICTIVE EMISSION MONITORING SYSTEMS IN STATIONARY SOURCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411 CAA sec 111

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** Performance Specification 16 is being proposed to provide performance criteria for predictive emission monitoring systems. Predictive systems represent a new

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	
Final Action	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4119

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

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**RIN:** 2060-AH84

### 3149. TECHNICAL CHANGE TO DOSE METHODOLOGY FOR 40 CFR PART 190, SUBPART B AND 40 CFR 191, SUBPART A

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 190(B); 40 CFR 191(A)

**Legal Deadline:** None

**Abstract:** The purpose of this action is to make a technical change to the dose methodology used in subpart A of 40 CFR 191, entitled Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level Waste and Transuranic Waste. The current methodology is outdated. The dose methodology used in the rule published on September 19, 1985, was based on the target organ approach recommended by the International Commission on Radiological Protection (ICRP) in Report 12. Since that time science has progressed and a new methodology based on an effective dose equivalent approach is currently being recommended by the ICRP in Report 126. This action would update the 40 CFR 191, subpart A dose limits published in 1985 from the target organ to the state-of-the-art effective dose equivalent system. There would be no change in the level of protection, just the scientific methodology for determining compliance with the levels of protection established in 1985.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
Final Action	05/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4003

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**RIN:** 2060-AH90

### 3150. NAAQS: SULFUR DIOXIDE (RESPONSE TO REMAND)

**Priority:** Other Significant

**Legal Authority:** 42 USC 7409 CAA sec 109

**CFR Citation:** 40 CFR 50.4; 40 CFR 50.5

**Legal Deadline:** None

**Abstract:** On November 15, 1994, the Environmental Protection Agency (EPA) proposed not to revise the existing 24-



## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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

**Timetable:**

Action	Date	FR Cite
NPRM NAAQS Review	11/15/94	59 FR 58958
NPRM NAAQS Implementation (Part 51)	03/07/95	60 FR 12492
Final Rule NAAQS Review	05/22/96	61 FR 25566
NPRM Revised NAAQS Implementation (Part 51)	01/02/97	62 FR 210
Notice Schedule for Response to NAAQS Remand	05/05/98	63 FR 24782
Notice Informational FR Notice	01/09/01	66 FR 1665
Notice	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 1002

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**RIN:** 2060-AA61

**3151. IMPLEMENTATION RULE FOR 8-HOUR OZONE NAAQS**

**Regulatory Plan:** This entry is Seq. No. 125 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AJ99

**3152. NESHAP: COMBUSTION TURBINE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** The combustion turbine source category is listed as a major source of hazardous air pollutants (HAPs) under section 112 of the Clean Air Act (CAA). A major source is one which emits more than 10 tons/yr of one HAP or more than 25 tons/yr of a combination of 189 HAPs. Combustion turbines also emit NO<sub>x</sub>, SO<sub>2</sub>, CO, and PM. Combustion turbines are already regulated for NO<sub>x</sub> and SO<sub>2</sub> emissions under section 111 of the CAA. The EPA will gather information on HAP emissions from combustion turbines and determine the appropriate maximum achievable control technology (MACT) to reduce HAP emissions. The EPA information that has already been developed will be used if possible and additional information will be gathered by working with State/local agencies, vendors, manufacturers of combustion turbines, owners and operators of combustion turbines, and environmentalists.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	08/00/03	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

**Additional Information:** SAN No. 3657

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**RIN:** 2060-AG67

**3153. NESHAP: IRON AND STEEL FOUNDRIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** Iron foundries and steel foundries have been identified by the EPA as potentially significant sources of air emissions of manganese compounds, lead compounds, and other substances that are among the pollutants listed as hazardous air pollutants in section 112 of the Clean Air Act, as amended in November of 1990. As such, these industries may be source categories for which national emission standards may be warranted.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	08/00/03	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3343

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## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

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**RIN:** 2060—AE43

### 3154. NESHAP: PAINT STRIPPING OPERATIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** The EPA has determined that paint stripping operations emit at least one of the HAP's listed in section 112(b) of the Clean Air Act. As a result, the source category was included on the initial list of HAP-emitting categories scheduled for promulgation within 10 years of enactment of the Act. There are several emission standards for other source categories (for example, aerospace manufacturing and wood furniture manufacturing) that already address emissions from paint stripping operations. We are currently in the process of determining if there are any other major sources of HAP emissions from paint stripping operations that are not already regulated. Furthermore, HAP emissions from paint stripping operations that are area sources will be regulated in the future as part of the urban air toxics strategy.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3746

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**RIN:** 2060—AG26

### 3155. NESHAP: RECIPROCATING INTERNAL COMBUSTION ENGINE

**Regulatory Plan:** This entry is Seq. No. 120 in part II of this issue of the **Federal Register**.

**RIN:** 2060—AG63

### 3156. NESHAP: INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS

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

**RIN:** 2060—AG69

### 3157. NESHAP: LIME MANUFACTURING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq; 44 USC 350 et seq; 5 USC 605

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112 of the Clean Air Act Amendments of 1990 requires the EPA to develop emission standards for each major source category of hazardous air pollutants (HAPs). The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator of the EPA. The EPA has determined that some lime manufacturing plants may be major sources for one or more HAPs. As a consequence, a regulation (emission standards) is being developed for the lime manufacturing industry.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 3651

**Sectors Affected:** 32741 Lime Manufacturing

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**RIN:** 2060—AG72

### 3158. NESHAP: METAL CAN MANUFACTURING (SURFACE COATING) INDUSTRY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This action will result in the reduction of hazardous air pollutants emitted by the metal can industry.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3906

**Sectors Affected:** 332431 Metal Can Manufacturing; 332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers; 332115 Crown and Closure Manufacturing

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**RIN:** 2060—AG96

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3159. NESHAP: SURFACE COATING OF AUTOMOBILES AND LIGHT-DUTY TRUCKS**

**Regulatory Plan:** This entry is Seq. No. 122 in part II of this issue of the Federal Register.

**RIN:** 2060–AG99

**3160. NESHAP: PRIMARY MAGNESIUM REFINING**

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

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** Section 112 of the Clean Air Act (Act), as amended November 1990, requires the EPA to regulate categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b). The EPA has determined that sources that manufacture primary magnesium may reasonably be anticipated to emit several of the 189 HAPs listed (including chlorine and hydrochloric acid) in quantities sufficient to designate them as a major source. As a consequence, primary magnesium refining is among the HAP emitting source categories selected for regulation and is in the group of categories for which final rules are scheduled to be promulgated by November 15, 2000 (58 FR 63941, December 3, 1993).

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	08/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 3924

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**RIN:** 2060–AH03

**3161. NESHAP: GROUP I POLYMERS AND RESINS AND GROUP IV POLYMERS AND RESINS-AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63.480 to 63.506 (Revision); 40 CFR 63.1310 to 63.1335 (Revision)

**Legal Deadline:** None

**Abstract:** During the development of the National Emission Standard for Hazardous Air Pollutants (NESHAP) for elastomers (Group I polymers and resins) and thermoplastics (Group IV polymers and resins) (RINs 2060-AD56 and 2060-AE37), many of the provisions contained in the Hazardous Organic NESHAP (HON) were referenced directly by these polymers and resins regulations due to similarities in processes, emission characteristics, and control technologies. On January 17, 1997, the EPA promulgated changes to the HON to remove ambiguity, to clearly convey EPA intent, and to make the rule easier to understand and implement in response to industry petitions. It is necessary to make parallel changes to the polymers and resins NESHAP; otherwise inconsistencies will exist for NESHAPs regulating similar source categories. An ANPRM was published in the Federal Register on 11/25/96 (61 FR 59849), to explain the nature of changes planned. Subsequently, six litigants have petitioned for review of the elastomers and thermoplastics regulations. Four companies have petitioned EPA to reconsider specific provisions in the thermoplastics regulation. Revisions will be proposed to parallel HON changes and to resolve petitioners' issues. There are no impacts anticipated for small businesses or State/local/tribal governments.

**Timetable:**

Action	Date	FR Cite
ANPRM Petitions for Jud. Review-Dow,UCC,Exxon)	11/25/96	61 FR 59849
NPRM Petitions for Judicial Review-Prop. Amend.	03/09/99	64 FR 11559
NPRM Petition for Recons. - Equip. Leaks	06/08/99	64 FR 30453
NPRM Petition for Recons. - Equip. Leaks	06/08/99	64 FR 60456

Action	Date	FR Cite
Direct Final Action Petition for Reconsid.-Equip Leaks	06/08/99	64 FR 30406
Final Action Petitions for Judicial Review-Amendments	06/19/00	65 FR 38030
Direct Final Rule Stay	08/29/00	65 FR 52319
Direct Final Rule Withdrawal - Polymers and Resins	10/26/00	65 FR 64161
Final Rule Amend. Petition for Recons.-Cooling Towers	02/23/01	66 FR 11233
Final Rule Amend. Petition for Jud. Review-Tech. Corr.	07/16/01	66 FR 36924
Final-Amend. & Denial Petition for Reconsideration-Equip. Leaks	08/06/01	66 FR 40903
NPRM Petition for Reconsideration-Cooling Towers	09/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3939

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

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**RIN:** 2060–AH47

**3162. NESHAP: OIL AND NATURAL GAS PRODUCTION**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** On February 2, 1998, we proposed NESHAP for oil and gas production (major sources), oil and gas

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production (area sources), and natural gas transmission and storage in one package. On June 17, 1999, we promulgated NESHAP for oil and gas production (major sources) and natural gas transmission and storage. In this action, we will publish a supplemental proposal for the oil and gas production glycol dehydrators (area sources) and subsequently promulgate the proposal.

**Timetable:**

Action	Date	FR Cite
Supplemental NPRM	06/00/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4162

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**RIN:** 2060-AI13

### 3163. ELECTRIC UTILITY STEAM GENERATING UNIT MACT REGULATION

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

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

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Judicial, December 15, 2003.  
Final, Judicial, December 15, 2004.

**Abstract:** In December 2000, the EPA determined that regulation of hazardous air pollutant emissions (HAP) from oil- and coal-fired electric utility steam generating units was necessary and appropriate. This finding was based on the results of the study mandated by section 112(n)(1)(A) of the Clean Air

Act, as amended. The regulation(s) will be developed under section 112 and will result in standards based on the use of maximum achievable control technology (MACT). The primary benefit will be the reduction of mercury emissions to the atmosphere from coal-fired units but other HAP will also be reduced. Small businesses and State/local/tribal governments could be impacted (particularly those governments owning or operating oil- or coal-fired electric generation facilities).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
Final Rule	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**Additional Information:** SAN No. 4571

**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation

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**RIN:** 2060-AJ65

### 3164. PROTECTION OF STRATOSPHERIC OZONE: RECONSIDERATION OF SECTION 608 SALES RESTRICTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7671(g) CAA sec 608

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

**Legal Deadline:** None

**Abstract:** The rule will include the reconsideration of the sales restriction as it relates to split systems. The Agency was petitioned to reconsider the part of the sales restriction that

included the sale of pre-charged split systems. It restricted such sales to certified technicians. Since then, EPA stayed that portion of the sales restriction in response to the petition. This rule will include the determination of the Agency related to the reconsideration. It addresses environmental problems of ozone depletion resulting from emissions of chlorofluorocarbons, hydrochlorofluorocarbons, and other ozone-depleting substances. Through restricting sales of certain pre-charged items to persons certified as technicians, emissions to the atmosphere are decreased. The impact on small businesses and governments would be negligible, since persons can become certified if the EPA determination is a full restriction. Most businesses and governments will have at least one certified technician on board. This action has no impact on small business and State, local, and tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3673

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**RIN:** 2060-AG20

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3165. RULEMAKING TO MODIFY THE LIST OF SOURCE CATEGORIES FROM WHICH FUGITIVE EMISSIONS ARE CONSIDERED IN MAJOR SOURCE DETERMINATIONS**

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

**Legal Authority:** 42 USC 7602 CAA sec 302(j)

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

**Legal Deadline:** None

**Abstract:** This rulemaking will modify the list of source categories from which fugitive emissions are to be considered in major source determinations under the New Source Review (Prevention of Significant Deterioration and Nonattainment New Source Review) and title V programs. As provided by section 302(j) of the Act, EPA adopted rules on August 7, 1980 that require, for specific source categories, the inclusion of fugitive emissions when determining if a stationary source is a major source. In its 1980 rulemaking, EPA identified one such specific source category as those stationary source categories being regulated, as of August 7, 1980, under section 111 or 112 of the Clean Air Act. Moreover, EPA indicated that at the time of any future rulemaking proposing to regulate additional categories of sources under section 111 or 112, the EPA would conduct a parallel rulemaking under section 302(j) to determine whether fugitive emissions from sources within these source categories needed to be considered in determining whether the sources were major stationary sources. EPA did not conduct these parallel rulemakings as intended and is now conducting a rulemaking pursuant to section 302(j) to address the source categories which became subject to section 111 and 112 standards after August 7, 1980.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4045

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**RIN:** 2060-AH58

**3166. NESHAP: PLYWOOD AND COMPOSITE WOOD PRODUCTS**

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

**RIN:** 2060-AG52

**3167. NATIONAL VOC EMISSION STANDARDS FOR CONSUMER PRODUCTS; PROPOSED AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 59

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	10/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4309

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

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**RIN:** 2060-AI62

**3168. NESHAP: TACONITE IRON ORE PROCESSING INDUSTRY**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, May 1, 2001.

**Abstract:** The taconite iron ore processing source category is comprised of eight facilities operating in the United States. Six facilities are located in Minnesota and two are located in Michigan. The expected sources of HAP emissions for this source category include: fossil fuel combustion sources, and possibly the handling and transfer of mined ore containing naturally occurring inorganic compounds. Anticipated HAP emissions released from these sources primarily include: formaldehyde, manganese, nickel, arsenic, and chromium. The quantities of HAP released are expected to exceed major source levels.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4380

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**RIN:** 2060-AJ02

**3169. ELECTRIC ARC FURNACE NSPS AMENDMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7411

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

**Legal Deadline:** None

**Abstract:** Sources affected by the NSPS for electric arc furnaces (Subparts AA,

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	08/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4555

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RIN: 2060-AJ68

### 3170. • NESHAP: REVISION OF AREA SOURCE CATEGORY LIST UNDER SECTION 112(C)(3) AND 112(K)(3)(B)(II)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63

Legal Deadline: None

**Abstract:** This is a notice, not a rule; it will be signed by the AA/OAR, not the Administrator. This action is required under the Clean Air Act section 112(c)(3) and 112(k)(3)(B)(ii), which both require EPA to develop a list of urban area source categories for regulation under section 112(d). Under these CAA provisions, EPA is to list enough urban area source categories to address 90 percent of the emissions of each of the 30 hazardous air pollutants (HAP) identified as posing the greatest risk in urban areas. Under a consent decree with the Sierra Club, EPA was

to have completed this list in July 1999. In July 1999, EPA did publish a list of categories as part of its Urban Air Toxics Strategy document, which was developed by an Agency workgroup made up of the individuals listed on this form in the Workgroup section (Item 32). However, the list in the Strategy document was not inclusive enough to meet the requirements of either the consent decree or the CAA 90 percent requirement. As part of an ongoing litigation action with Earth Justice (representing the Sierra Club and others), EPA has agreed to listing additional source categories to satisfy the 90 percent requirement. EPA agreed to do this in two groups. The first group which included 18 area source categories appeared in the FR on June 24, 2002. This final listing (to be completed by the end of December 2002) will add enough additional source categories to satisfy the 90 percent requirement. Both of these listings are based on the same data that was used to develop the list of categories published in the aforementioned Strategy. Listing a source category makes a category eligible for regulation, but does not itself levy any requirements on any sources. Any regulations would be developed in other, future actions.

**Timetable:**

Action	Date	FR Cite
Notice - First Group	11/00/02	
Notice - Second Group	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: SAN No. 4687

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RIN: 2060-AK40

### 3171. • NESHAP: HAZARDOUS ORGANIC AMENDMENTS (HON)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412 CAA 112

CFR Citation: 40 CFR 63

Legal Deadline: None

**Abstract:** This action proposes to amend the Hazardous Organic NESHAP to allow vapor balancing as a control option for storage vessels. There are no environmental, cost, or economic impacts associated with this action.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 4712

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RIN: 2060-AK49

### 3172. • NESHAP FOR PETROLEUM REFINERIES: CATALYTIC CRACKING UNITS, CATALYTIC REFORMING UNITS, AND SULFUR RECOVERY UNITS; AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7412

CFR Citation: 40 CFR 63 (Revision)

Legal Deadline: None

**Abstract:** The NESHAP for Petroleum Refineries is an existing rulemaking (40 CFR part 63, subpart CC) to control hazardous air pollutant emissions from equipment in the petroleum refining industry. This rulemaking will amend the Petroleum Refinery NESHAP to incorporate an additional compliance option for catalytic reforming units at refineries. Clarifying language and missing tables will also be added. This

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action will not increase costs or change the emission reductions expected for this rule.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4714

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**RIN:** 2060-AK51

**3173. • NESHAP: SOURCES CATEGORIES: GENERAL PROVISIONS; AND REQUIREMENTS FOR CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SEC.112(G) & 112(J); PROPOSED AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** These amendments implement a settlement agreement reached with EarthJustice. The amendments would reduce the time required to submit certain applications, and would revise certain aspects of the startup, shutdown, and malfunction plan.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 4715

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**RIN:** 2060-AK52

**3174. TRANSPORTATION CONFORMITY AMENDMENTS: RESPONSE TO MARCH 2, 1999, COURT DECISION**

**Regulatory Plan:** This entry is Seq. No. 123 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AI56

**3175. CONTROL OF EMISSIONS FROM SPARK IGNITION MARINE VESSELS AND HIGHWAY MOTORCYCLES**

**Regulatory Plan:** This entry is Seq. No. 124 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AJ90

**3176. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NONROAD DIESEL ENGINES AND FUEL**

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

**RIN:** 2060-AK27

**3177. CONTROL OF METHYL TERTIARY BUTYL ETHER (MTBE)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** EPA is considering taking action to control the use of Methyl Tertiary Butyl Ether (MTBE), which is an organic compound that is primarily used as a fuel additive in gasoline. MTBE has been used to meet the oxygen requirement established by the Federal Reformulated Gasoline Program (RFG) established by the 1990 amendments to the Clean Air Act (CAA). Over 85 percent of reformulated

gasoline contains MTBE. EPA is concerned that the widespread use of MTBE may have resulted in the contamination of groundwater and drinking water supplies, threatening their future use. While current detections levels are generally believed to be below levels that may cause public health concerns, low level MTBE contamination may render water unpotable due to offensive taste and odor. In November of 1998, EPA established a Blue Ribbon Panel to investigate air quality benefits and water quality concerns associated with oxygenates, including MTBE, in gasoline, and to provide independent advice and recommendations on ways to maintain air quality while protecting water quality. In September, 1999, the panel recommended that the use of MTBE be substantially reduced. EPA is now evaluating the Blue Ribbon Panel's recommendations, and has conducted a preliminary review of authorities available to address risks associated with MTBE. EPA intends to issue an Advance Notice of Proposed Rulemaking to inform the public of this preliminary inquiry, and to solicit public comment on possible regulatory action.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/24/00	65 FR 16094
NPRM	12/00/02	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** State

**Additional Information:** SAN No. 4393

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**RIN:** 2060-AJ00

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3178. FEDERAL IMPLEMENTATION PLAN (FIP) FOR THE BILLINGS/LAUREL, MONTANA SULFUR DIOXIDE (SO<sub>2</sub>) AREA****Priority:** Other Significant**Legal Authority:** 12 USC 1701 et seq**CFR Citation:** 40 CFR 52**Legal Deadline:** None

**Abstract:** The State of Montana submitted a sulfur dioxide (SO<sub>2</sub>) State Implementation Plan (SIP) for the Billings/Laurel, Montana area. On 7/28/99 we proposed to partially approve, conditionally approve and partially disapprove 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 disapprove. 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	06/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 4542**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2008-AA00**3179. NESHAP: PRINTING AND PUBLISHING INDUSTRY; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412 CAAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 1994.

**Abstract:** The amendments will clarify the rule and ensure it reflects the EPA's intent. The clarifications respond to industry comments asking for clarification on a number of technical points.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
Final Action	06/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 4310

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**RIN:** 2060-AI66**3180. PETITIONS TO DELIST HAZARDOUS AIR POLLUTANTS: METHYL ETHYL KETONE****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112(b)(3)**CFR Citation:** Not Yet Determined**Legal Deadline:** NPRM, Statutory, February 28, 2000.

**Abstract:** The Agency has received 4 petitions to remove certain pollutants (i.e., methanol, methyl ethyl ketone, ethylene glycol butyl ether, and methyl isobutyl ketone) from the list of hazardous air pollutants (HAPs) under Section 112(b) of the Clean Air Act. The Agency must review the petitions and either grant or deny the petition within 18 months of the date the complete petition was received. If the Agency grants a petition, a notice of proposed rulemaking will be published in the Federal Register, allowing the

opportunity for public comment. If the Agency denies a petition, a notice of denial will be published in the Federal Register providing an explanation for such denial. If the Agency grants a petition and ultimately removes the pollutant from the HAP list then sources emitting such pollutants would not be required to meet MACT emissions standards for the pollutant. If on the other hand, the Agency denies the petition, then MACT standards would be issued as currently planned under Section 112(c) and 112(d) of the Clean Air Act for sources emitting such pollutants. Depending on the 4 individual determinations, the Agency will issue separate notices for each.

**Timetable:**

Action	Date	FR Cite
Denial Notice: Methanol petition -- final action	05/02/01	66 FR 21929

Action: MEK Prop. rule to delist/denial notice-3 petitions by 06/2002

Action: EGBE Prop. rule to delist or denial notice 12/00/02

Action: MIBK Prop. rule to delist or denial notice 08/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4313

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**RIN:** 2060-AI72**3181. 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



## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**CFR Citation:** 40 CFR 51 (Revision); 40 CFR 93 (New)

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**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

### 3182. UTILITY SECTOR NEW SOURCE REVIEW (NSR) ALTERNATIVE COMPLIANCE PROGRAM

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51; 40 CFR 52.21

**Legal Deadline:** None

**Abstract:** The New Source Review (NSR) Program is the principal means by which EPA assures that new pollution sources install reasonably effective air pollution controls before they are allowed to begin operation. EPA is currently involved in a comprehensive rulemaking (NSR Improvement, SAN 3259), intended to streamline the NSR program and reduce its administrative burden. The Utility Sector NSR Alternative Compliance Program is a proposed rulemaking that is an outgrowth of the aforementioned comprehensive reform effort and will provide industries with the flexibility to focus more on existing pollution sources, with the goal of achieving as good or better environmental results than could be achieved focusing strictly on new sources.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/03	
Final Action	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4390

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**RIN:** 2060-AJ14

### 3183. PETITIONS TO DELIST SOURCE CATEGORIES FROM THE SOURCE CATEGORY LIST, DEVELOPED PURSUANT TO SECTION 112(C) OF THE CLEAN AIR ACT

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** NPRM, Statutory, April 21, 2000.

**Abstract:** The EPA has received 1 petition to remove a SC (2-Piece Can Manufacturing) from the SC List developed pursuant to Section 112(c) of the Clean Air Act (CAA). The most current SC List was published on February 12, 2002 (67 FR 6521). Section 112(c)(9), which provides the legislative authority and guidelines for such actions, states that the Administrator may delete a SC from the list under Section 112(c), on petition of any person or on the Administrator's own motion, whenever the Administrator determines that no source in the category emits hazardous air pollutants (HAPs) in quantities which may cause a lifetime risk of cancer greater than 1 in one million to the individual in the population who is most exposed and that emissions from no source in the category exceed a level which is adequate to protect public health with an ample margin of safety and that no adverse environmental effect will result. As of August 14, 2002, 1 petition to delist a SC has been received. It contains information on HAP emissions, exposures, health effects, human risks, and potential ecological concerns as well as the petitioner's explanation why the 2-Piece Can Manufacturing should be removed from the SC List. The EPA is reviewing the petition. Once the review is completed, the EPA will decide whether to grant or deny the petition. Section 112(c)(9) requires that within 12 months of receipt of a petition, the Administrator shall either grant or deny the petition by publishing a written explanation of the reasons for the Administrator's decision. We believe that petitions to delist source categories are non-significant actions

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

because they do not meet any of the principles outlined in Section A above.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4415

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**RIN:** 2060-AJ23

**3184. REVISING REGULATIONS ON AMBIENT AIR QUALITY MONITORING**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** Air pollution control authorities use air quality data to determine compliance with the National Ambient Air Quality Standards and in subsequent work to develop air pollution mitigation strategies. The data come primarily from ambient air monitoring stations run by state and local agencies, although federal, tribal, and industrial organizations also run stations. The design of the monitoring networks is regulated under 40 CFR 58. This rule was originally written in 1979 and several revisions have been made in the intervening years. Air pollution control authorities have improved their parts of the network in response to changes in air quality, advances in the understanding of the movements and health effects of air pollutants, and developments in air pollution measurement technology. EPA has also cooperated with air pollution control authorities to improve the networks,

but we have not revised the applicable regulations comprehensively. The proposed revisions would remove real or perceived constraints on redeploying air monitoring stations; more accurately reflect the roles of EPA and other control authorities in designing, reviewing, and modifying networks; bring provisions related to quality assurance up to date; and recognize technological changes. The current regulations require states to develop plans to deploy air monitoring networks, but they do not emphasize administering the networks. States generally develop new plans only when new monitoring is needed, such as for a new NAAQS. The regulations need to be revised to reflect the roles of EPA and the state and local agencies.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

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

**Additional Information:** SAN No. 4421

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

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**RIN:** 2060-AJ25

**3185. PROTECTION OF STRATOSPHERIC OZONE: PHASEOUT OF CHLOROBROMOMETHANE (HALON 1011) PRODUCTION AND CONSUMPTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** EPA is proposing to add chlorobromomethane (CBM) to the list of controlled substances subject to production and consumption controls in accordance with both the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) and EPA's regulations under the Clean Air Act Amendments of 1990. Today's action proposes to create a new group (Group VIII) of class I substances for CBM, and to designate the value of CBM's "ozone depleting potential" as 0.12. In accordance with the Protocol, today's action proposes phasing out CBM production and consumption upon publication of the final rule with permitted exemptions. Today's action also proposes to restrict trade in CBM with countries who are not parties to the Beijing Amendments to the Protocol.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4428

**Sectors Affected:** 325199 All Other Basic Organic Chemical Manufacturing; 325412 Pharmaceutical Preparation Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 42269 Other Chemical and Allied Products Wholesalers; 54138 Testing Laboratories; 6215 Medical and Diagnostic Laboratories; 54171 Research and Development in the Physical Sciences and Engineering Sciences

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**RIN:** 2060-AJ27

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**3186. FEDERAL PLAN REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE NOVEMBER 30, 1999****Priority:** Substantive, Nonsignificant**Legal Authority:** 1990 Amendments to the Clean Air Act sections 111; 1990 Amendments to the Clean Air Act sections 129; 1990 Amendments to the Clean Air Act sections 301(a)(d)**CFR Citation:** 40 CFR 62**Legal Deadline:** None

**Abstract:** The Clean Air Act Amendments of 1990 directed the Environmental Protection Agency (EPA) to set emission guidelines for existing incinerators combusting commercial or industrial waste under sections 111 and 129. Final emission guidelines for Commercial and Industrial Solid Waste Incineration (CISWI) were published on December 1, 2000 (see 65 FR 75338). In accordance with section 129, any State with affected sources must submit a State plan by December 1, 2001 describing how the State will implement the emission guidelines for existing CISWI. Section 129 requires the Administrator to develop and implement a Federal plan for existing CISWI units located in any State which has not submitted an approvable plan within 2 years of promulgation of the emissions guidelines. In this CISWI Federal plan rulemaking, EPA becomes the implementing authority in those instances where the State has failed to submit a plan or a plan has not yet been approved. Therefore, consistent with section 129(b)(3) of the Act, EPA is proposing a plan that applies to CISWI in any State that has not submitted an approvable plan within the time allotted. This action makes no changes to the requirements in the rule, and is intended to fulfill EPA's duty under section 129(b)(3) to promulgate a Federal plan as a gap-filling measure until the State fulfills its statutory obligations. When the State submits an approvable State Plan, the Federal plan will no longer apply to units in that State.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	10/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4441**Sectors Affected:** 321 Wood Product Manufacturing; 325 Chemical Manufacturing**Agency Contact:** David F. Painter, Environmental Protection Agency, Air and Radiation, E143-02, Research Triangle Park, NC 27711  
Phone: 919 541-5515  
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**Abstract:** To meet the Clean Air Act's requirements, EPA published the regional haze rule on July 1, 1999 (64 FR 35714). On May 24, 2002, the DC Circuit vacated certain provisions of the regional haze rule related to best available retrofit technology (BART). Because of this court decision, we will need to re-propose and publish revised BART provisions in the regional haze rule. On July 20, 2001, we proposed guidelines intended to add further clarifications to the BART requirements in the regional haze rule. These proposed BART guidelines also will require a re-proposal. The purpose of this rulemaking is to provide the appropriate changes to the BART requirements and guidelines, and to address additional issues related to reasonable progress goals for the visibility program.

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/01	66 FR 38108
NPRM	06/00/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4450**Agency Contact:** Timothy Smith, Environmental Protection Agency, Air and Radiation, C504-02, Research Triangle Park, NC 27711  
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**Abstract:** This action will amend the existing regulation entitled Standards of Performance for New Stationary Sources: Municipal Solid Waste Landfills, subpart WWW of 40 CFR Part 60, promulgated on March 12, 1996. The amendment is being undertaken in response to requests to clarify our intent regarding what constitutes an adequate landfill gas treatment system. This action also clarifies our intent to exempt from control landfill gas that is treated/upgraded. Furthermore, it clarifies who is responsible for control of untreated landfill gas that is sold. This action is necessary to clarify our intent regarding the issues discussed above. It will improve implementation and compliance with this regulation.

**Timetable:**

Action	Date	FR Cite
NPRM NSPS: Municipal Solid Waste Landfills	04/00/03	

**Regulatory Flexibility Analysis Required:** No

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4478

**Sectors Affected:** 562212 Solid Waste Landfill

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**RIN:** 2060-AJ41

**3189. NESHAP: GASOLINE DISTRIBUTION FACILITIES — AMENDMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401

**CFR Citation:** 40 CFR 63.425(e)

**Legal Deadline:** None

**Abstract:** This action will add a DOT test method as an alternative for measuring emissions from railcars. This method came to our attention subsequent to promulgation of the original rule.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4479

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**RIN:** 2060-AJ42

**3190. MODIFICATION OF FEDERAL ON-BOARD DIAGNOSTIC REGULATIONS FOR 2004 MODEL YEAR VEHICLES BELOW 14,000 LBS.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1701q

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rule proposes revisions to the existing Light-Duty On-Board Diagnostic Requirements, including revisions that will: (1) require vehicle manufacturers to monitor the catalyst for NOx emission performance in addition to existing requirements to monitor NMHC performance, whichever is more stringent; (2) require monitoring of the evaporative emissions systems for the presence of 0.020" leaks or greater and allow for non-intrusive, engine-off methods to perform monitoring instead of the current requirements to monitor for the presence of a 0.040" leak or greater during vehicle operation; (3) allow the use of the Control Area Network (CAN) Protocol (SAE 15765-4) for OBD communications in addition to the other allowable SAE (J1850, J1939) and ISO (9141, 14230-4); (4) new software and hardware changes to aid in OBD-I/M program implementation including adding vehicle identification number (VIN) to the generic datastream, confining the physical location of the data link connector, and allowing the use of the malfunction indicator lamp (MIL) and a special key sequence to indicate readiness; (5) add new generic data stream parameters to aid in the repair and diagnosis of vehicle malfunctions; (6) require manufacturers to record critical pieces of OBD information under the CAP 2000 In-Use Verification Program (IUVP); and (7) establish new OBD in-use performance demonstration standards used to determine appropriate frequency of monitoring in the real world; such in-use performance standards do not currently exist which places a greater burden on our in use program.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4583

**Sectors Affected:** 33611 Automobile and Light Duty Motor Vehicle Manufacturing

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**RIN:** 2060-AJ77

**3191. PORTLAND CEMENT MANUFACTURING INDUSTRY NESHAP: AMENDMENT TO IMPLEMENT COURT REMAND**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 63.1340 to 63.1359 (Revision)

**Legal Deadline:** None

**Abstract:** The Portland Cement Manufacturing Industry NESHAP was promulgated June 14, 1999, and has been codified in 40 Code of Federal Regulations 63, Subpart LLL. The Sierra Club and the National Lime Association petitioned the court to review Subpart LLL, while the American Portland Cement Alliance (APCA) opted to negotiate a settlement agreement. (Note that there is currently a separate rule under development to amend Subpart LLL to implement the settlement agreement with the APCA — SAN 4524, RIN 2060-AJ57) On December 15, 2000, a panel of the D.C. Circuit issued its opinion in National Lime Ass'n v. EPA. The Court remanded the three standards for which we established floors of no control (hydrogen chloride [HCl], total hydrocarbon [THC], and mercury [Hg]). The Court found that we committed error in not considering other means of control, in particular, control of HAPs in raw materials and in fossil fuels. The Court also remanded that we consider setting beyond-the-

## EPA—Clean Air Act (CAA)

## Proposed Rule Stage

floor standards for HAP metals, for which particulate matter (PM) is a surrogate. This action will consist of amendments to respond to the court remand.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4585

**Sectors Affected:** 32731 Cement Manufacturing

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**RIN:** 2060-AJ78

**3192. MODIFICATION OF AUTHORITY TO GRANT ALTERNATIVE METHOD APPROVALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4547

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**RIN:** 2060-AJ83

**3193. PERFORMANCE SPECIFICATIONS FOR CONTINUOUS PARAMETER MONITORING SYSTEMS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 60 app B (New); 40 CFR 60 app F (Revision)

**Legal Deadline:** None

**Abstract:** This action proposes Performance Specification 17 (PS-17), Quality Assurance (QA) Procedure 4, and amendments to Appendix F, QA Procedure 1. Performance Specification 17 and QA Procedure 4 apply to continuous parameter monitoring systems (CPMS). Many of the rules promulgated under 40 CFR part 63 require owners and operators of affected emission units to install and operate CPMS to monitor various parameters, such as temperature, pressure, flow rate, and pH, associated with the operation and performance of emission control devices. However, few, if any, of those rules specify complete procedures for ensuring the quality of the data measured by CPMS.

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4584

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

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**RIN:** 2060-AJ86

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**3194. NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, May 1, 2001.

**Abstract:** The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The manufacture of brick and structural clay products involves mining, raw material processing (crushing, grinding, and screening), mixing, forming, cutting or shaping, drying, and firing.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	11/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4325**Sectors Affected:** 327121 Brick and Structural Clay Tile Manufacturing; 327123 Other Structural Clay Product Manufacturing**Agency Contact:** Mary K. Johnson, Environmental Protection Agency, Air and Radiation, C504-05, Research Triangle Park, NC 27711

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**RIN:** 2060-AJ91**3195. MODIFICATION OF ANTI-DUMPING BASELINES FOR GASOLINE PRODUCED OR IMPORTED FOR USE IN HAWAII, ALASKA AND THE U.S. TERRITORIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7545; 42 USC 7601(a)**CFR Citation:** 40 CFR 80 (Revision)**Legal Deadline:** None

**Abstract:** “Dumping” refers to the practice whereby refiners making clean fuels for certain markets (such as reformulated gasoline for clean-air purposes) take the pollutants removed from the clean fuels and “dump” them into other fuels they are producing for other markets. This, if allowed, would make those other fuels even dirtier than before, and so the Clean Air Act prohibits this practice. EPA has existing “anti-dumping” rules on the books that codify this Clean Air Act prohibition. This action proposes to allow refiners and importers of conventional gasoline produced or imported for use in Hawaii, Alaska, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands to petition EPA to modify their baselines to use the most appropriate seasonal baseline and Complex Model for purposes of compliance with the RFG program’s anti-dumping requirements. Specifically, this action would allow refiners and importers to petition EPA to use the summer Complex Model for all anti-dumping baseline and compliance determinations for conventional gasoline produced or imported for use in Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the Commonwealth of the Northern Mariana Islands. This action would allow refiners and importers to petition EPA to use the winter Complex Model for all anti-dumping baseline and compliance purposes in Alaska. We are proposing this action to address certain inconsistencies in the RFG program’s anti-dumping provisions which may have significant unintended negative impacts on refiners and importers. In addition, this action proposes to modify the anti-dumping provisions to address compliance in certain situations where a refinery becomes non-operational during the annual averaging period. This action is intended to address compliance issues where a refinery does not produce sufficient “summer” gasoline to offset the higher emissions of “winter gasoline due to the refinery becoming non-operational during the annual averaging period. 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	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4632**Agency Contact:** Marilyn Bennett, Environmental Protection Agency, Air and Radiation, 6406J, Washington, DC 20460

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**RIN:** 2060-AK02**3196. PERFORMANCE-BASED MEASUREMENT SYSTEM FOR FUELS: CRITERIA FOR SELF-QUALIFYING ALTERNATIVE TEST METHODS; DESCRIPTION OF OPTIONAL STATISTICAL QUALITY CONTROL MEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7545**CFR Citation:** 40 CFR 80**Legal Deadline:** None

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

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designated methods and can be made to accurately predict designated method measurements. Introduction of statistical quality control for all methods should improve measurement precision and accuracy in actual practice across all methods.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**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; 42271 Petroleum Bulk Stations and Terminals; 48691 Pipeline Transportation of Refined; 334516 Analytical Laboratory Instrument Manufacturing

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**RIN:** 2060-AK03

### 3197. REGULATION OF FUEL AND FUEL ADDITIVES: EXTENSION OF CALIFORNIA ENFORCEMENT EXEMPTIONS FOR REFORMULATED GASOLINE TO CALIFORNIA PHASE 3 GASOLINE

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

**Abstract:** EPA is proposing to exempt refiners, importers, and blenders of gasoline subject to the State of California's reformulated gasoline regulations from certain enforcement provisions in the federal reformulated (RFG) regulations. Certain exemptions

under the Federal RFG program already apply to California Phase 2 gasoline, but additional exemptions are necessary to cover Phase 3 gasoline.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	05/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4634

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

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**RIN:** 2060-AK04

### 3198. PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES—N-PROPYLBROMIDE

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** 40 CFR 82 (Revision)**Legal Deadline:** None

**Abstract:** This rule proposes to add n-propylbromide (nPB) to the list of acceptable substitutes for class I and class II ozone depleting substances used as solvents for general metals, precision, and electronics cleaning, as well as in aerosol solvent applications. This would provide another alternative to solvents with higher ozone depletion potential that industry is interested in using. The rule would propose finding nPB not acceptable as a substitute for use in adhesives due to its toxicity and the greater emissions from that application. The rule also would propose specific conditions on the use

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
Final Action	09/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4599

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

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**RIN:** 2060-AK26

### 3199. • AIR QUALITY: REVISION TO DEFINITION OF VOLATILE ORGANIC COMPOUNDS — EXCLUSION OF 4 COMPOUNDS

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7407(d)**CFR Citation:** 40 CFR 51**Legal Deadline:** None

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**Abstract:** This is a deregulatory action to exclude four compounds from the list of volatile organic compounds (VOCs) on the basis that these compounds make a negligible contribution to tropospheric ozone formation. These four compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>; 3-ethoxy-, 1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (known as HFE-7500, HFE-s702, T-7145, and L-15381); 1,1,1,2,3,3,3-heptafluoropropane (known as HFC 227ea); and methyl formate (HCOOCH<sub>3</sub>). These compounds have potential for use as refrigerants, fire suppressants, aerosol propellants, sterilants, blowing agents (used in the manufacture of foamed plastic), and solvents. This action will remove the necessity to control these four compounds as VOCs in State Implementation Plans for attaining the ozone standard.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4683**Sectors Affected:** 325 Chemical Manufacturing**Agency Contact:** David Sanders, Environmental Protection Agency, Air and Radiation, C539-02, Research Triangle Park, NC 27711

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**RIN:** 2060-AK37**3200. • SECTION 126 RULE WITHDRAWAL PROVISION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7426**CFR Citation:** 40 CFR 52**Legal Deadline:** None

**Abstract:** EPA is proposing to revise one narrow aspect of the Section 126 Rule, which was promulgated January 18, 2000. The rule requires certain sources located in the eastern United States to reduce their NO<sub>x</sub> emissions for purposes of reducing ozone transport. EPA coordinated the Section 126 Rule with a related ozone transport rule, known as the NO<sub>x</sub> State implementation plan call (NO<sub>x</sub> 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 NO<sub>x</sub> 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 NO<sub>x</sub> transport control requirements. As the result of court actions, the compliance dates for the Section 126 Rule and the NO<sub>x</sub> SIP Call have both been delayed until May 31, 2004. In addition, the NO<sub>x</sub> 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 proposal would not create any new requirements and there are no associated costs.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4689**Agency Contact:** Carla Oldham, Environmental Protection Agency, Air and Radiation, C539-02, RTP, NC 27711

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**RIN:** 2060-AK41**3201. • PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): CLEAN UNITS****Priority:** Other Significant**Legal Authority:** Clean Air Act Title I**CFR Citation:** 40 CFR 51**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	10/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4691**Agency Contact:** Juan Santiago, Environmental Protection Agency, Air and Radiation, C33903, Research Triangle Park, NC 27711

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## Proposed Rule Stage

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RIN: 2060-AK42

**3202. • EXTENSION OF ALTERNATIVE COMPLIANCE PERIODS UNDER THE ANTI-DUMPING PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA sec 114; CAA sec 211; CAA sec 301(a)**CFR Citation:** Not Yet Determined**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 direct final rule will amend the existing anti-dumping regulations by setting forth procedures for allowing an alternative compliance period of not more than seven years for a small, start up refiner.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4694

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RIN: 2060-AK43

**3203. • 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 7671-7671q**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This action reinforces the economic incentives related to the transition of Article 5 countries to ozone-depleting substance alternatives. Currently, Article 5 allowances are determined as a percentage of total production allowances assigned to US companies for Class I ozone-depleting substances. In accordance with the Beijing Amendments of the Montreal Protocol, this action establishes Article 5 allowances independently of total production allowances.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4697

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RIN: 2060-AK45

**3204. • SELECTION OF THE ORDER OF SANCTIONS FOR TITLE V OPERATING PERMITS PROGRAMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7661a(d); 42 USC 7661a(g); 42 USC 7661a(i)**CFR Citation:** 40 CFR 70**Legal Deadline:** None

**Abstract:** This rule would establish the order of sanctions for operating permits

program deficiencies under the mandatory sanctions provisions of title V of the Clean Air Act. This rule would stipulate that an emission offset sanction applies first and a highway funding sanction six months later. Sanction application under section 502 of the Clean Air Act is automatic under the timeframes prescribed once EPA selects the sanction order; EPA's only discretion concerns the ordering of sanctions as discussed above. Thus, the only relevant potential impact is the effect of applying, as a general matter, the emission offset sanction six months before the highway sanction. The EPA does not believe this will have a significant impact given the short period of time the offset sanction will apply before the highway sanction would apply when States fail to correct title V deficiencies. Moreover, EPA also believes that, in the event applying the highway sanction is not necessary six months following the offset sanction, because the State has corrected the deficiency prompting the finding, applying the offset sanction first eliminates the need for EPA and other agencies to bear the greater administrative and implementation burden of having to effectuate the highway sanction.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	01/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4700

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RIN: 2060-AK46

## EPA—Clean Air Act (CAA)

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**3205. • PROTECTION OF STRATOSPHERIC OZONE: ALLOCATION OF ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2003****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671; 42 USC 7671q**CFR Citation:** 40 CFR 82.4**Legal Deadline:** None

**Abstract:** With this action, EPA will be allocating essential-use allowances for import and production of class I stratospheric ozone depleting substances (ODSs) for calendar year 2003. Essential-use allowances permit a person to obtain controlled class I ODSs as an exemption to the January 1, 1996 regulatory phase-out of class I ODS solely for the designated essential purpose. This regulation will allocate essential use allowances for CFCs for use in metered dose inhalers for the treatment of asthma and chronic obstructive lung disease, and methyl chloroform for use in the space shuttle and titan rockets.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4710

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**RIN:** 2060-AK48**3206. • NESHAP FOR SOURCE CATEGORIES: GENERAL PROVISIONS; AMENDMENTS FOR POLLUTION PREVENTION ALTERNATIVE COMPLIANCE REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq.**CFR Citation:** 40 CFR 63.2 (Amended); 40 CFR 63.17**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4719

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**RIN:** 2060-AK54**3207. • CALIFORNIA GASOLINE TECHNICAL CORRECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7521(1); 42 USC 7545; 42 USC 7601(a)**CFR Citation:** 40 CFR 80.81(a)**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Direct Final Rule	11/00/02	

**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

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

Final Rule Stage

**3208. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; NAVAJO NATION**
**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 49 CFR 123**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48725
Notice	01/26/00	65 FR 4244
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4315

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**RIN:** 2009-AA00
**3209. SOURCE-SPECIFIC FEDERAL IMPLEMENTATION PLAN FOR NAVAJO GENERATING STATION; FOUR CORNERS POWER PLANT**
**Priority:** Other Significant**Legal Authority:** 42 USC 1740**CFR Citation:** 40 CFR 60**Legal Deadline:** None

**Abstract:** EPA proposes to federalize standards from the Arizona and New Mexico State Implementation Plans (SIPS) applicable to the Four Corners Plant, respectively. Where necessary, EPA's proposed emission standards

modify the standards extracted from the States' regulatory programs to ensure comprehensive emission control and Federal consistency.

**Timetable:**

Action	Date	FR Cite
NPRM	09/08/99	64 FR 48731
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** SAN No. 3569

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**RIN:** 2009-AA01
**3210. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63 (Revision)**Legal Deadline:** None

**Abstract:** This proposed amendment will also allow hard chromium electroplating facilities using fume suppressants for emission control to meet a surface tension limit similar to the requirements for decorative chromium electroplating and chromium anodizing facilities instead of the present requirement to meet an emission limit. Facilities choosing to use fume suppressants for emission control would be required to monitor the surface tension at the same frequency currently required for decorative chromium and chromium anodizing tanks and demonstrate compliance with the surface tension operating limit. Like decorative chromium electroplating and chromium anodizing facilities, hard chromium electroplating facilities would now be allowed to monitor surface tension to demonstrate compliance in lieu of performance testing.

**Timetable:**

Action	Date	FR Cite
NPRM	06/05/02	67 FR 38810
Final Action	02/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4115**Sectors Affected:** 332813

Electroplating, Plating, Polishing, Anodizing and Coloring

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**RIN:** 2060-AH69
**3211. REVIEW OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER**
**Priority:** Economically Significant.

Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 7408; 42 USC 7409**CFR Citation:** 40 CFR 50

**Legal Deadline:** Final, Statutory, July 1, 2002, Under the Clean Air Act - the next standards review is to be completed July 2002.

**Abstract:** On July 18, 1997, the EPA published a final rule revising the national ambient air quality standards (NAAQS) for particulate matter (PM) (62 FR 38652). While retaining the PM10 standard levels, new standards were added for fine particles (PM2.5) to provide increased protection against both health and environmental effects of PM. On the same day, a Presidential Memorandum (62 FR 38421, July 16, 1997) was published that, among other things, anticipated that EPA would complete the next review of the PM NAAQS by July 2002. The EPA's plans and schedule for the next periodic review of the PM NAAQS were published on October 23, 1997 (62 FR 55201). Due to the unprecedented volume of new research, the completion of the Criteria Document has been extended and as a result the overall schedule for the review of the

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	07/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4255

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**RIN:** 2060-AI44

**3212. OVERVIEW OF RULEMAKINGS FOR THE PURPOSE OF REDUCING INTERSTATE OZONE TRANSPORT**

**Regulatory Plan:** This entry is Seq. No. 139 in part II of this issue of the **Federal Register**.

**RIN:** 2060-AJ20

**3213. 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	11/00/02	

**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

**3214. EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES AND STANDARDS FOR RECREATIONAL SPARK-IGNITION ENGINES**

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

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

**CFR Citation:** 40 CFR 94

**Legal Deadline:** NPRM, Judicial, September 14, 2001.  
Final, Judicial, September 13, 2002.

**Abstract:** Emissions from large spark-ignition engines are currently unregulated. EPA and California Air Resources Board (CARB) are cooperating in an effort to set emission standards for these engines to substantially reduce their contribution to the emission inventory.

**Timetable:**

Action	Date	FR Cite
Proposed Finding	02/08/99	64 FR 6008
ANPRM Final Finding	12/07/00	65 FR 76790
NPRM	10/05/01	66 FR 51098
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4154

**Sectors Affected:** 333924 Industrial Truck, Tractor, Trailer and Stacker Machinery Manufacturing; 335312 Motor and Generator Manufacturing; 42183 Industrial Machinery and Equipment Wholesalers

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## Final Rule Stage

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**3215. MOTOR VEHICLE AND ENGINE COMPLIANCE PROGRAM FEES FOR: LIGHT-DUTY VEHICLES AND TRUCKS; HEAVY-DUTY VEHICLES AND ENGINES; NONROAD ENGINES; AND MOTORCYCLES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7552; 31 USC 9701; 42 USC 4370(c)

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

**Legal Deadline:** None

**Abstract:** Under the Motor Vehicle and Engine Compliance (MVECP) Fee Program user fees are collected for certification and compliance activities. Currently, user fees are required by manufacturers of light-duty vehicles, light-duty trucks, heavy-duty vehicles, heavy-duty engines and motorcycles. Through this Notice, EPA is finalizing the notice to update the current fee provisions for the existing industries and incorporate fees for nonroad manufacturers. In addition, the fee schedule will be updated to reflect costs in administering compliance activities for new regulations such as the Tier 2 automobile standards and nonroad engine standards.

**Timetable:**

Action	Date	FR Cite
NPRM	08/07/02	67 FR 51401
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4532

**Sectors Affected:** 333 Machinery Manufacturing; 3331 Agriculture, Construction, and Mining Machinery Manufacturing; 333111 Farm Machinery and Equipment Manufacturing; 333112 Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing; 33312 Construction Machinery Manufacturing; 333131 Mining Machinery and Equipment Manufacturing; 3336 Engine, Turbine, and Power Transmission Equipment Manufacturing; 33651 Railroad Rolling Stock Manufacturing; 3361 Motor

Vehicle Manufacturing; 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 336112 Light Truck and Utility Vehicle Manufacturing; 33612 Heavy Duty Truck Manufacturing; 336311 Carburetor, Piston, Piston Ring and Valve Manufacturing; 336412 Aircraft Engine and Engine Parts Manufacturing; 33661 Ship and Boat Building; 336991 Motorcycle, Bicycle and Parts Manufacturing; 333 Machinery Manufacturing; 33392 Material Handling Equipment Manufacturing; 333924 Industrial Truck, Tractor, Trailer and Stacker Machinery Manufacturing; 33399 All Other General Purpose Machinery Manufacturing; 333991 Power-Driven Hand Tool Manufacturing

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**RIN:** 2060-AJ62

**3216. NSPS: SOCMI — WASTEWATER, AND AMENDMENT TO APPENDIX C OF PART 63 AND APPENDIX J OF PART 60**

**Priority:** Other Significant

**Legal Authority:** CAAA

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** This rule will develop a new source performance standard to control air emissions of volatile organic compounds from wastewater treatment operations of the synthetic chemical manufacturing industry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/94	59 FR 46780
Supp NPRM-1st	10/11/95	60 FR 52889
Supp NPRM-2nd	12/09/98	63 FR 67988
Appendix J to Part 60		
Final Action	08/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3380

**Sectors Affected:** 3251 Basic Chemical Manufacturing

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**RIN:** 2060-AE94

**3217. SERVICE INFORMATION REGULATION FOR LIGHT-DUTY VEHICLES AND TRUCKS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 86

**Legal Deadline:** None

**Abstract:** This rule will require manufacturers of automobiles to provide necessary information needed to make use of emission control diagnostic systems as well as that needed to make emission-related diagnosis and repairs by any person engaged in the repairing or servicing of motor vehicles or motor vehicle engines. This will allow independent service repair garages, individual owners, parts manufacturers, etc., to have access to emission control information to better service automobiles and ensure clean air compliance requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/01	66 FR 30830
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3741

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### 3218. ADDITION OF METHOD 207 TO APPENDIX M OF 40 CFR PART 51 METHOD FOR MEASURING ISOCYANATES IN STATIONARY SOURCE EMISSIONS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7410  
**CFR Citation:** 40 CFR 51  
**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	12/08/97	62 FR 64532
Final Action	12/00/02	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3900

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### 3219. NESHAP: COKE OVENS: PUSHING, QUENCHING, AND BATTERY STACKS

**Priority:** Other Significant  
**Legal Authority:** 42 USC 7412  
**CFR Citation:** 40 CFR 63

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

**Abstract:** There are currently 20 active domestic coke plants, 15 of which are furnace coke plants and 5 of which are foundry coke plants. Coke oven batteries used to produce metallurgical coke at these plants emit hazardous air pollutants (HAPs) such as coke oven emissions and polycyclic organic matter listed in section 112 of the Clean Air Act (CAA). This action will establish a National Emission Standard for Hazardous Air Pollutants (NESHAP) for three specific operations associated with coke ovens, namely pushing, quenching, and battery stacks.

#### Timetable:

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35326
Final Action	02/00/03	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4022

**Sectors Affected:** 324199 All Other Petroleum and Coal Products Manufacturing; 331111 Iron and Steel Mills

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RIN: 2060-AH55

### 3220. PROTECTION OF STRATOSPHERIC OZONE: ALLOWANCE SYSTEM FOR CONTROLLING HCFC PRODUCTION, IMPORT AND EXPORT

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7401 et seq

**CFR Citation:** 40 CFR 82.5(h); 40 CFR 82.6(h); 40 CFR 82.8; 40 CFR 82.4(n)-(s); 40 CFR 82.4(u)

**Legal Deadline:** None

**Abstract:** The Stratospheric Protection Division currently oversees an allowance allocation system for the class I ozone-depleting substances. An allowance allocation system for class II ozone-depleting substances or hydrochlorofluorocarbons (HCFCs) had not been established prior to 1998 because consumption figures had hovered around 80 percent of the cap imposed by the Montreal Protocol in 1992. U.S. consumption for 1999 through 2001 has been fluctuating between 80 percent and 95 percent. In 1999, the Protocol imposed a production cap effective January 1, 2004. An allowance allocation system for HCFCs will allow the U.S. to remain under the consumption and production caps. This rule also contains the mechanism to implement the phaseout of HCFC-141b, effective January 1, 2003.

#### Timetable:

Action	Date	FR Cite
ANPRM	04/04/99	64 FR 16373
NPRM	07/20/01	66 FR 38064
Final Action	11/00/02	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4120

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RIN: 2060-AH67

### 3221. NESHAP: FUMED SILICA PRODUCTION

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 42 USC 7412 CAAA sec 112; EO 12866

**CFR Citation:** 40 CFR 63

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**Legal Deadline:** None

**Abstract:** Fumed silica is produced at four facilities in three States. There is no NSPS for the source category. Based on preliminary results of a screening study, the source category emits chlorine, HCl, and chlorinated organics. This source category was included in the hydrochloric acid production industry at proposal.

**Timetable:**

Action	Date	FR Cite
NPRM	09/18/01	66 FR 4874
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4111

**Sectors Affected:** 325188 All Other Basic Inorganic Chemical Manufacturing

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**RIN:** 2060-AH72

**3222. NESHAP: HYDROCHLORIC ACID PRODUCTION INDUSTRY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1857 et seq; 44 USC 350 et seq; 5 USC 605; EO 12291; EO 12866

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** Title III of the Clean Air Act Amendments of 1990 requires the EPA to develop emission standards for each major source category of hazardous air pollutants (HAPs). The standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator of the EPA. The EPA has determined that some

hydrochloric acid plants may be major sources for one or more HAPs. As a consequence, a regulation (emission standards) will be developed for the hydrochloric acid production industry.

**Timetable:**

Action	Date	FR Cite
NPRM	09/18/01	66 FR 48174
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4104

**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 325181 Alkalies and Chlorine Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing

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**RIN:** 2060-AH75

**3223. PHASE I (FIP) TO REDUCE THE REGIONAL TRANSPORT OF OZONE IN THE EASTERN UNITED STATES**

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

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

**Legal Authority:** 42 USC 7410

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

**Legal Deadline:** NPRM, Statutory, January 25, 2003, EPA is required to promulgate FIPs by January 25 2003 unless States submit approvable plans.

**Abstract:** This action would promulgate Federal Implementation Plans (FIPs) which require nitrogen oxides (NOx) emissions decreases. The intended effect is to reduce the transport of ozone (smog) pollution and

one of its main precursors — NOx — across State boundaries in the eastern half of the United States. On October 27, 1998, EPA published a final rule (the NOx SIP Call) which allowed States 12 months to develop, adopt, and submit revisions to their State Implementation Plans (SIPs) to address the transport problem. The Administrator is required to promulgate a FIP within 2 years of: (1) finding that a State has failed to make a required submittal or (2) finding that a submittal is not complete or (3) disapproving a SIP submittal. On June 22, 2000, the D.C. Court of Appeals assigned a new SIP submittal date of October 30, 2000. Eleven States (Virginia, West Virginia, Alabama, Kentucky, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Michigan, and Ohio) and the District of Columbia had not submitted adequate SIPs, as announced in a findings rule published on December 26, 2000. EPA is continuing to work with these States to assist them in adopting State plans that meet the requirements of the NOx SIP Call. Only Michigan has not yet submitted a fully approvable plan. (Note: The FIPs discussed here will apply to all elements of the NOx SIP call that were not remanded to EPA by the court on March 3, 2000. The portions of the SIP call that were remanded to EPA will be covered under Phase 2 SIPs, and if necessary, separate FIP actions will be prepared for those.)

**Timetable:**

Action	Date	FR Cite
NPRM	10/21/98	63 FR 56393
Findings Rule	12/26/00	65 FR 81366
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

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

**Additional Information:** SAN No. 4096

**Sectors Affected:** 322122 Newsprint Mills; 322121 Paper (except Newsprint) Mills; 32213 Paperboard Mills; 32211 Pulp Mills; 325998 All Other Miscellaneous Chemical Product Manufacturing; 325131 Inorganic Dye and Pigment Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325211 Plastics

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Material and Resin Manufacturing; 32511 Petrochemical Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 32512 Industrial Gas Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 327211 Flat Glass Manufacturing; 327213 Glass Container Manufacturing; 327212 Other Pressed and Blown Glass and Glassware Manufacturing; 32731 Cement Manufacturing; 324199 All Other Petroleum and Coal Products Manufacturing; 331111 Iron and Steel Mills; 331221 Cold-Rolled Steel Shape Manufacturing; 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 333618 Other Engine Equipment Manufacturing; 333415 Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing; 221122 Electric Power Distribution; 221112 Fossil Fuel Electric Power Generation; 221121 Electric Bulk Power Transmission and Control; 48621 Pipeline Transportation of Natural Gas; 221122 Electric Power Distribution; 221112 Fossil Fuel Electric Power Generation; 221121 Electric Bulk Power Transmission and Control; 22133 Steam and Air-Conditioning Supply

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**RIN:** 2060-AH87

### 3224. REVISION TO THE DEFINITION OF VOLATILE ORGANIC COMPOUND (VOC) TO EXCLUDE TERTIARY BUTYL ACETATE

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The definition of VOC is proposed to be revised to add tertiary butyl acetate to the list of negligibly reactive compounds. This is a deregulatory action that will remove

tertiary butyl acetate from the necessity to be controlled as a VOC in SIPs for attaining the ozone standard. This is not expected to have a significant impact on small businesses or local governments.

#### Timetable:

Action	Date	FR Cite
NPRM	09/30/99	64 FR 52731
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4254

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**RIN:** 2060-AI45

### 3225. RULEMAKING ON SECTION 126 PETITIONS FROM NEW YORK AND CONNECTICUT REGARDING SOURCES IN MICHIGAN; REVISION OF DEFINITION OF APPLICABLE REQUIREMENT FOR TITLE V OPERATING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7426

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

**Legal Deadline:** None

**Abstract:** The EPA is proposing to revise the Section 126 Rule in light of the March 3, 2000 court decision on the NOx SIP Call. The court vacated, and remanded to EPA for further consideration, the inclusion of Georgia and Missouri in the NOx SIP Call in light of the Ozone Transport Assessment Group conclusions that emissions from coarse grid portions of States did not merit controls. The reasoning of the Court regarding the significance of NOx emissions from sources in Georgia and Missouri calls into question the inclusion of the coarse grid portion of Michigan in the

NOx SIP Call. In a separate proposal, EPA is proposing to withdraw the NOx SIP Call requirements for the Michigan coarse grid area. The Section 126 Rule is based on many of the same analyses and information used for the NOx SIP call and covers part of Michigan. Thus, EPA is proposing to withdraw its section 126 findings and control requirements with respect to sources located in the small part of the coarse grid portion of Michigan that is currently covered by the Section 126 Rule. The EPA has not identified any existing section 126 sources that would be affected by the proposal, however this proposal would eliminate findings and control requirements for new sources locating in the coarse grid. This proposal does not create any new requirements, thus there are no associated costs. The EPA is also proposing to revise the definition "applicable requirement" for title V operating permit programs by providing expressly that any standard or other requirement under section 126 is an applicable requirement and must be included in operating permits issued under title V of the CAA.

#### Timetable:

Action	Date	FR Cite
NPRM	02/22/02	67 FR 8386
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4464

**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation

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**RIN:** 2060-AJ36



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**3226. REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF STATE IMPLEMENTATION PLANS (GUIDELINE ON AIR QUALITY MODELS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7410 CAAA sec 110(a)(2); CAAA sec 165(e); CAAA sec 172(a); CAAA sec 172(c); 42 USC 7601 CAAA sec 301(a)(1); CAAA sec 320**CFR Citation:** 40 CFR 51.112; 40 CFR 51.160; 40 CFR 51.166; 40 CFR 52.21**Legal Deadline:** None**Abstract:** This action proposes revisions to the Guideline on Air Quality Models, published as appendix W to 40 CFR part 51. Such models are used to predict ambient concentrations of pollutants for programs ranging from Prevention of Significant Deterioration (PSD) to State Implementation Plans (SIPs) for controlling air pollution sources. Appendix W to 40 CFR part 51 fulfills a Clean Air Act mandate for EPA to specify models for air management purposes. This proposed rulemaking enhances appendix W with new and/or improved techniques.**Timetable:**

Action	Date	FR Cite
NPRM	04/21/00	65 FR 21505
Final Action	01/00/03	

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Phone: 919 541-5562  
Email: tikvart.joe@epa.gov**RIN:** 2060-AF01**3227. NESHAP: INTEGRATED IRON AND STEEL****Priority:** Other Significant**Legal Authority:** 42 USC 7412 CAAA sec 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None**Abstract:** The Clean Air Act, as amended November 1990, requires the EPA to regulate categories of major and area sources of hazardous air pollutants (HAP). The EPA has determined that integrated iron and steel mills emit several of the 188 HAP listed (including compounds of chromium, lead, manganese, toluene, and polycyclic organic matter) in quantities sufficient to designate them as major sources. As a consequence, integrated iron and steel facilities are among the HAP-emitting source categories selected for regulation.**Timetable:**

Action	Date	FR Cite
NPRM	07/13/01	66 FR 36836
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3346**Agency Contact:** Philip B. Mulrine, Environmental Protection Agency, Air and Radiation, C504-05, Research Triangle Park, NC 27711  
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Email: mulrine.phil@epa.gov**RIN:** 2060-AE48**3228. NESHAP: REINFORCED PLASTIC COMPOSITES PRODUCTION****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** NPRM, Statutory, November 15, 2000.**Abstract:** Project is to develop a NESHAP for the source category which involves the manufacture of composite products involving thermoset resins and re-enforcements. Some of the specific products in the source category are tubs/showers, auto/truck parts, appliances, furniture, piping, construction materials, sporting goods

using such materials, and intermediate compounds such as bulk molding compound and sheet molding compounds. The most common HAP in the resins used is styrene, which is present in polyester and vinylester resins as a monomer. Styrene is listed as a candidate urban area source HAP. So is methylene chloride, which is sometimes used for cleaning, and xylenes, which may appear in some mold release formulas. All HAPs, except for methylene chloride, are also VOCs.

**Timetable:**

Action	Date	FR Cite
NPRM	08/02/01	66 FR 40324
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3326**Agency Contact:** Keith Barnett, Environmental Protection Agency, Air and Radiation, C504-05, Research Triangle Park, NC 27711  
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tanks, wastewater, solvent recovery, and heat exchange systems.

**Timetable:**

Action	Date	FR Cite
NPRM	04/04/02	67 FR 16154
Final Action	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3452

**Sectors Affected:** 325 Chemical Manufacturing

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**RIN:** 2060–AE82

**3230. NESHAP: MERCURY CELL CHLOR-ALKALI PLANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, May 15, 2002.

**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 11 plants located in 10 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.

**Timetable:**

Action	Date	FR Cite
NPRM	07/03/02	67 FR 44672
Final Action	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3449

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**RIN:** 2060–AE85

**3231. NESHAP: MISCELLANEOUS METAL PARTS AND PRODUCTS (SURFACE COATING)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This regulation will control emissions of hazardous air pollutants (HAPs) from operations that apply surface coatings to metal parts and products. Although this rule would cover a wide variety of coating operations, it would not apply to specific coating operations for which regulations have been developed (e.g., plastic parts coating, can coating, large appliance coating, etc.). This regulation is required under section 112 of the Clean Air Act of 1990.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/02	67 FR 52780
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 3825

**Sectors Affected:** 33121 Iron and Steel Pipes and Tubes Manufacturing from Purchased Steel; 331221 Cold-Rolled Steel Shape Manufacturing; 331316 Aluminum Extruded Product Manufacturing; 331319 Other

Aluminum Rolling and Drawing; 331511 Iron Foundries; 332311 Prefabricated Metal Building and Component Manufacturing; 33612 Heavy Duty Truck Manufacturing; 335312 Motor and Generator Manufacturing; 33312 Construction Machinery Manufacturing; 332312 Fabricated Structural Metal Manufacturing; 326291 Rubber Product Manufacturing for Mechanical Use; 336212 Truck Trailer Manufacturing; 331111 Iron and Steel Mills

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**RIN:** 2060–AG56

**3232. NESHAP: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAAA sec 112

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** The CAA required EPA to publish an initial list of all categories of major and area sources of hazardous air pollutants (HAPs) listed in section 112(b) of the CAA and to establish and meet dates for promulgation of emissions standards for each of the listed categories of HAP emissions sources. The standards are to be technology-based and are to require the maximum degree of reduction determined to be achievable by the Administrator. The EPA has determined that the asphalt roofing and processing industry may be reasonably anticipated to emit one or more of the pollutants listed in section 112(b) of the CAA. As a consequence, the source category is included on the initial list of HAP-emitting categories scheduled for standards promulgation within ten years of enactment of the CAA Amendments of 1990. The purpose of

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this action is to pursue a regulatory development program such that emission standards may be proposed and promulgated according to the mandated schedule.

**Timetable:**

Action	Date	FR Cite
NPRM	11/21/01	66 FR 58610
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3655

**Sectors Affected:** 324122 Asphalt Shingle and Coating Materials Manufacturing

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**RIN:** 2060-AG66

**3233. NESHAP: REFRACTORY PRODUCTS MANUFACTURING**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** The proposed rulemaking will apply to existing and new refractory products manufacturing facilities. There are approximately 8 existing refractory products manufacturing facilities in the United States located at major source facilities. It is estimated that no new refractory products manufacturing facilities will be built at least for the next 3 years. The HAP that will be reduced by this proposed rule are polycyclic organic matter (POM), phenol, formaldehyde, methanol, and ethylene glycol. Implementation of the proposed rule would reduce emissions of air toxics

by approximately 132 tons per year, a reduction of 46 percent from current levels. No significant adverse economic impact is expected to occur as a result of implementing this proposed rulemaking. The capital cost associated with the proposed rulemaking is approximately \$3.5 million. The total annual cost of the proposed rulemaking is approximately \$1.7 million.

**Timetable:**

Action	Date	FR Cite
NPRM	06/20/02	67 FR 42108
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3652

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**RIN:** 2060-AG68

**3234. NESHAP: SEMICONDUCTOR PRODUCTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63 BBBB

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

**Abstract:** This rule will establish a MACT (maximum available control technology) for semiconductor production facilities. There is currently 1 major source that would be affected by the NESHAP. This action will result in little or no additional emission reduction but will establish a Federal MACT level for large facilities.

**Timetable:**

Action	Date	FR Cite
NPRM	05/08/02	67 FR 30848
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3902

**Sectors Affected:** 334413

Semiconductor and Related Device Manufacturing

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**RIN:** 2060-AG93

**3235. NESHAP: FABRIC PRINTING, COATING AND DYEING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This action will result in the reduction of hazardous air pollutants (HAP) emitted from fabric printing, coating, and dyeing. The Agency will identify and study the types and sources of HAP emissions from these processes, and evaluate pollution prevention and other control techniques which can reduce these emissions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/02	67 FR 46028
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3909

**Sectors Affected:** 3133 Textile and Fabric Finishing and Fabric Coating Mills; 3132 Fabric Mills; 3141 Textile Furnishings Mills; 3399 Other Miscellaneous Manufacturing

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**RIN:** 2060–AG98

**3236. NESHAP: SITE REMEDIATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7401 et seq; PL 101-549 104 Stat. 2399

**CFR Citation:** 40 CFR 63

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

**Abstract:** Superfund, RCRA corrective action, gasoline stations, farms and residential sites are exempt from rule requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	07/30/02	67 FR 49398
Final Action	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3968

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**RIN:** 2060–AH12

**3237. NESHAP: ROCKET ENGINE TEST FIRING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, May 1, 2001.

**Abstract:** As required by section 112(c) of the Clean Air Act, the Environmental Protection Agency has developed a list of categories of sources of hazardous air pollutants (HAP's). The HAP's are listed in section 112(b) of the Clean Air Act. The Rocket Engine Test Firing source category and the Engine Test Facilities source category are included on EPA's list of sources of HAP's. The Rocket Engine Test Firing source category includes facilities engaged in test firing of rocket engines using solid or liquid propellants. The Engine Test Facilities source category includes any facility engaged in the testing of stationary or mobile engines, including turbines and reciprocating engines.

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/02	67 FR 34548
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3972

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**RIN:** 2060–AH35

**3238. NESHAP: ORGANIC LIQUIDS DISTRIBUTION (NON-GASOLINE)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This project is to develop national emission standards for hazardous air pollutants by establishing maximum achievable control technology (MACT) for facilities

distributing organic liquids. MACT standards are under development to reduce the release of hazardous air pollutants (HAPs) from all industries to protect the public health and environment. This project should include but is not limited to those activities associated with the storage and distribution of organic liquids other than gasoline at sites that serve as distribution points from which organic liquids may be obtained for further use and processing.

**Timetable:**

Action	Date	FR Cite
NPRM	04/02/02	67 FR 15674
Final Action	08/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3971

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**RIN:** 2060–AH41

**3239. IMPORTATION OF NONCONFORMING VEHICLES; AMENDMENTS TO REGULATIONS**

**Priority:** Substantive, Nonsignificant

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

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

**Timetable:**

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

**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

### 3240. PROTECTION OF STRATOSPHERIC OZONE: SUPPLEMENTAL RULE REGARDING A RECYCLING STANDARD UNDER SECTION 608

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq CAA sec 608**CFR Citation:** 40 CFR 82 subpart F**Legal Deadline:** None

**Abstract:** This rule will amend the recordkeeping aspects of the technician certification program, clarify aspects of a sales restriction, and adopt an updated version of ARI standard 740. The rule will also clarify the distinction between major and non-major repairs and amend several definitions including small appliances. The rule also addresses the transfers of unreclaimed refrigerant between majority-owned and majority-controlled subsidiaries.

**Timetable:**

Action	Date	FR Cite
NPRM 1	02/29/96	61 FR 7858
NPRM	11/01/96	61 FR 56493
Final Action	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3556

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**RIN:** 2060-AF36

### 3241. PROTECTION OF STRATOSPHERIC OZONE: REFRIGERANT RECYCLING RULE AMENDMENT TO INCLUDE SUBSTITUTE REFRIGERANTS

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

**Abstract:** This action would facilitate fulfillment of the statutory mandate to apply the venting prohibition to substitute refrigerants. The action would provide regulations covering recovery/recycling equipment, recovery/recycling practices, and applicable certifications that would be required to accomplish compliance with the venting prohibition. Requirements would parallel those of the current section 608 regulations, expanding applicability, where appropriate, to substitute refrigerants.

**Timetable:**

Action	Date	FR Cite
NPRM	06/11/98	63 FR 32044
Final Action	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** SAN No. 3560

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**RIN:** 2060-AF37

### 3242. PAPER AND OTHER WEB COATING NESHAP

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 59; 40 CFR 63**Legal Deadline:** Final, Statutory, November 15, 2000.

**Abstract:** This action would result in the reduction of hazardous air pollutants (HAPs) emitted by the paper and other web coating industries.

**Timetable:**

Action	Date	FR Cite
NPRM	09/13/00	65 FR 55332
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3827

**Sectors Affected:** 322211 Corrugated and Solid Fiber Box Manufacturing; 322212 Folding Paperboard Box Manufacturing; 322221 Coated and Laminated Packaging Paper and Plastics Film Manufacturing; 322222 Coated and Laminated Paper Manufacturing; 322223 Plastics, Foil, and Coated Paper Bag Manufacturing; 323111 Commercial Gravure Printing; 323116 Manifold Business Form Printing

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RIN: 2060-AG58

### 3243. NESHAP: WOOD BUILDING PRODUCTS (SURFACE COATING)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This action will result in the reduction of hazardous air pollutants (HAP) emitted by the wood building product surface coating industry. The Agency will study the various HAP emitted by the industry and evaluate pollution prevention and control techniques which can reduce these emissions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/02	67 FR 42400
Final Action	08/00/03	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 3904

**Sectors Affected:** 321212 Softwood Veneer and Plywood Manufacturing; 321219 Reconstituted Wood Product Manufacturing; 321911 Wood Window and Door Manufacturing; 321918 Other Millwork (including Flooring); 321999 All Other Miscellaneous Wood Product Manufacturing; 321211 Hardwood Veneer and Plywood Manufacturing; 321999 All Other Wood Product Manufacturing

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RIN: 2060-AH02

### 3244. NESHAP: MUNICIPAL SOLID WASTE LANDFILLS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** This project is to develop national emission standards for hazardous air pollutants (HAP) by establishing maximum achievable control technology (MACT) for municipal solid waste landfills.

**Timetable:**

Action	Date	FR Cite
NPRM	11/07/00	65 FR 66672
Supplemental NPRM	05/23/02	67 FR 36460
Final Action	11/00/02	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** None

**Additional Information:** SAN No. 3969

**Sectors Affected:** 562212 Solid Waste Landfill

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RIN: 2060-AH13

### 3245. NESHAP: ASPHALT/COAL TAR APPLICATION ON METAL PIPES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

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

**Abstract:** The Clean Air Act (CAA), as amended in 1990, requires the EPA to:

(1) publish an initial list of all categories of major and area sources of the hazardous air pollutants (HAPs) listed in section 112(b) of the CAA; (2) promulgate a schedule establishing a date for the promulgation of emission standards for each of the listed categories of HAPs emission sources; and (3) develop emission standards for each source of HAPs. These standards are to be technology-based and are to require the maximum degree of emission reduction determined to be achievable by the Administrator. The Agency has determined that the application of asphalt or coal tar to metal pipes may reasonably be anticipated to emit several of the 189 HAPs listed in section 112(b) of the CAA. As a consequence, a regulatory development program is being pursued for the asphalt/coal tar application on metal pipes industry to promulgate emission standards.

**Timetable:**

Action	Date	FR Cite
NPRM	08/13/02	67 FR 52780
Final Action	08/00/03	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4107

**Sectors Affected:** 332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers

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RIN: 2060-AH78

### 3246. NESHAP: FRICTION PRODUCTS MANUFACTURING

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

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**CFR Citation:** 40 CFR 63

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

**Abstract:** This action will propose NESHAP for friction products manufacturing in order to comply with the Clean Air Act of 1990 (CAA). The friction products source category includes any facility that manufactures friction products such as brakes and clutches. The rule is expected to limit HAP emissions, including toluene, hexane, and 1,1,1 trichloroethane) from solvent mixing operations.

**Timetable:**

Action	Date	FR Cite
NPRM	10/04/01	66 FR 50768
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4460

**Sectors Affected:** 3363 Motor Vehicle Parts Manufacturing; 3364 Aerospace Product and Parts Manufacturing; 3369 Other Transportation Equipment Manufacturing

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**RIN:** 2060-AJ18

**3247. NESHAP: FLEXIBLE POLYURETHANE FOAM FABRICATION OPERATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 7401 et seq

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

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

**Abstract:** The Clean Air Act (CAA) requires development of emission standards for major sources emitting any of the hazardous air pollutants (HAP) listed in section 112(b) of the CAA. The EPA is proposing a rule to reduce emissions of toxic air pollutants from flexible polyurethane foam fabrication operations. Toxic air pollutants, or air toxics, are those pollutants known, or suspected, to cause cancer and other serious health

problems. EPA identified two subcategories under the flexible polyurethane foam fabrication operations source category. These subcategories are loop slitter HAP-based adhesive use and flame lamination. Loop slitters are equipment at foam fabrication operations that are used to slice large foam blocks into thin sheets. Flame lamination refers to the bonding of foam to other substrates (i.e., cloth, foam, plastic, and other materials), where the bonding agent is scorched or melted foam.

**Timetable:**

Action	Date	FR Cite
NPRM	08/08/01	66 FR 41718
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4449

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**RIN:** 2060-AJ19

**3248. NESHAP: PUBLICLY OWNED TREATMENT WORKS (POTW)—AMENDMENTS II**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412(e)(5) CAAA sec 112(e)(5); 42 USC 7412(n)(3) CAAA sec 112(n)(3)

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This action will amend the existing rule to implement a settlement agreement with the Pharmaceutical Research and Manufacturers of America regarding their petition for judicial review.

**Timetable:**

Action	Date	FR Cite
NPRM	03/22/02	67 FR 13496
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** None

**Additional Information:** SAN No. 4546

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**RIN:** 2060-AJ66

**3249. • NESHAP: CHLORINE PRODUCTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 63

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

**Abstract:** This action announces our decision not to issue regulations for the Chlorine Production source category. The source category is composed of nearly 50 facilities that produce chlorine using several different methods. We have determined that 21 of these facilities are major sources, including 20 chlor-alkali plants that produce chlorine and caustic as co-products through the electrolysis of brine, and one primary magnesium refining facility that produces chlorine as a by-product of magnesium metal production. Primary magnesium refining is a separately listed source category and, as such, the one refiner will be addressed in a separate rulemaking. None of the 20 chlor-alkali plants are in and of themselves major sources. All are well-controlled and emit negligible amounts of chlorine and, in some cases, additional negligible amounts of hydrochloric acid. These sources are major only due

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to collocation. That is, they are part of larger establishments that are major sources. These larger establishments include organic chemical manufacturers, polymer and resin producers, and pulp and paper mills, all of which are already subject to one or more NESHAP. Section 112(d)(4) gives us the discretion to consider risk in issuing MACT standards for pollutants for which a health threshold has been established, provided that the public health is protected with an ample margin of safety. Chlorine and HC1 are both threshold pollutants for which we have defined threshold values in the form of Inhalation Reference Concentrations (RfCs). We have modeled chlorine and HC1 emissions from each of the 20 chlor-alkali plants and have determined that none of the plants emit chlorine or HC1 in quantities that result in human exposures in the ambient air at levels approaching the threshold values. Therefore, we conclude that no further control or regulation is necessary. NOTE: Three of the 20 chlor-alkali plants operate mercury cells. We are addressing mercury emissions from mercury cell chlor-alkali plants in a separate proposal, which is currently in the review cycle in headquarters. To facilitate comment, we plan to publish both the mercury cell proposal and this action on chlorine production in the same issue of the Federal Register.

**Timetable:**

Action	Date	FR Cite
NPRM	07/03/02	67 FR 44713
Final Action	07/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4685

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RIN: 2060-AK38

**3250. • NESHAP FOR PRIMARY ALUMINUM REDUCTION PLANTS; AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Proposed Amendment	11/00/02	
Final Action	06/00/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4713

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RIN: 2060-AK50

**3251. • SITE SPECIFIC RULE FOR WEYERHAUSER SULFITE MILL****Priority:** Substantive, Nonsignificant**Legal Authority:** Clean Air Act sec 112(c)(6)**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** This rule will apply to the Weyerhaeuser sulfite mill in Cosmopolis, WA. The rule will allow the mill to control the non regulated hog fuel dryer at the mill rather than controlling the sulfite recovery furnace. It is expected that the source will achieve greater emission reductions at a lower cost than would occur otherwise.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4717

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RIN: 2060-AK53

**3252. • NESHAP: SECONDARY ALUMINUM INDUSTRY AMENDMENTS****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Judicial, December 15, 1999.

**Abstract:** EPA promulgated MACT to control emissions of HAP from the secondary aluminum production industry on March 23, 2000. After



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publication, two groups representing four industry trade groups filed a petition for review of the rule. EPA reached an initial settlement agreement with industry to develop a separate rule for aluminum die casters, aluminum foundries, and aluminum extruders and publish a proposed stay of the rule with respect to these sources. Later the EPA reached a separate settlement agreement with groups representing aluminum die casters, aluminum foundries, and aluminum extruders that resulted in these groups remaining subject to the rule with certain technical changes to the rule itself. EPA also reached a separate settlement agreement with the Aluminum Association to make certain technical changes in the rule. A direct final rule and parallel proposal and a proposed rule was published in the FR to implement the settlement agreements on June 14, 2002. The settlement agreement with industry require EPA to have the Administrator sign the rule to promulgate the changes in the settlement agreement by December 13, 2002.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule Amend.	06/14/02	67 FR 41118
NPRM Amendments	06/14/02	67 FR 41125
Withdrawal of Direct Final Rule	08/13/02	67 FR 52616
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4723**Sectors Affected:** 331314 Secondary Smelting and Alloying of Aluminum

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RIN: 2060-AK57

**3253. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NONATTAINMENT NEW SOURCE REVIEW (NSR): BASELINE EMISSIONS DETERMINATION, ACTUAL-TO-FUTURE-ACTUAL METHODOLOGY, PLANTWIDE APPLICABILITY****Priority:** Other Significant**Legal Authority:** CAA as amended title I**CFR Citation:** 40 CFR 51.160 to 51.166; 40 CFR 52.21; 40 CFR 52.24**Legal Deadline:** None

**Abstract:** This action is to revise the CAA new source review (NSR) regulations, which govern the preconstruction air quality review and permitting programs that are implemented by States and the Federal Government for new and modified major stationary sources of air pollution. These revisions include changes in NSR applicability requirements for modifications (and provisions to allow States to make similar changes in their major NSR programs) to allow sources more flexibility to respond to rapidly changing markets and to plan for future investments in pollution control and prevention technologies. These changes reflect EPA's consideration of discussions and recommendations of the Clean Air Act Advisory Committee's (CAAAC) Subcommittee on NSR, Permits and Toxics, comments filed by the public, and meetings and discussions with interested stakeholders. The changes are intended to provide greater regulatory certainty, administrative flexibility, and permit streamlining, while ensuring the current level of environmental protection and benefit derived from the program. Regulations that will be affected are State implementation plan requirements for review of new sources and modifications to existing sources (40 CFR 51.160-166), the Federal prevention of significant deterioration program (40 CFR 52.21), and Federal restriction on new source construction (40 CFR 52.24).

**Timetable:**

Action	Date	FR Cite
NPRM	07/23/96	61 FR 38249
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Federalism:** Undetermined**Additional Information:** SAN No. 3259

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RIN: 2060-AE11

**3254. EXPANDED DEFINITIONS FOR ALTERNATIVE-FUELED VEHICLES AND ENGINES MEETING LOW-EMISSION VEHICLE EXHAUST EMISSION STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2001; 15 USC 2002; 15 USC 2003; 15 USC 2005; 15 USC 2006; 15 USC 213; 42 USC 7521; 42 USC 7522; 42 USC 7524; 42 USC 7525; 42 USC 7541; 42 USC 7542; 42 USC 7549; 42 USC 7550; 42 USC 7552**CFR Citation:** 40 CFR 86; 40 CFR 88**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/98	63 FR 38767
Notice	05/14/99	64 FR 26410
Final Action	01/00/03	

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

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**Government Levels Affected:** None

**Additional Information:** SAN No. 4030

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**RIN:** 2060—AH52

**3255. CONTROL OF EMISSIONS OF AIR POLLUTION FROM NEW MARINE COMPRESSION-IGNITION ENGINES AT OR ABOVE 30 LITERS PER CYLINDER**

**Regulatory Plan:** This entry is Seq. No. 140 in part II of this issue of the **Federal Register**.

**RIN:** 2060—AJ98

**3256. OPERATING PERMITS: REVISIONS (PART 70)**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/29/94	59 FR 44460
Supplemental NPRM Part 71	04/27/95	60 FR 20804
Supplemental NPRM Part 70	08/31/95	60 FR 45530
NPRM	12/00/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 3412

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**RIN:** 2060—AF70

**3257. FEDERAL IMPLEMENTATION PLANS FOR INDIAN RESERVATIONS IN IDAHO, OREGON AND WASHINGTON**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, Tribal

**Federalism:** Undetermined

**Additional Information:** SAN No. 4487

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**RIN:** 2012—AA01

**3258. METAL FURNITURE (SURFACE COATING) NESHAP**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** None

**Abstract:** This regulation will apply to surface coating of metal furniture products and parts. This regulation will reduce nationwide emissions of HAPs from surface coating of metal furniture products and parts, which is required under section 112 of the Clean Air Act.

**Timetable:**

Action	Date	FR Cite
NPRM	04/24/02	67 FR 20206
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3824

**Sectors Affected:** 337124 Metal Household Furniture Manufacturing; 33636 Motor Vehicle Fabric Accessories and Seat Manufacturing; 337215 Showcase, Partition, Shelving, and Locker Manufacturing; 337127 Institutional Furniture Manufacturing; 332116 Metal Stamping; 332612 Wire Spring Manufacturing; 337215 Showcase, Partition, Shelving, and Locker Manufacturing

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**RIN:** 2060—AG55

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**3259. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING QUARANTINE AND PRESHIPMENT APPLICATIONS OF METHYL BROMIDE****Priority:** Other Significant**Legal Authority:** 42 USC 7414; 42 USC 7671-7671(q)**CFR Citation:** 40 CFR 82.1 to 82.13**Legal Deadline:** None

**Abstract:** The Montreal Protocol exempts quarantine and preshipment from the methyl bromide production and import baseline; therefore, a regulation must be promulgated to allow for the exemption in EPA's current allowance system.

**Timetable:**

Action	Date	FR Cite
Interim Final Action	07/19/01	66 FR 37752
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4253

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**RIN:** 2060-AI42**3260. NESHAP: BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The manufacture of brick and structural clay products involves mining, raw material processing (crushing, grinding, and screening), mixing, forming, cutting or shaping, drying, and firing.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/02	67 FR 47894
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4325

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

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**RIN:** 2060-AI67**3261. NESHAP: CLAY CERAMICS MANUFACTURING****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics. Traditional ceramics include ceramic tile, dinnerware, sanitaryware, pottery, and porcelain. The primary raw material used in the manufacture of traditional ceramics is clay. The manufacture of clay ceramics involves raw material processing (crushing, grinding, and screening), mixing, forming, shaping, drying, glazing, and firing.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/02	67 FR 47894
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4343

**Sectors Affected:** 327122 Ceramic Wall and Floor Tile Manufacturing; 327111 Vitreous China Plumbing Fixture and China and Earthenware Fittings and Bathroom Accessories Manufacturing

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**RIN:** 2060-AI68**3262. NESHAP: ENGINE TEST CELLS/STANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** As required by section 112(c) of the Clean Air Act, the Environmental Protection Agency has developed a list of categories of sources of hazardous air pollutants (HAP's). The HAP's are listed in section 112(b) of the Clean Air Act. The Engine Test Facilities source category are included on EPA's list of sources of HAP's. The Engine Test Facilities source category includes any facility engaged in the testing of stationary or mobile engines, including turbines and reciprocating engines and rocket engines. Aircraft engine testing consists of facilities which perform testing on uninstalled aircraft engines. Non-aerospace engine test facilities consists of facilities which perform testing on uninstalled engines such as automotive engines, stationary turbines, IC engines, and diesel engines.

**Timetable:**

Action	Date	FR Cite
NPRM	05/14/02	67 FR 34548
Final Action	02/00/03	

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

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**Government Levels Affected:** None

**Additional Information:** SAN No. 4144

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**RIN:** 2060–AI74

**3263. AMEND SUBPART H AND I, 40  
CFR PART 61, FOR EMISSIONS OF  
RADIONUCLIDES OTHER THAN  
RADON FROM DOE FACILITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412 CAAA  
112(g) (q); PL 95-95

**CFR Citation:** 40 CFR 61.93(a); 40 CFR  
61.93(b)(2)(ii)

**Legal Deadline:** None

**Abstract:** Subparts H and I of 40 CFR part 61 establish limits, under the Clean Air Act, for radionuclide emissions (other than radon) from Department of Energy (DOE) and other non-DOE federal facilities. These Subparts require emission sampling, monitoring, and calculations to identify compliance with the standard. The current air sampling methodology required by the standards is embodied in ANSI-N13.1-1969, a consensus guidance document that is incorporated by reference in EPA's standards. That guidance was updated in 1999, and contains new technical recommendations (that differ from the 1969 version) for obtaining representative air samples. In this rule, EPA is updating subparts H and I to incorporate the new sampling guidance, ANSI-N13.1-1999, and require its use for new facilities and for those undergoing significant changes to ventilation systems. Existing facilities will be allowed to continue sampling in accordance with the current requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	05/09/00	65 FR 29934
Final Action	11/00/02	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4273

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**RIN:** 2060–AI90

**3264. INTERSTATE OZONE  
TRANSPORT: RESPONSE TO COURT  
DECISIONS ON THE NOX SIP CALL,  
NOX SIP CALL TECHNICAL  
AMENDMENTS, AND SECTION 126  
RULES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7410(a)(2)(D);  
42 USC 7410(k)(5)

**CFR Citation:** 40 CFR 51 (Revision)

**Legal Deadline:** None

**Abstract:** On October 27, 1998 (63 FR 57355), EPA issued a rule to reduce smog in the eastern half of the country. The rule required 22 States and the District of Columbia to reduce emissions of nitrogen oxides (NOx), which reacts with other chemicals in the atmosphere to form smog. EPA required these reductions because pollution from each of these States was transported by the wind and significantly contributed to unhealthy air quality in downwind states. In response to litigation from several parties on the NOx SIP call, the United States Court of Appeals for the District of Columbia issued a decision on March 3, 2000 making it clear that EPA and States can and should move forward to implement this regional strategy. The ruling remanded certain relatively minor portions of the original rule back to the EPA. This rulemaking covers the portion of the rule associated with the remanded issues: certain cogeneration units, internal combustion engines, the partial State requirements for Georgia & Missouri and the exclusion of Wisconsin. In this rulemaking, EPA will consider the

partial State issue for Alabama & Michigan and propose SIP submittal dates and compliance dates, as well. The D.C. Circuit Court also remanded, or remanded and vacated, the cogeneration unit issue in decisions on the NOx SIP Call Technical Amendments, and Section 126 Rule on June 8, 2001 and May 15, 2001, respectively. These remands will also be addressed in this rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/02	67 FR 8395
Final Action	12/00/02	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State,  
Local

**Additional Information:** SAN No. 4433

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**RIN:** 2060–AJ16

**3265. CLARIFICATION TO EXISTING  
PART 63 NESHAP DELEGATIONS'  
PROVISIONS-WORK PRACTICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** 40 CFR part 63 contains OAR's air-toxics emissions regulations, often referred to as MACT rules or NESHAPS. We are revising some part 63 standards to reflect changes in delegation provisions. We are also revising some sections in the part 63 regulations to clarify what are standards and what are compliance assurance measures. The benefits of the changes will include clarifying what authorities in each standard can be delegated to State and local air pollution control agencies and meshing

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the standards with revisions previously made to other part 63 regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	01/16/02	67 FR 2286
Final Action	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4426

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**RIN:** 2060-AJ26

**3266. NESHAP: PESTICIDES ACTIVE INGREDIENTS—AMENDMENTS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Judicial, September 6, 2002, Administrator's Signature.

**Abstract:** On June 23, 1999, EPA promulgated the NESHAP for Pesticide Active Ingredient Production several petitions were filed for judicial review. These amendments are based on the settlement agreement.

**Timetable:**

Action	Date	FR Cite
NPRM	04/10/02	67 FR 17492
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4457

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**RIN:** 2060-AJ34

**3267. FEDERAL PLAN FOR SMALL MUNICIPAL WASTE COMBUSTION UNITS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 1990 Amendments to the CAA sections 111(d) 129 and 301(a)(d)

**CFR Citation:** 40 CFR 62 (new)

**Legal Deadline:** None

**Abstract:** The Clean Air Act Amendments of 1990 directed the EPA to set emission guidelines for existing municipal waste combustion units (MWCs) under Sections 111 and 129. On 12/19/95, the EPA adopted emission guidelines for MWCs under the authority of Sections 111(d) and 129 of the Clean Air Act. These emission guidelines covered all MWC units located at plants with an aggregate plant combustion capacity larger than 35 tons per day of municipal solid waste. Subsequent litigation cancelled the emission guidelines for small MWC units, but the Court directed EPA to adopt a new rule for small MWC units. This rule was adopted on December 6, 2000. This action is a follow-on activity to this rulemaking. In this proposed MWC Federal Plan for small units, EPA becomes the implementing authority in those instances where the state or local Agency fails to submit a plan or a plan has not yet been approved. This action makes no changes to the 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 the state.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/01	66 FR 32484
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Local

**Additional Information:** SAN No. 4454

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**RIN:** 2060-AJ46

**3268. REVISIONS TO REGIONAL HAZE RULE TO INCORPORATE SULFUR DIOXIDE MILESTONES AND BACKSTOP EMISSIONS TRADING PROGRAM FOR NINE WESTERN STATES**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 51.309

**Legal Deadline:** None

**Abstract:** This regulation is for an action anticipated by the regional haze rule that we published in July 1999. One portion of the regional haze rule was an optional visibility protection program for nine Western States. Part of this program for the West, a long-term program to reduce stationary source emissions of sulfur dioxide, was incomplete at the time of the 1999 rule. Accordingly, the rule required Western States to submit an "Annex" to an earlier report of the Grand Canyon Visibility Transport Commission. We required the Annex to contain sulfur dioxide milestones for the years 2003 to 2018, to establish a program to track emissions from stationary sources over this time period, and to provide the details of a market trading program that would be triggered if a milestone is exceeded. The Western Regional Air Partnership submitted the Annex on September 29, 2000. The purpose of this rulemaking is to determine whether the Annex meets the requirements of the regional haze rule

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and the Clean Air Act, and if it does, to amend the regional haze rule to incorporate its provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/06/02	67 FR 30418
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** SAN No. 4495

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**RIN:** 2060-AJ50

**3269. STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: VOLATILE ORGANIC LIQUID STORAGE VESSELS; AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 60

**Legal Deadline:** None

**Abstract:** This direct final action revises existing standards for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) by amending the storage vessel volume applicability criteria and adding a vapor pressure applicability criterion. This is a narrow technical amendment responding to new information that came in after the original rule was promulgated.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4508

**Sectors Affected:** 325 Chemical Manufacturing; 324 Petroleum and Coal Products Manufacturing; 42271 Petroleum Bulk Stations and Terminals

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**RIN:** 2060-AJ53

**3270. NESHAP: PORTLAND CEMENT MANUFACTURING INDUSTRY, AMENDMENTS TO RULE TO IMPLEMENT SETTLEMENT AGREEMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

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

**Legal Deadline:** None

**Abstract:** The Portland Cement Manufacturing Industry NESHAP was promulgated June 14, 1999. The rule is codified in 40 CFR 63, Subpart LLL. This rule is being revised to reflect a pending settlement agreement with the American Portland Cement Alliance. The rule changes will be minor, and mostly will help to clarify requirements, provide monitoring alternatives and/or remove minor monitoring requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/05/02	67 FR 16625
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4524

**Sectors Affected:** 32731 Cement Manufacturing

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**RIN:** 2060-AJ57

**3271. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES; CORRECTION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80.81(a)(1)

**Legal Deadline:** None

**Abstract:** This rule corrects a final regulatory action which was published in the Federal Register on March 29, 2001 (66 FR 17230). The correction consists of restoring a paragraph that was inadvertently omitted when the final rule was published.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4554

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**RIN:** 2060-AJ67

**3272. COMPILATION OF SOURCE-SPECIFIC ALTERNATIVE METHODS BEING APPROVED FOR SOURCE-CATEGORY WIDE APPLICATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

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**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** Sources have applied for approval of alternative test methods for use at their facility. The Agency has approved these methods and issued letters of approval to each requestor. The Agency has determined that these methods could be used at similar sources, thus giving those sources an alternative test method to the one cited in the regulation. This action seeks to publish these facility-specific approvals in order to provide other facilities within the source category the option of using the alternative method.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	10/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4548

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**RIN:** 2060-AJ84

**3273. BENZENE WASTE OPERATIONS NESHAP; AMENDMENTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 61

**Legal Deadline:** None

**Abstract:** This amendment will add a compliance option for tanks, making the Benzene Waste Operations NESHAP consistent with the RCRA CC rules. Hazardous waste treatment facilities have requested these amendments because they must comply with both rules. There is no emission reduction as a result of this action. However, facilities may save money. We expect no negative impacts on small businesses and State/local/tribal

governments. Industry and government support this change.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4591

**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing; 3311 Iron and Steel Mills and Ferroalloy Manufacturing; 562211 Hazardous Waste Treatment and Disposal

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**RIN:** 2060-AJ87

**3274. PROPOSED AMENDMENTS TO PERFORMANCE STANDARDS AND MONITORING REQUIREMENTS FOR PARTICULATE MATTER AT STATIONARY SOURCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

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

**Legal Deadline:** None

**Abstract:** This action would repropose some monitoring specifications that were originally included in an OSWER proposal to regulate air emissions from hazardous waste combustors (as explained further below). It revises several standards and requirements related to continuous emission monitoring systems for particulate matter (PM). These include: specifications and test procedures known as Performance Specification 11 (PS-11), and quality assurance requirements known as "Procedure 2". The proposed revisions clarify and

update performance standards and monitoring requirements for facilities required to install and use continuous monitoring equipment to measure particulate matter emissions from stacks and ducts. The action does not change any emission standards or add any additional recordkeeping requirements. This action is a supplement to actions by EPA's OSWER that included proposed regulations for hazardous waste combustors. The first action was published in the Federal Register on December 30, 1997 (62 FR 67788). Recent OAR field studies have revealed needed revisions to PS-11 and Procedure 2. In view of the significant amount of time that has passed since the last proposal was published (December 30, 1997) and the significant amount of knowledge we have recently gained from our field studies, we believe that a supplemental proposal and another opportunity for the public to comment on PS-11 and Procedure 2 are appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	12/12/01	66 FR 64176
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4605

**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation

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**RIN:** 2060-AJ88

**3275. STATE AND FEDERAL OPERATING PERMITS PROGRAM: REMOVAL OF AMENDMENTS TO PART 70 AND PART 71 COMPLIANCE CERTIFICATION REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7414a; 42 USC 7661 to 7661f

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**CFR Citation:** 40 CFR 70; 40 CFR 71 (Revisions)

**Legal Deadline:** None

**Abstract:** Action is in response to the October 29, 1999, United States Circuit Court of Appeals decision to remand to EPA part of the October 22, 1997, Compliance Assurance Monitoring rulemaking that included revisions to parts 70 and 71 compliance certification requirements. The Court ruled that the compliance certification must address whether the affected facility has been in continuous or intermittent compliance.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4600

Split from RIN 2060-AJ04

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**RIN:** 2060-AJ89

**3276. CONTROL OF HAZARDOUS AIR POLLUTANTS FROM MOBILE SOURCES: DEFAULT BASELINE REVISION AND MINOR CORRECTIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 80

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

**Abstract:** The final rule, Control of Emissions of Hazardous Air Pollutants From Mobile Sources (66 FR 17230, 3/29/01), directed EPA to revise the default toxics baselines in the rule to include year 2000 data when it

becomes available. When revised, the default toxics baseline values will be the average toxics values for gasoline over the period 1998-2000. This data is now available, and this rule will promulgate those revised baseline values, and also incorporate several minor technical corrections to the existing rule.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4621

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**RIN:** 2060-AJ97

**3277. ADOPTION OF THE AMENDED INTERNATIONAL NOX STANDARD FOR AIRCRAFT ENGINES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The purpose of this proposed rulemaking is to amend the existing United States regulations governing the exhaust emissions from new commercial aircraft gas turbine engines. The amendment will codify into United States law the recently amended voluntary NOx emission standard of the United Nation's International Civil Aviation Organization (ICAO), thus bringing the United States emission standards into alignment with the internationally adopted standards. This NOx standard was adopted at the ICAO/Committee on Aviation Environmental Protection (CAEP) 4

meeting in 1998. The implementation of the standard is to begin in January 2004. Further, this amendment will establish consistency between U.S. and international requirements and test procedures. This action is necessary to ensure that domestic commercial aircraft meet international standards and the public can be assured that they are receiving the air quality benefits of the international standards.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4631

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

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**RIN:** 2060-AK01

**3278. REDUCTION OF THE AMBIENT AIR MONITORING FINE PARTICULATE COLLOCATED PRECISION REQUIREMENT.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410; 42 USC 7601(a); 42 USC 7619

**CFR Citation:** 40 CFR 58

**Legal Deadline:** None

**Abstract:** This rule will amend the regulations governing the monitoring of ambient fine particulate pollution (PM<sub>2.5</sub>) conducted by State and local governments as part of their programs to meet the National Ambient Air



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Quality Standard (NAAQS) for PM<sub>2.5</sub>. This direct final rule reduces the requirement to collocate PM<sub>2.5</sub> samplers from 25 percent of a reporting organization's sites to 15 percent. Collocation is a technique used to provide an estimate of precision or repeatability of the PM<sub>2.5</sub> network. The process involves setting up a second PM<sub>2.5</sub> sampling instrument within 1 to 4 meters of the primary sampler instrument and collecting a sample during the same time period as the primary sampler. EPA analysis now shows that a reduction in the precision requirement would not significantly affect confidence in precision estimates. Since precision values are collected every sixth day at the monitoring sites and the precision data quality objectives are developed over 3 years, EPA feels that enough precision data will be collected at the proposed frequency (15 percent) to provide acceptable estimates of achievement of the precision data quality objectives. This change should reduce the monitoring burden of all organizations implementing State and local Ambient Monitoring Sites.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

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

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 4647

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**RIN:** 2060-AK05

**3279. AMENDMENTS TO COMPLIANCE CERTIFICATION REQUIREMENTS FOR STATE AND FEDERAL OPERATING PERMITS PROGRAMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7414a; 42 USC 7661 to 7661f

**CFR Citation:** 40 CFR 70; 40 CFR 71 (Revisions)

**Legal Deadline:** None

**Abstract:** Action is in response to the October 29, 1999, United States Circuit Court of Appeals decision to remand to EPA part of the October 22, 1997, Compliance Assurance Monitoring rulemaking that included revisions to parts 70 and 71 compliance certification requirements. The Court ruled that the compliance certification must address whether the affected facility has been in continuous or intermittent compliance.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4671

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**RIN:** 2060-AK11

**3280. ● PROTECTION OF STRATOSPHERIC OZONE: LISTING OF SUBSTITUTES FOR OZONE-DEPLETING SUBSTANCES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This action lists three substitutes for ozone-depleting

substances in the fire suppression and explosion protection sector as acceptable (subject to use restrictions) under EPA's Significant New Alternatives Policy (SNAP) program. The SNAP program evaluates substitutes for ozone-depleting substances and publishes lists of acceptable and unacceptable substitutes. The intended effect of the SNAP program is to support the transition away from ozone-depleting substances through review of substitutes and their effects on human health and the environment.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4688

**Sectors Affected:** 2333 Nonresidential Building Construction; 325 Chemical Manufacturing; 32599 All Other Chemical Product Manufacturing; 336413 Other Aircraft Part and Auxiliary Equipment Manufacturing; 336611 Ship Building and Repairing; 336992 Military Armored Vehicle, Tank and Tank Component Manufacturing; 54138 Testing Laboratories; 54133 Engineering Services; 92216 Fire Protection

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**RIN:** 2060-AK30

**3281. ● REVISION OF COMBUSTION TURBINES NSPS - PART 60, SUBPART GG**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 60 (Revision)

**Legal Deadline:** None

**Abstract:** The NSPS for Combustion Turbines has not been revised since

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1980. Revisions are needed to reduce the burden on EPA and State/local agencies, of approving, on a case-by-case basis, alternate testing and monitoring protocols due to advances in emission control technologies. The revisions are also intended to bring consistency between the monitoring and testing requirements in the Combustion Turbines NSPS (part 60) and the Acid Rain Program (part 75) so that the same data can be used to comply with both regulations.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** SAN No. 4681

**Sectors Affected:** 2211 Electric Power Generation, Transmission and Distribution; 211111 Crude Petroleum and Natural Gas Extraction; 211112 Natural Gas Liquid Extraction; 221 Utilities

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**RIN:** 2060—AK35**3282. • REVISIONS TO THE APPEAL PROCEDURES AND THE FEDERAL NOX BUDGET TRADING PROGRAM, PARTS 78 AND 97****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7601; 42 USC 7651 et seq; 42 USC 7401; 42 USC 7403; 42 USC 7426**CFR Citation:** 40 CFR 75 (Revision); 40 CFR 97 (Revision)**Legal Deadline:** None**Abstract:** This rule is a set of revisions which will simplify and streamline the interface between the existing Acid

Rain Program and the NOx Budget Trading Program.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/01	66 FR 31978
NPRM Comment Period Extended	07/27/01	66 FR 39123
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4682

**Sectors Affected:** 221111 Hydroelectric Power Generation

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**RIN:** 2060—AK36**3283. • PROTECTION OF STRATOSPHERIC OZONE: ADDITIONAL RECONSIDERATION OF PETITION CRITERIA AND INCORPORATION OF MONTREAL PROTOCOL DECISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671 to 7671q**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The content of this rule was promulgated as part of a direct final rule in August 1998. In October 1998 EPA withdrew portions of that direct final rule that had subsequently received adverse comment. We are now promulgating those withdrawn portions in this final rule, which changes the recordkeeping and reporting requirements for Essential Use Allowance holders and clarifies the petition process for import of used class I controlled substances. Additionally, in response to a petition submitted to EPA, this final rule removes the requirement in the petition process for imports of used class I controlled substances whereby a person must certify knowledge of tax liability.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4696

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**RIN:** 2060—AK44**3284. • AMENDMENT TO THE HEAVY-DUTY ENGINE AND VEHICLE STANDARDS AND HIGHWAY DIESEL FUEL SULFUR REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7545(c); 42 USC 7545(g); 42 USC 7545(i); 42 USC 7625-1; 42 USC 7414; 42 USC 7545; 42 USC 7601(a); 42 USC 7401 to 7671q**CFR Citation:** 40 CFR 69; 40 CFR 80; 40 CFR 86**Legal Deadline:** None

**Abstract:** This action would clarify, correct, amend and revise certain provisions of the Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Regulations (66 FR 5002, January 18, 2001).

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4707

**Sectors Affected:** 336112 Light Truck and Utility Vehicle Manufacturing; 811112 Automotive Exhaust System Repair; 811198 All Other Automotive Repair and Maintenance

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## EPA—Clean Air Act (CAA)

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RIN: 2060-AK47

**3285. • CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: AMENDMENT TO THE TIER 2 MOTOR VEHICLE EMISSION STANDARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

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

**Legal Deadline:** None

**Abstract:** This action includes technical amendments needed to resolve errors, inconsistencies, or lack of clarity in recently promulgated light-duty and heavy-duty emissions control programs. These issues include flexibilities for diesel vehicles under the Tier 2 program, amendments to the requirements for independent commercial importers (ICI), amendments to the test weight requirements for complete heavy-duty gasoline vehicles, and amendments to the heavy-duty onboard diagnostics (OBD) requirements for chassis-certified heavy-duty diesel engines and vehicles.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4721

**Sectors Affected:** 33611 Automobile and Light Duty Motor Vehicle Manufacturing; 33612 Heavy Duty Truck Manufacturing

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RIN: 2060-AK55

**3286. PROJECT XL SITE-SPECIFIC RULEMAKING FOR ANDERSEN CORPORATION'S FACILITY IN BAYPORT, MINNESOTA**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 52

**Legal Deadline:** None

**Abstract:** This site-specific rule, applicable only to the Andersen

Bayport facility, provides regulatory changes under the Clean Air Act (CAA) to implement Andersen Corporation's XL project. In this project, the facility will be allowed to increase production levels without undergoing case-by-case reviews prompted by its Volatile Organic Compounds (VOC) emission changes, as long as its VOC emissions per unit of production remain below the performance ratio and its overall emissions remain below a facilitywide VOC cap.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/99	64 FR 19097
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4278

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RIN: 2090-AA21

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

**Long-Term Actions**

**3287. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(7); THIRD PARTY AUDIT PROVISIONS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412(r); 42 USC 7601 (a)(1)

**CFR Citation:** 40 CFR 68

**Legal Deadline:** None

**Abstract:** This action establishes requirements, incentives, and procedures for third party audits of Risk Management Plans (RMPs) under 40 CFR part 68 that would reduce the need for, and thus the incidence of, government audits of RMPs submitted

by facilities that volunteer for such an audit. In this context, a third party is someone not employed by either an RMP-regulated facility or a government agency responsible for implementing the RMP program (implementing agency).

In the preamble to the final risk management program rule, EPA endorsed the concept of using third parties to assist in rule compliance and oversight (61 FR 31705), provided that any such proposal: not weaken the compliance responsibilities of facility owner/operators; offer cost savings and benefits to the industry, community, and implementing agencies that significantly exceed the cost of implementing the approach; lead to a

net increase in process safety, particularly for smaller, less technically sophisticated facilities; and promote cost-effective agency prioritization of oversight resources. However, no specific criteria or requirements were specified in the RMP rule to regulate the activities of facilities, implementing agencies, or third parties with respect to third party assistance.

A facility's participation in the third party audit program proposed by this action would be totally voluntary. For facilities who choose not to participate in the program, this action would have no effect. However if a facility participates, this regulation would establish the requirements and regulatory incentives for their

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participation. For participating sources, the action would offer the potential for reduced regulatory burden (while maintaining their compliance responsibilities), flexible auditing options, and other benefits, provided the source meets the applicable requirements described in the rule. This action also would specify the proposed qualification requirements for persons desiring to act as third party auditors.

EPA believes that this action would promote increased safety among facilities covered by the risk.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4511

**Sectors Affected:** 49312 Refrigerated Warehousing and Storage Facilities; 22132 Sewage Treatment Facilities; 22131 Water Supply and Irrigation Systems; 31161 Animal Slaughtering and Processing; 49311 General Warehousing and Storage Facilities; 42291 Farm Supplies Wholesalers; 42269 Other Chemical and Allied Products Wholesalers; 49313 Farm Product Warehousing and Storage Facilities; 32512 Industrial Gas Manufacturing; 11511 Support Activities for Crop Production

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**RIN:** 2050-AE85

**3288. 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 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 and the revision will state that OCA data is made available to the public under the provisions of 40 CFR part 1400.

**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

**3289. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS: RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT, SECTION 112(R)(3); REVISIONS TO THE LIST OF SUBSTANCES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 68.130

**Legal Deadline:** None

**Abstract:** The list of substances subject to the Chemical Accident Prevention requirements at 40 CFR part 68 was promulgated on January 31, 1994. The Clean Air Act states that the list may be revised from time to time by EPA's own motion or by petition and shall be reviewed at least every 5 years. Since the January 1994 final list rule, EPA has modified the listing for hydrochloric acid; deleted a category of explosive chemicals; exempted flammable substances in gasoline used as fuel and in naturally occurring hydrocarbon mixtures prior to initial processing; and excluded flammable substances used as a fuel or held for sale as a fuel at a retail facility. In fulfillment of the statute's five-year review requirement, EPA has conducted a thorough review of the list. Based on that review, EPA is proposing additions, deletions and modifications to the list of substances. Deletions are based on EPA's review of the chemical toxicity, physical property, production/use quantity and accident history of currently listed substances and new information or erroneous data that impacts the basis of the chemical's listing. Other toxic and flammable chemicals are proposed to be added because they meet the criteria for

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listing a toxic or flammable substance. In addition, EPA proposes to revise the reporting threshold and toxic endpoints of several toxic substances based on updated toxicity information. Facilities with more than the threshold quantity of a listed substance in a process are required to develop a Risk Management Program and submit a Risk Management Plan to EPA. The proposed changes to the list will ensure that facilities are properly managing risks of the most acutely toxic and flammable chemicals that could have an adverse impact on the facility and surrounding community in event of an accidental release.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4619**Sectors Affected:** 325 Chemical Manufacturing; 32411 Petroleum Refineries**Agency Contact:** Kathy Franklin, Environmental Protection Agency, Solid Waste and Emergency Response, 5104A

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**RIN:** 2050-AE96**3290. EVALUATION OF UPDATED TEST PROCEDURES FOR THE CERTIFICATION OF GASOLINE DEPOSIT CONTROL ADDITIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** CAA Section 211**CFR Citation:** 40 CFR 80**Legal Deadline:** None

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4531**Agency Contact:** Jeffrey A. Herzog, Environmental Protection Agency, Air and Radiation, ASD, Washington, DC 20460

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**RIN:** 2060-AJ61**3291. METHODS FOR MEASUREMENT OF VISIBLE EMISSIONS—ADDITION OF METHODS 203A, 203B, AND 203C TO APPENDIX M OF PART 51****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401(b)(1); 42 USC 7410; 42 USC 7470 to 7479; 42 USC 7501 to 7508; 42 USC 7601(a)**CFR Citation:** 40 CFR 51**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/93	58 FR 61639
Final Action	12/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 2915**Agency Contact:** Peter R. Westlin, Environmental Protection Agency, Air and Radiation, D243-02, Research Triangle Park, NC 27711

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**RIN:** 2060-AF83**3292. REVISED PERMIT REVISION PROCEDURES FOR THE FEDERAL OPERATING PERMITS PROGRAM****Priority:** Other Significant**Legal Authority:** 42 USC 7661(a)(d)(3)**CFR Citation:** 40 CFR 71.7**Legal Deadline:** None

**Abstract:** The proposed regulatory change would streamline permit revisions procedures for stationary air sources that are subject to the Federal operating permits program.

The Agency does not anticipate any significant impact on small businesses and State/local/tribal governments.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3922**Agency Contact:** Scott Voorhees, Environmental Protection Agency, Air and Radiation, C304-04, Research Triangle Park, NC 27711

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RIN: 2060-AG92

### 3293. FEDERAL MAJOR NEW SOURCE REVIEW (NSR) PROGRAM FOR NONATTAINMENT AREAS

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 124; 40 CFR 51.165; 40 CFR 52.10; 40 CFR 52.24

**Legal Deadline:** None

**Abstract:** The Clean Air (title I, part D) requires that construction permit programs for new or modified major stationary sources of air pollution be established for areas not attaining the NAAQS. This action will add Federal rules at 40 CFR 52.10 for permitting the construction of new or modified major stationary sources in certain nonattainment areas where State, local, or tribal rules in whole or in part are not in place that meet the statutory permitting requirements. These rules will basically incorporate the requirements for State nonattainment NSR permit programs, codified at 40 CFR 51.165(a), with supplemental provisions added to make explicit the permit requirements of section 173 of the Act and certain long-standing policies regarding nonattainment NSR permitting. This action will also change 40 CFR 52.24 to specify that the requirements of 40 CFR 52.10 govern any permits issued in certain nonattainment areas where acceptable nonattainment NSR rules are not in place. Changes to 40 CFR part 124 will specify that the permit processing, public participation, and permit appeal requirements that otherwise apply to Federal PSD permitting will also apply, in most cases, to Federal nonattainment NSR permitting under 40 CFR 52.10.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4046

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RIN: 2060-AH53

### 3294. GENERAL CONFORMITY REGULATIONS; REVISIONS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** Section 176(c) of the Clean Air Act prohibits Federal entities from taking actions which do not conform to the State implementation plan (SIP) for the attainment and maintenance of the national ambient air quality standards (NAAQS). In November 1993, EPA promulgated two sets of regulations to implement section 176(c). First, on November 24, EPA promulgated the Transportation Conformity Regulations to establish the criteria and procedures for determining that transportation plans, programs, and projects which are funded under title 23 U.S.C. or the Federal Transit Act conform with the SIP. Then, on November 30, EPA promulgated regulations, known as the General Conformity Regulations, to ensure that other Federal actions also conformed to the SIPs. The EPA has not reviewed or revised the General Conformity Regulations since their 1993 promulgation. Several Federal agencies have identified concerns over the implementation of the General Conformity Regulations, including the 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	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Additional Information:** SAN No. 4070

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RIN: 2060-AH93

### 3295. REVISIONS TO AIR POLLUTION EMERGENCY EPISODE REQUIREMENTS (SUBPART H, 40 CFR PART 51)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410(a)(2)(G); 42 USC 7603

**CFR Citation:** 40 CFR 51 Appendix L; 40 CFR 51.150 to 51.153

**Legal Deadline:** None

**Abstract:** 40 CFR part 51.150-51.153 requires States to have contingency plans to prevent air pollution levels from reaching the significant harm level (SHL) for CO, O<sub>3</sub>, SO<sub>2</sub>, NO<sub>x</sub>, and PM. Appendix L provides example guidance to the States on appropriate courses of action to take at each episode stage (i.e., alert, warning, and emergency) to ensure the SHL is not reached. These requirements were developed in the 1970's, based on the NAAQS from that era. Since that time, ambient air quality levels have decreased nationwide. Today, many areas/sources that no longer need episode plans must still develop them. This rule would update and simplify the criteria used to determine which areas would require episode plans. Areas with no more than one exceedance of the Alert level over

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the past 5 years would not need to develop emergency episode plans. Sources with the potential to cause exceedances of the SHL due to a process/control equipment malfunction would need to develop source contingency plans to prevent (and to respond to) such malfunctions. Appendix L would also be revised to reflect the revised program requirements. The result will be a sensible, credible program replacing an outdated program.

**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. 4247

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**RIN:** 2060-AI47**3296. NESHAP: CHROMIUM ELECTROPLATING AMENDMENT****Priority:** Other Significant**Legal Authority:** 42 USC 7412 CAA 112**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** Final standards under section 112(d) for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks (40 CFR 63, Subpart N) were promulgated on January 25, 1995. Since promulgation, the Agency has determined that a class of chromium electroplating operations were inadvertently excluded from regulation. Specifically, the final standards do not apply to sources engaged in continuous chromium electroplating of steel sheet used to make cans and other

containers. It is the Agency's intent to regulate all facilities engaged in chromium electroplating. Therefore, the Agency plans to amend the chromium electroplating rule to extend its applicability to continuous chromium electroplating operations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	09/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 2841

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**RIN:** 2060-AH08**3297. AMENDMENTS TO PARTS 51, 52, 63, 70 AND 71 REGARDING THE PROVISIONS FOR DETERMINING POTENTIAL TO EMIT****Priority:** Other Significant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** This action proposes to amend regulations already established to implement the new Federal air toxics program under section 112, including the General Provisions, the Federal operating permit program under title V, and the major source preconstruction programs under parts C and D of title I.

The proposed rule will address issues related to the determination of a stationary source's potential to emit in response to three court decisions.

This action resulted from splitting of RINs 2060-AC98 and 2060-AC63.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3479

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**RIN:** 2060-AI01**3298. NSPS AND EMISSION GUIDELINES FOR OTHER SOLID WASTE INCINERATORS****Priority:** Other Significant**Legal Authority:** 42 USC 7509 CAA sec 129**CFR Citation:** 40 CFR 60**Legal Deadline:** None

**Abstract:** Section 129 of the Clean Air Act of 1990 requires the Agency to promulgate New Source Performance Standards (NSPS) and Emission Guidelines (EG) for solid waste incinerators. Section 129 specifically required the Administrator to publish a schedule for regulating Other Solid Waste Incinerators (OSWI). A notice published on November 9, 2000 announced that the Administrator would promulgate OSWI standards by November 15, 2005. The notice also listed what classes of incinerators might be covered by the OSWI standards. Standards will be set for the following pollutants: particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead cadmium, mercury, and dioxins and dibenzofurans.

**Timetable:**

Action	Date	FR Cite
ANPRM	11/09/00	65 FR 66850
NPRM	11/00/04	
Final Action	11/00/05	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local**Additional Information:** SAN No. 3751

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## Long-Term Actions

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**RIN:** 2060-AG31

### 3299. PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY: PERMIT APPLICATION REVIEW PROCEDURES FOR NON-FEDERAL CLASS I AREAS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7670-7479  
CAA sec 160-169

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

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
ANPRM	05/16/97	62 FR 27158
NPRM	10/00/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Tribal

**Additional Information:** SAN No. 3919

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**RIN:** 2060-AH01

### 3300. REVIEW OF FEDERAL TEST PROCEDURES FOR EMISSIONS FROM MOTOR VEHICLES; TEST PROCEDURE ADJUSTMENTS TO FUEL ECONOMY AND EMISSION TEST RESULTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 101-549

**CFR Citation:** 40 CFR 600; 40 CFR 86

**Legal Deadline:** None

**Abstract:** This action considers potential adjustments to fuel economy and emission test results to compensate for test procedure changes previously adopted; it applies to light-duty vehicles and light-duty trucks. This aspect of the previous rulemaking (SAN 3323, RIN 2060-AE27) was deferred.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3979

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**RIN:** 2060-AH38

### 3301. PROTECTION OF STRATOSPHERIC OZONE: UPDATE OF THE SUBSTITUTES LIST UNDER (SNAP) PROGRAM

**Priority:** Other Significant

**Legal Authority:** 42 USC 7414; 42 USC 7601; 42 USC 7671(k) CAA sec 612

**CFR Citation:** 40 CFR 82; 40 CFR 9

**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. Unlike acceptable alternatives (see Notices), 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.

#### Timetable:

Action	Date	FR Cite
ANPRM	01/16/92	57 FR 1984
NPRM	05/12/93	58 FR 28094
Final Rule	03/18/94	59 FR 13044
Notice 1	08/26/94	59 FR 44240
NPRM 1	09/26/94	59 FR 49108
Notice 2	01/13/95	60 FR 3318
Final Rule 1	06/13/95	60 FR 31092
Notice 3	07/28/95	60 FR 38729
NPRM 2	10/02/95	60 FR 51383
Notice 4	02/08/96	61 FR 4736
NPRM 3	05/22/96	61 FR 25604
Final Rule 2	05/22/96	61 FR 25585
Notice 5	09/05/96	61 FR 47012
Final Rule 3	10/16/96	61 FR 54030
Notice 6	03/10/97	62 FR 10700
NPRM 4	05/21/97	62 FR 27874
Notice 7	06/03/97	62 FR 30275
NPRM 5	02/03/98	63 FR 5491
Notice 8	02/24/98	63 FR 9151
Notice 9	05/22/98	63 FR 28251
Interim Final Rule 7	01/26/99	64 FR 3861
Interim Final Rule 8	01/26/99	64 FR 3865
ANPRM 9	02/18/99	64 FR 8043
NPRM 6	02/18/99	64 FR 8038
Final Rule 5	04/28/99	64 FR 22981
Notice 10	06/08/99	64 FR 30410
Notice 11	12/06/99	64 FR 68039
Notice 12	04/11/00	65 FR 19327
Final Rule 6	04/26/00	65 FR 24387
Notice 13	06/19/00	65 FR 37900
Notice 14	12/18/00	65 FR 78977
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3525

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**RIN:** 2060-AG12



## EPA—Clean Air Act (CAA)

## Long-Term Actions

**3302. NESHAP: PERCHLOROETHYLENE DRY CLEANING FACILITIES RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, September 22, 2002, Final Action.

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4662**Sectors Affected:** 81232 Drycleaning and Laundry Services (except Coin-Operated)

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**RIN:** 2060-AK18**3303. • NESHAP: SOLVENT EXTRACTION FOR VEGETABLE OIL: AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63**Legal Deadline:** None

**Abstract:** This action develops National Emission Standards for Hazardous Air

Pollutants (NESHAP) for vegetable oil production facilities as authorized under section 112(d) of the Clean Air Act (Act). The action is based on the determination that vegetable oil production plants emit organic hazardous air pollutants (HAPs) listed in section 112(b) of the Act. On July 16, 1992, EPA listed vegetable oil production as a source for which NESHAP are to be promulgated. On December 3, 1993, EPA published a schedule for promulgating NESHAP for vegetable oil production plants by November 15, 2000. NESHAP developed under section 112(d) apply to both new and existing facilities. NESHAP for existing facilities are to be based on the average emission limitation achieved by the best performing 12 percent of existing sources.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4672

**Sectors Affected:** 311222 Soybean Processing; 311223 Other Oilseed Processing; 311225 Fats and Oils Refining and Blending; 311225 Fats and Oils Refining and Blending

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**RIN:** 2060-AK32**3304. NESHAP: ETHYLENE OXIDE FOR STERILIZATION FACILITIES - RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 6, 2002.

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4654

**Sectors Affected:** 3254 Pharmaceutical and Medicine Manufacturing; 311942 Spice and Extract Manufacturing

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**RIN:** 2060-AK09**3305. NESHAP: GASOLINE DISTRIBUTION (STAGE I) RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, December 14, 2002.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA. The current action, required by section 112(f) of the CAA, is to assess residual risks and develop additional emission standards, as necessary, to provide an ample margin of safety. The sources covered are Stage I gasoline distribution sources, i.e., sources of air emissions from processes involved with the wholesale distribution of gasoline to gas stations.

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## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4655

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**RIN:** 2060-AK10**3306. NESHAP: GROUP I POLYMERS AND RESINS — RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** Final, Statutory, September 6, 2004.

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4656**Sectors Affected:** 325212 Synthetic Rubber Manufacturing

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**RIN:** 2060-AK12**3307. NESHAP: GROUP II POLYMERS AND RESINS — RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, March 8, 2003.

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 4657**Sectors Affected:** 325211 Plastics Material and Resin Manufacturing

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**RIN:** 2060-AK13**3308. NESHAP: HAZARDOUS ORGANIC NESHAP (HON) RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63**Legal Deadline:** Final, Statutory, April 22, 2003.

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4659**Sectors Affected:** 325 Chemical Manufacturing

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**RIN:** 2060-AK14**3309. NESHAP: GROUP IV POLYMERS AND RESINS — RESIDUAL RISK STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** Not Yet Determined

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## Long-Term Actions

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4658

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

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**RIN:** 2060-AK15

**3310. NESHAP: INDUSTRIAL PROCESS COOLING TOWERS RESIDUAL RISK STANDARDS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** A national emission standard for hazardous air pollutants (NESHAP) for industrial process cooling towers (IPCT) was previously promulgated under Section 112(d) of the Clean Air Act. That standard effectively bans the use of chromium-based water treatment chemicals in IPCT used to remove heat

from chemical or industrial processes. The Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from IPCT and, if warranted, to develop new risk based standards.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4660

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**RIN:** 2060-AK16

**3311. NESHAP: NATIONAL EMISSION STANDARDS FOR MARINE TANK VESSEL LOADING OPERATIONS — RESIDUAL RISK STANDARD**

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

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4661

**Sectors Affected:** 483 Water Transportation

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**RIN:** 2060-AK17

**3312. NESHAP: SECONDARY LEAD SMELTING RESIDUAL RISK STANDARDS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, June 23, 2003, Final Action.

**Abstract:** National emission standards for hazardous air pollutants (NESHAP) for secondary lead smelting were promulgated on June 23, 1995 under Clean Air Act Section 112(d). The standards establish emission limitations and work practice standards for all new and existing secondary lead smelters that produce refined lead from lead scrap, mainly lead acid batteries. Clean Air Act Section 112(f) requires us to assess within 8 years of promulgation of a NESHAP the remaining risk to the public and to develop additional more stringent standards if such standards are needed to protect the public health with an ample margin of safety. This action is to examine the remaining risk from secondary lead smelters and to develop new risk based standards, if warranted.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** SAN No. 4665

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Sectors Affected:** 331492 Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)

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**RIN:** 2060-AK19

### 3313. NESHAP: SHIPBUILDING AND SHIP REPAIR SURFACE COATING — RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart II (that's not a capital two, it's a double "I"). This source category covers air-toxic emissions from the painting of ships under construction or repair in major sources. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4666

**Sectors Affected:** 336611 Ship Building and Repairing

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**RIN:** 2060-AK20

### 3314. NESHAP: WOOD FURNITURE MANUFACTURING OPERATIONS — RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR Part 63

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

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR part 63, subpart JJ. This source category covers air-toxic emissions from wood-furniture manufacturing, including wood finishing, gluing, and painting. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4667

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

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**RIN:** 2060-AK21

### 3315. NESHAP: HALOGENATED SOLVENT CLEANING — RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** 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	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4668

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

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**RIN:** 2060-AK22

### 3316. NESHAP: MAGNETIC TAPE MANUFACTURING OPERATIONS RESIDUAL RISK STANDARD

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

## EPA—Clean Air Act (CAA)

## Long-Term Actions

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4669

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

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**RIN:** 2060-AK23

### 3317. NESHAP: PRINTING AND PUBLISHING INDUSTRY — RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart KK. This source category covers air-toxic emissions from many activities located at printing and publishing facilities — primarily the printing process itself, plus affiliated equipment such as cleaning, ink and solvent mixing, chemical storage, and solvent recovery.

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Additional Information:** SAN No. 4664

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

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**RIN:** 2060-AK24

### 3318. NESHAP: PETROLEUM REFINERIES — RESIDUAL RISK STANDARDS

**Priority:** Other Significant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

**Legal Deadline:** Final, Statutory, August 31, 2003.

**Abstract:** EPA developed technology-based standards for this source category under section 112(d) of the CAA, codified in 40 CFR Part 63, Subpart CC.

This source category covers air-toxic emissions from equipment at petroleum refineries, such as process vents, storage vessels, and valve leaks. The current action, required by section 112(f) of the CAA, is to assess residual risks from this same source category, and develop additional emission standards, as necessary, to provide an ample margin of safety.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4663

**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2060-AK25

### 3319. NESHAP: AEROSPACE MANUFACTURING AND REWORK FACILITIES RESIDUAL RISK STANDARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7412

**CFR Citation:** 40 CFR 63

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

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

## EPA—Clean Air Act (CAA)

## Long-Term Actions

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Additional Information:** SAN No. 4653**Sectors Affected:** 33641 Aerospace Product and Parts Manufacturing

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**RIN:** 2060-AK08**3320. STREAMLINED EVAPORATIVE TEST PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7521(m)**CFR Citation:** 40 CFR 86 (Revision)**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	08/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 3910

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**RIN:** 2060-AH34**3321. REVIEW NATIONAL AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE****Priority:** Other Significant**Legal Authority:** Clean Air Act Title I**CFR Citation:** 40 CFR 50

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

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

**Timetable:**

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

**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**3322. INTERSTATE OZONE TRANSPORT: RULEMAKING ON SECTION 126 PETITIONS FROM THE DISTRICT OF COLUMBIA, DELAWARE, MARYLAND, AND NEW JERSEY****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7426**CFR Citation:** 40 CFR 52; 40 CFR 97

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined**Additional Information:** SAN No. 4383

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## EPA—Clean Air Act (CAA)

## Long-Term Actions

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 RIN: 2060-AI99

### 3323. RESCINDING FINDING THAT PREEXISTING PM10 STANDARDS ARE NO LONGER APPLICABLE IN NORTHERN ADA COUNTY/BOISE, IDAHO

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 50.6(d); 40 CFR 52.676; 40 CFR 81.313

**Legal Deadline:** None

**Abstract:** The EPA had previously taken action to revoke the PM-10 national ambient air quality standards (NAAQS) for the Boise/Ada County area in anticipation that a revised PM-10 NAAQS would soon be in place. However, the DC Circuit court subsequently vacated the revised PM-10 NAAQS, the effectiveness of which served as the underlying basis for EPA's decision to revoke the pre-existing PM-10 NAAQS. Therefore, in order to protect public health in the Boise/Ada County area, EPA is proposing to reinstate the pre-existing PM-10 NAAQS. Without this action there would be no Federal PM-10 NAAQS applicable to this area. This action is tentatively subject to the terms of a settlement agreement that was signed by all parties in January 2001. A Federal Register notice of the proposed settlement requesting public comment was published January 30, 2001 in accordance with section 113(g) of the Act. Written comments on the proposed settlement agreement must be received by EPA (Mike Prosper) by March 1, 2001. Unless EPA or DOJ determines, following the comment period, that consent is inappropriate, the settlement agreement will then be executed by the parties. This action will then be fully subject to the terms of the settlement agreement. No negative comments received. EPA/DOJ signed the settlement agreement, and the State is in the process of carrying out its obligations under the settlement agreement. The next milestone under the agreement is for the State to submit a maintenance plan to EPA for the area in September.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/00	65 FR 39321

Action	Date	FR Cite
Notice Extension of Comment Period	07/26/00	65 FR 45953
Final Action	To Be Determined	

### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4391

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RIN: 2060-AJ05

### 3324. PROTECTION OF STRATOSPHERIC OZONE: PROCESS FOR EXEMPTING CRITICAL AND EMERGENCY USES OF METHYL BROMIDE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7671c; PL 764

**CFR Citation:** 40 CFR 82

**Legal Deadline:** None

**Abstract:** With this action, EPA will revise the accelerated phaseout regulations that govern the production, import, export, transformation and destruction of substances that deplete the ozone layer. The amendments will incorporate exemptions permitted under the Montreal Protocol on Substances that Deplete the Ozone Layer and recent changes to the Clean Air Act. Specifically, the amendments will create a process to exempt production and consumption of quantities of methyl bromide for critical and emergency uses from the 2005 phaseout of methyl bromide. Because this is an exemption, the rule will confer a benefit on affected entities.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Additional Information:** SAN No. 4535

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RIN: 2060-AJ63

### 3325. CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND ENGINES: ALTERNATIVE LOW-SULFUR HIGHWAY DIESEL FUEL TRANSITION PROGRAM FOR ALASKA

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

## EPA—Clean Air Act (CAA)

## Long-Term Actions

intends to initiate rulemaking and, within one year from the date of Alaska's submittal, promulgate a final rule to incorporate the alternative plan. A stakeholder process to develop options is already underway in Alaska, and the State informed EPA that it intends to submit an alternative transition plan in late 2001 or early 2002. This action will be in response to that anticipated submittal.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 4570**Sectors Affected:** 336112 Light Truck and Utility Vehicle Manufacturing

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**RIN:** 2060-AJ72**3326. NATIONAL EMISSION STANDARDS FOR COKE OVEN BATTERIES — RESIDUAL RISK STANDARDS****Priority:** Other Significant**Legal Authority:** 42 USC 7412**CFR Citation:** 40 CFR 63

**Legal Deadline:** NPRM, Statutory, October 27, 2001, National Emission Standards for Coke Ovens - Residual Risk Standards.

**Abstract:** The Clean Air Act (CAA) section 112(f), standard to protect health and the environment is the

statutory authority for this rulemaking. In accordance with section 112(f)(2), EPA must promulgate residual risk standards 8 years after promulgation of emission standards. We promulgated emission standards for charging, topside leaks, and door leaks at coke ovens on October 27, 1993. This rule will further reduce coke oven emissions from charging, topside leaks, and door leaks at the affected coke plants.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4620**Sectors Affected:** 331111 Iron and Steel Mills

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**RIN:** 2060-AJ96**3327. PROJECT XL SITE-SPECIFIC RULEMAKING FOR GEORGIA-PACIFIC CORPORATION'S FACILITY IN BIG ISLAND, VIRGINIA****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7401 et seq**CFR Citation:** 40 CFR 63 (Revision)**Legal Deadline:** None

**Abstract:** Under the Project XL program, the EPA is supporting a project for the Georgia-Pacific Corporation facility located in Big

Island, Virginia. The EPA is promulgating this rule, applicable only to the Georgia-Pacific Big Island facility, to help implement the project. Under the XL project, Georgia-Pacific will install and operate the first commercial scale black liquor gasification system in the United States. This system will provide superior air emissions reductions and energy benefits compared to use of conventional recovery technology for black liquor in the pulp and paper industry. However, since this will be the first commercial scale demonstration of this technology, there is some risk that the technology will take longer than planned to work properly or may not ever work properly. If either of these scenarios happens, Georgia-Pacific requires relief from otherwise applicable air emission standards to allow time for the new technology to achieve expected performance or, in the event of failure, to allow time for Georgia-Pacific to build conventional recovery technology that will meet applicable standards. Without this relief, Georgia-Pacific would not undertake commercialization of this promising technology. Therefore, this rule provides relief (in the form of limited duration compliance extensions) from otherwise applicable hazardous air pollutant emission standards, as needed during the conduct of the XL project.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4471**Sectors Affected:** 32211 Pulp Mills; 32211 Pulp Mills

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**RIN:** 2090-AA26



**Environmental Protection Agency (EPA)  
Clean Air Act (CAA)**
**Completed Actions**
**3328. • NONCONFORMANCE  
PENALTIES FOR 2004 AND LATER  
MODEL YEAR HEAVY-DUTY DIESEL  
ENGINES AND VEHICLES**

**Priority:** Other Significant

**Legal Authority:** 42 USC 7524

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Clean Air Act requires EPA to issue a certificate of conformity for heavy-duty engines or heavy-duty vehicles which exceed an applicable emission standard but do not exceed an upper limit associated with that standard if the manufacturer pays a nonconformance penalty established by a rulemaking.

**Timetable:**

Action	Date	FR Cite
NPRM	01/16/02	67 FR 2159
Final Action	08/08/02	67 FR 51464

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4730

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**RIN:** 2060-AK58

**3329. NESHAP: PETROLEUM  
REFINERIES; CATALYTIC CRACKING  
UNITS, CATALYTIC REFORMING  
UNITS AND SULFUR RECOVERY  
UNITS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	04/11/02	67 FR 17762

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AF28

**3330. CONSOLIDATED EMISSIONS  
REPORTING RULE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 51.321 to 51.323

**Completed:**

Reason	Date	FR Cite
Final Action	06/10/02	67 FR 39602

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AH25

**3331. NESHAP: WET-FORMED  
FIBERGLASS MAT PRODUCTION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	04/11/02	67 FR 17824

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AH89

**3332. REVISION OF EPA'S  
RADIOLOGICAL EMERGENCY  
RESPONSE PLAN**

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

**CFR Citation:** None

**Completed:**

Reason	Date	FR Cite
Final Plan - Date reflects Administrator's Signature.	01/10/00	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AI49

**3333. NESHAP: PRIMARY COPPER  
SMELTING**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

**Completed:**

Reason	Date	FR Cite
Final Action	06/12/02	67 FR 40477

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AE46

**3334. AMENDMENTS TO GENERAL  
PROVISIONS SUBPARTS A AND B  
FOR 40 CFR 63**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63.1-15; 40 CFR 63.50-56

**Completed:**

Reason	Date	FR Cite
Final Action	04/05/02	67 FR 16582

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

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**RIN:** 2060-AF31

**3335. NESHAP: RUBBER TIRE  
MANUFACTURING**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63

## EPA—Clean Air Act (CAA)

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	07/09/02	67 FR 45587

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Tony Wayne

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**RIN:** 2060-AG29**3336. NESHAP: LARGE APPLIANCE (SURFACE COATING)****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	07/23/02	67 FR 48254

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Lynn Dail

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**RIN:** 2060-AG54**3337. NESHAP: METAL COIL (SURFACE COATING) INDUSTRY****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	06/10/02	67 FR 39794

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Rhea Jones

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**RIN:** 2060-AG97**3338. NESHAP: LEATHER FINISHING OPERATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	02/27/02	67 FR 9156

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** William Schrock

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**RIN:** 2060-AH17**3339. REVISION TO NOX SIP CALL EMISSION BUDGETS FOR CONNECTICUT, MASSACHUSETTS AND RHODE ISLAND****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 51**Completed:**

Reason	Date	FR Cite
Final Action	12/27/00	65 FR 81743

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal**Agency Contact:** Kathryn Petrillo

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**RIN:** 2060-AI80**3340. NESHAP: CELLULOSE PRODUCTION MANUFACTURING****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	06/11/02	67 FR 40044

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** William Schrock

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**RIN:** 2060-AH11**3341. NESHAP: GENERIC MACT FOR CARBON BLACK, ETHYLENE, CYANIDE AND SPANDEX****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	07/12/02	67 FR 46258

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Mark Morris

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**RIN:** 2060-AH68**3342. NESHAP: POLYVINYL CHLORIDE AND COPOLYMERS PRODUCTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Final Action	07/10/02	67 FR 45885

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** State, Local**Agency Contact:** Warren R. Johnson

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## EPA—Clean Air Act (CAA)

## Completed Actions

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RIN: 2060-AH82

### 3343. • NOTICE AND RESPONSE TO COURT REMAND ON NOX SIP CALL AND SECTION 126 PETITIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7410(a)(2)(D); 42 USC 7410(k)(5)

**CFR Citation:** 40 CFR 51; 40 CFR 52(a)

**Legal Deadline:** None

**Abstract:** Ozone and ozone precursors are transported across the northeastern United States. The Ozone Transport Assessment Group (OTAG) was formed in 1995 to document the amount and extent of this transport and to develop control recommendations. The OTAG was a collaborative process conducted by the affected States. Building on the work of OTAG, in October of 1998, EPA promulgated the NOx SIP Call (SAN 3945, 63 FR 57355, 10/27/98), which is intended to reduce the ozone and ozone precursors blowing into nonattainment areas by requiring the upwind States to reduce NOx emissions. EPA also promulgated a backup plan (SAN 4095, Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport, 64 FR 28250, 5/25/99) to assure that emissions are reduced in cases where the States do not fulfill their obligations under the NOx SIP Call. Subsequent court decisions raised questions about some of the data EPA had used to develop both of these rulemakings, and directed EPA to review the data in light of any new information that may have come to light since the rules were promulgated. This notice presents the results of EPA's review and the associated conclusions drawn from it.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/02	67 FR 8395
Notice	05/01/02	67 FR 21868

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4679

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RIN: 2060-AK33

### 3344. REVISIONS TO THE DEFINITIONS AND THE CONTINUOUS EMISSION MONITORING PROVISIONS OF THE ACID RAIN PROGRAM AND THE NOX BUDGET TRADING PROGRAM

**Priority:** Other Significant

**CFR Citation:** 40 CFR 75 (Revision); 40 CFR 97 (Revision)

**Completed:**

Reason	Date	FR Cite
Final Action	06/12/02	67 FR 40394

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 2060-AJ43

### 3345. TRANSPORTATION CONFORMITY RULE AMENDMENTS: MINOR REVISION AND ADDITION OF GRACE PERIOD FOR NEWLY DESIGNATED NONATTAINMENT AREAS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 51; 40 CFR 93

**Completed:**

Reason	Date	FR Cite
Final Action	08/06/02	67 FR 50808

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

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RIN: 2060-AJ70

### 3346. CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES; SECOND AMENDMENT TO THE TIER 2/GASOLINE SULFUR REGULATIONS

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Direct Final Rule	06/12/02	67 FR 40169

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 2060-AJ71

### 3347. PROTECTION OF STRATOSPHERIC OZONE: AVAILABILITY OF ALLOWANCES TO PRODUCE METHYL BROMIDE FOR DEVELOPING COUNTRIES

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 82.1 to 82.13

**Completed:**

Reason	Date	FR Cite
NPRM	04/29/02	67 FR 21135
Direct Final Rule	04/29/02	67 FR 21130

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 2060-AJ74

### 3348. AMENDMENTS TO NESHAP FOR SOLVENT EXTRACTION FOR VEGETABLE OIL PRODUCTION

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR 63.2852; 40 CFR 63.2861(d); 40 CFR 63.2870" (Table 1 entry for 63.6(e))

**Completed:**

Reason	Date	FR Cite
Direct Final Rule	04/05/02	67 FR 16317

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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RIN: 2060-AJ93

## EPA—Clean Air Act (CAA)

## Completed Actions

**3349. NESHAP: GENERIC MACT AMENDMENTS****Priority:** Other Significant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Direct Final Rule - Amendment for Process Vents	06/07/02	67 FR 34301

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** David Markwordt

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**RIN:** 2060-AJ95**3350. NESHAP: PESTICIDE ACTIVE INGREDIENT PRODUCTION — AMENDMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 63**Completed:**

Reason	Date	FR Cite
Direct Final Rule	11/21/01	66 FR 58396

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Randy McDonald

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**RIN:** 2060-AK00**3351. REVISION TO REGULATIONS IMPLEMENTING THE FEDERAL PERMITS PROGRAM IN AREAS FOR WHICH THE INDIAN COUNTRY STATUS IS IN QUESTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 71.4(b); 40 CFR 71.9(p)**Completed:**

Reason	Date	FR Cite
Direct Final Rule	06/03/02	67 FR 38328

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Tribal**Agency Contact:** Candace Carraway

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**RIN:** 2060-AK06**3352. DIRECT FINAL RULEMAKING FOR MODIFICATIONS TO REFORMULATED GASOLINE (RFG) "COVERED AREA" PROVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 80.70 (Revision)**Completed:**

Reason	Date	FR Cite
Direct Final Rule	06/04/02	67 FR 38398

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** John Brophy

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**RIN:** 2060-AK07

## Environmental Protection Agency (EPA)

## Prerule Stage

## Atomic Energy Act (AEA)

**3353. 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 voluntary action will allow low-activity mixed radioactive wastes to be disposed in facilities that meet the design requirements for RCRA-C disposal cells. The wastes intended to be disposed of in these cells are mixed wastes, consisting of a chemically hazardous component and

low levels of radioactivity. These wastes are anticipated to arise in the commercial sector from various sources. The rule 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 does not mandate a disposal method, but rather permits 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.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/00/02	

Action	Date	FR Cite
Proposed Action	12/00/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4054**Agency Contact:** Dan Schultheisz, Environmental Protection Agency, Air and Radiation, 6608J, Washington, DC 20460

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**RIN:** 2060-AH63

**Environmental Protection Agency (EPA)**  
**Atomic Energy Act (AEA)**

Final Rule Stage

**3354. REVISION OF THE 40 CFR PART 194 WASTE ISOLATION PILOT PLANT COMPLIANCE CRITERIA**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 106 Stat. 4777 as amended by the 1996 LWA Amendments; PL 102-579; PL 104-201; Waste Isolation Pilot Plant Land Withdrawal Act of 1992

**CFR Citation:** 40 CFR 194.8(b)

**Legal Deadline:** None

**Abstract:** EPA is proposing several revisions to the compliance criteria in 40 CFR part 194: (1) addition of a process for making minor changes to the provisions of the Compliance Criteria (194.6); (2) changes to the approval process for waste characterization programs at the Department of Energy transuranic (TRU) waste sites (194.8(b)); (3) changes to allow for submission of compliance applications and reference materials in alternative format (e.g., compact disk) (194.12 & 194.13); and (4) replacement of the term "process knowledge" with "acceptable knowledge". The second

item is the most significant change. Section 194.8(b) requires EPA to inspect TRU waste sites on a waste stream basis, and to initiate a notice-and-comment process for each inspection. If a site receives our approval to ship a single waste stream or group of waste streams, that site cannot ship a different waste stream until we perform an additional 194.8(b) inspection. Based on actual site inspection experience, we have learned that for regulatory purposes emphasis is better placed on the processes used to characterize the wastes streams rather than on the particular waste streams themselves. Also, we had witnessed DOE's capacity to properly characterize numerous waste streams at different waste generator sites. On this basis, we are proposing to alter the waste characterization approval process so that only one approval would be issued per site. EPA will assign reporting requirements for waste characterization activities and specify any limitations that would necessitate additional inspections. The purpose of

the proposed revisions to 194.8(b) is to achieve process and resources efficiencies while maintaining our confidence in DOE's technical capability to characterize wastes destined for the Waste Isolation Pilot Plant.

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/02	67 FR 51930
Final Action	05/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4403

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**RIN:** 2060-AJ07

**Environmental Protection Agency (EPA)**  
**Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

Prerule Stage

**3355. ● ENDOCRINE DISRUPTOR SCREENING PROGRAM; PRIORITY SETTING CRITERIA**
**Regulatory Plan:** This entry is Seq. No. 116 in part II of this issue of the Federal Register.

**RIN:** 2070-AD59

**3356. ACCEPTABILITY OF RESEARCH USING HUMAN SUBJECTS**
**Priority:** Other Significant

**Legal Authority:** 7 USC 136a; 21 USC 346a

**CFR Citation:** 40 CFR 26 (Revision)

**Legal Deadline:** None

**Abstract:** EPA is evaluating how its current policy with respect to the protection of human research subjects should be applied to testing not conducted or supported by the Agency. Current EPA regulations apply to research conducted or supported by the Agency or "otherwise subject to regulation." No action has been taken to give effect to the "otherwise subject to regulation" phrase. In addition, EPA

has asked the advice of the National Academy of Sciences on several issues surrounding the acceptability and interpretation of third party studies involving deliberate dosing of human subjects for the purpose of defining or quantifying toxic endpoints. EPA will seek public comment on issues related to Agency use of human research data in its regulatory decisionmaking. EPA believes the process being initiated will serve two important Agency goals: ensuring the availability of sound and appropriate scientific data in its decisions, and protection of the interests, rights and safety of human research subjects. EPA may issue one or more documents, which may include policy statements, rulemaking or requests for public comment.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4610

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD57

**3357. PESTICIDES; EMERGENCY EXEMPTION PROCESS REVISIONS**
**Regulatory Plan:** This entry is Seq. No. 115 in part II of this issue of the Federal Register.

**RIN:** 2070-AD36

**Environmental Protection Agency (EPA)  
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

Proposed Rule Stage

**3358. PESTICIDES; DATA  
REQUIREMENTS FOR  
CONVENTIONAL CHEMICALS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(a) to 136(y)**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update the data requirements specifically necessary for the Agency to evaluate the registrability of conventional pesticide products. The revisions will clarify all data requirements to reflect current practice. Procedural and explanatory sections of the current regulations will be amended to make them consistent with the revised data requirements and new use indexing. EPA intends to accomplish this revision through a series of proposals, covering different data disciplines and product types. This proposal will cover the data requirements for environmental fate, ecological effects, product chemistry, residue chemistry, and human health and exposure data requirements for conventional pesticides.

**Timetable:**

Action	Date	FR Cite
NPRM - Product Chemistry and Human Health Portions	01/00/03	

**Regulatory Flexibility Analysis  
Required:** No
**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2687**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

**Agency Contact:** Melissa Chun, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C, Washington, DC 20460  
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**RIN:** 2070-AC12
**3359. PESTICIDES; DATA  
REQUIREMENTS FOR  
ANTIMICROBIALS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136a; 7 USC 136c; 7 USC 136w**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update and revise its pesticide data requirements for antimicrobial products. The data requirements specify the data that are required for EPA to evaluate the registrability of a pesticide product. The revisions will clarify all antimicrobial data requirements to reflect current practice.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	

**Regulatory Flexibility Analysis  
Required:** No
**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4173

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

**Agency Contact:** Paul Parsons, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C  
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**RIN:** 2070-AD30
**3360. PESTICIDES; DATA  
REQUIREMENTS FOR BIOCHEMICAL  
AND MICROBIAL PRODUCTS**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136**CFR Citation:** 40 CFR 158**Legal Deadline:** None

**Abstract:** EPA will update the data requirements necessary to register a biochemical or microbial pesticide product. The revisions will codify data requirements to reflect current regulatory and scientific standards. The data requirements will cover all scientific disciplines for biochemical and microbial pesticides, including

product chemistry and residue chemistry, toxicology and environmental fate and effects. The revision will not include plant incorporated protectants.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	

**Regulatory Flexibility Analysis  
Required:** Undetermined
**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal**Additional Information:** SAN No. 4596**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD51
**3361. ● ENDOCRINE DISRUPTER  
SCREENING PROGRAM;  
IMPLEMENTING THE SCREENING  
AND TESTING PHASE**

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

**RIN:** 2070-AD61
**3362. PESTICIDES; PROCEDURES  
FOR THE REGISTRATION REVIEW  
PROGRAM**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136a (g); 7 USC 136w**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Agency will establish procedures to implement section 3(g) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) which provides for periodic review of

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

Proposed Rule Stage

pesticide registrations. The goal of these regulations is to review a pesticide's registration every 15 years.

**Timetable:**

Action	Date	FR Cite
ANPRM - Pesticides- Procedural Regulations for Registration Review	04/26/00	65 FR 24586
NPRM	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4170

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

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**RIN:** 2070-AD29

**3363. PESTICIDES; EXEMPTION OF MEDICAL DEVICES TREATED WITH ANTIMICROBIAL PESTICIDES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 7 USC 136w

**CFR Citation:** 40 CFR 152.20

**Legal Deadline:** None

**Abstract:** This action will exempt from pesticide regulation medical devices treated with antimicrobial pesticides. EPA has determined that these treated medical devices are adequately regulated by the Food and Drug Administration. This action would

eliminate dual regulation of these products by EPA and FDA. EPA would continue to regulate the antimicrobial pesticide used to treat the medical device.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4609

**Sectors Affected:** 32619 Other Plastics Product Manufacturing; 31499 All Other Textile Product Mills

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**RIN:** 2070-AD54

## Environmental Protection Agency (EPA)

Final Rule Stage

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

**3364. PESTICIDES; TOLERANCE PROCESSING FEES**

**Priority:** Other Significant

**Legal Authority:** 21 USC 346(a)

**CFR Citation:** 40 CFR 180

**Legal Deadline:** None

**Abstract:** In 1996, the Food Quality Protection Act amended the Federal Food, Drug, and Cosmetic Act to require 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. Since 1983 (the last time a cost analysis was conducted), factors such as expanded data requirements, changes in risk assessment methods, improvements in data base management and tracking systems, and the increasing complexity of scientific review of petitions have resulted in costs substantially exceeding the fees currently charged. This rule will adjust the fee structure and fee amounts for tolerance actions.

**Timetable:**

Action	Date	FR Cite
NPRM Pesticides- Tolerance Processing Fees	06/09/99	64 FR 31039
Supplemental NPRM Processing Fees for Inert Ingredients	07/24/00	65 FR 45569
Supplemental NPRM Reopening of Comment Period	08/31/00	65 FR 52979
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4027

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing

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**RIN:** 2070-AD23

**3365. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR THOSE BASED ON VIRAL COAT PROTEINS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants based on viral coat proteins to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are

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

Final Rule Stage

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 “chemical pesticide residues” under the Federal Food, Drug, and Cosmetic Act (FFDCA). EPA has determined that it will no longer issue split registrations for biotechnology products. Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants based on viral coat proteins from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a recent Supplemental Proposal (66 FR 37855).

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM	05/16/97	62 FR 27132
Supplemental NPRM	04/23/99	64 FR 19958
Request for Comment on Alternate Name		
Supplemental NPRM	07/19/01	66 FR 37855
Seeks Additional Comment based on NAS Report		
FFDCA Final Action	06/00/03	
FIFRA Final Action	06/00/04	

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal**Additional Information:** SAN No. 4602

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

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RIN: 2070-AD49

**3366. PESTICIDE MANAGEMENT AND DISPOSAL; STANDARDS FOR PESTICIDE CONTAINERS AND CONTAINMENT****Priority:** Other Significant

**Legal Authority:** 7 USC 136(q) FIFRA sec 19; 7 USC 136(a) FIFRA sec 3; 7 USC 136(w) FIFRA sec 25

**CFR Citation:** 40 CFR 156; 40 CFR 165

**Legal Deadline:** Final, Statutory, December 24, 1991.

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

**Timetable:**

Action	Date	FR Cite
NPRM (Container Design & Residue Removal & Bulk Containment)	02/11/94	59 FR 6712
Supplemental NPRM Extension of Comment Period	12/21/99	64 FR 71368
Supplemental NPRM Extension of Comment Period	02/24/00	65 FR 9234
Final Action	06/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 2659

**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing; 11511 Support Activities for Crop Production; 42291 Farm Supplies Wholesalers

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RIN: 2070-AB95

**3367. PESTICIDES; WORKER PROTECTION STANDARD (WPS); GLOVE AMENDMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 7 USC 136(w)**CFR Citation:** 40 CFR 170**Legal Deadline:** None

**Abstract:** This rule would create greater flexibility in requirements of the 1992 Worker Protection Standard related to the use of gloves by workers and applicators.

**Timetable:**

Action	Date	FR Cite
NPRM Glove Requirement	09/09/97	62 FR 47544
Final Action	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 3731

**Sectors Affected:** 111 Crop Production; 1114 Greenhouse, Nursery and Floriculture Production; 1131 Timber Tract Operations; 115 Support Activities for Agriculture and Forestry

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RIN: 2070-AC93



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

Final Rule Stage

**3368. 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 Reg. Require. for Anti Pest. Products/Other Pest Reg Changes	09/17/99	64 FR 50671
Notice Extends Comment Period to January 18, 2000	11/16/99	64 FR 62145
Final Action - Labeling and Other Regulatory Portions	12/14/01	66 FR 64759
Final Action - Antimicrobial Procedural Portion Only	04/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3892**Sectors Affected:** 32519 Other Basic Organic Chemical Manufacturing; 32532 Pesticide and Other Agricultural Chemical Manufacturing; 32551 Paint and Coating Manufacturing; 32561 Soap and Cleaning Compound Manufacturing**Agency Contact:** Jean M. Frane, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7506C  
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## Environmental Protection Agency (EPA)

Long-Term Actions

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

**3369. PESTICIDE TOLERANCE REASSESSMENT PROGRAM****Priority:** Routine and Frequent**Legal Authority:** 21 USC 346(a) to 346(q)**CFR Citation:** 40 CFR 180**Legal Deadline:** Other, Statutory, August 3, 2006, See additional information.**Abstract:** EPA will reassess pesticide tolerances and exemptions for raw and processed foods established prior to August 3, 1996, to determine whether they meet the reasonable certainty of no harm standard of the Federal Food, Drug and Cosmetic Act (FFDCA). FFDCA sec. 408(q), as amended by the Food Quality Protection Act (FQPA). FQPA requires that EPA conduct this reassessment on a phased 10-year schedule. Based on its reassessment, EPA will take a series of regulatory actions to modify or revoke tolerances. Since such actions are issued on a chemical-by-chemical basis, this regulatory plan entry does not list the individual actions that are likely to occur under this program. For status information about the individual chemicals, go to <http://www.epa.gov/pesticides>.**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4175

LEGAL DEADLINE CONT: EPA is required to complete reassessments on a phased schedule of: 33 percent by August 3, 1999; 66 percent by August 3, 2002; and 100 percent by August 3, 2006. The Agency will continue to assess pesticide tolerances throughout each year. EPA has satisfied the 1999 and 2002 deadlines.

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Phone: 703 308-8037  
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**RIN:** 2070-AD24**3370. PLANT-INCORPORATED PROTECTANTS (FORMERLY PLANT PESTICIDES) RULEMAKINGS****Priority:** Other Significant**Legal Authority:** 21 USC 346(a) et seq; 7 USC 136 et seq**CFR Citation:** 40 CFR 152.20; 40 CFR 174**Legal Deadline:** None**Abstract:** Substances that plants produce to protect themselves against pests are pesticides under FIFRA if humans intend to use them to destroy, prevent, repel or mitigate any pest. The Agency designates these substances, along with the genetic material necessary to produce them, plant-pesticides. This rulemaking will change the name of these pesticides to plant-incorporated protectants and will clarify the relationship between plants and plant-incorporated protectants and

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

## Long-Term Actions

exempt conventional breeding and establishes a new part in title 40 of the CFR, part 174, which consolidates regulations specific for plant-pesticides in one part of the CFR. The proposed consolidation is expected to benefit the public by providing greater focus, enhanced clarity and ease of use. These actions may reduce burden on both the regulated community and EPA.

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM	05/16/97	62 FR 27132
Supplemental NPRM	04/23/99	64 FR 19958
Request for Comment on Alternate Name		
Final Action Plant-Incorporated Protectants (PIPs) Under FIFRA	07/19/01	66 FR 37771
Supplemental NPRM	07/19/01	66 FR 37855
Seeks Additional Comment on Other Exemptions		

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2684

The Agency has created a new Agenda entry for the action that is still pending.

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

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**RIN:** 2070-AC02

**3371. PESTICIDE MANAGEMENT AND DISPOSAL**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 165

**Legal Deadline:** None

**Abstract:** This action develops procedures for mandatory and voluntary recall actions under section 19(b) of FIFRA and would establish criteria for acceptable storage and disposal plans which registrants may submit to this Agency to become eligible for reimbursement of storage costs. This action establishes procedures for indemnification of owners of suspended and canceled pesticides for disposal.

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/93	58 FR 26856
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3432

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**RIN:** 2020-AA33

**3372. PLANT-INCORPORATED PROTECTANTS (PIPs); EXEMPTION FOR THOSE DERIVED THROUGH GENETIC ENGINEERING FROM SEXUALLY COMPATIBLE PLANTS**

**Priority:** Other Significant

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

**CFR Citation:** 40 CFR 174

**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants derived through genetic engineering from sexually compatible plants to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are

pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to "prevent, repel or mitigate any pest". These substances are also "chemical pesticide residues" under the Federal Food, Drug, and Cosmetic Act (FFDCA). EPA has determined that it will no longer issue split registrations for biotechnology products. Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants derived through genetic engineering from sexually compatible plants from the requirement of a tolerance under section 408 of the FFDCA. Due to public interest and new scientific information, additional public comment on this proposal, originally published in 1994, was requested in a recent supplemental proposal (66 FR 37855).

**Timetable:**

Action	Date	FR Cite
NPRM	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM	05/16/97	62 FR 27132
Supplemental NPRM	04/23/99	64 FR 19958
Request for Comment on Alternate Name		
Supplemental NPRM	08/20/01	66 FR 43552
Extension of Comment Period		
Final Action	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4611

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

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**RIN:** 2070-AD55

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

## Long-Term Actions

**3373. PLANT INCORPORATED PROTECTANTS (PIPS); EXEMPTION FOR PIPS THAT ACT BY PRIMARILY AFFECTING THE PLANT****Priority:** Other Significant**Legal Authority:** 7 USC 136 et seq; 21 USC 346a et seq**CFR Citation:** 40 CFR 174**Legal Deadline:** None

**Abstract:** EPA is considering the addition of plant-incorporated protectants that act by primarily affecting the plant to its plant-incorporated protectants exemptions at 40 CFR 174. Substances which plants produce for protection against pests, and the genetic material necessary to produce them, are pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), if humans intend these substances to “prevent, repel or mitigate any pest”. These substances are also “chemical pesticide residues” under the Federal Food, Drug, and Cosmetic Act (FFDCA). EPA has determined that it will no longer issue split registrations for biotechnology products. Therefore, EPA is concurrently considering the exemption of plant-incorporated protectants that act by primarily affecting the plant 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 recent Supplemental Proposal (66 FR 37855).

**Timetable:**

Action	Date	FR Cite
NPRM FIFRA Exemption	11/23/94	59 FR 60496
Supplemental NPRM	07/22/96	61 FR 37891
Supplemental NPRM	05/16/97	62 FR 27132
Supplemental NPRM	04/23/99	64 FR 19958
Supplemental NPRM	07/19/01	66 FR 37855
FFDCA NPRM	To Be	Determined
FFDCA Tolerance Exemption		

Action	Date	FR Cite
FFDCA Final Action	To Be	Determined
FFDCA Tolerance Exemption		
FIFRA Final Action	To Be	Determined
FIFRA Exemption		

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Additional Information:** SAN No. 4612**Sectors Affected:** 32532 Pesticide and Other Agricultural Chemical Manufacturing; 111 Crop Production; 54171 Research and Development in the Physical Sciences and Engineering Sciences

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**RIN:** 2070-AD56**3374. GROUNDWATER AND PESTICIDE MANAGEMENT PLAN RULE****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 7 USC 136(a) FIFRA sec 3; 7 USC 136(w)**CFR Citation:** 40 CFR 152.170**Legal Deadline:** None

**Abstract:** This regulation as proposed would establish pesticide management plans (PMPs) as a new regulatory requirement for certain pesticides.

Unless a State or tribal authority had an EPA-approved plan specifying risk-reduction measures, use of the chemical would be prohibited. The rule would also specify procedures and deadlines for development, approval and modification of plans by States and tribal authorities. Several parameters of the program described in the proposed rule are being reconsidered to determine whether the program can address water quality issues rather than groundwater only, and to determine the best partnership approach to implementation.

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33259
Notice of Availability Regarding Metolachlor	02/23/00	65 FR 8925
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 3222**Sectors Affected:** 9241 Administration of Environmental Quality Programs

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**RIN:** 2070-AC46

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**

Prerule Stage

**3375. TESTING AGREEMENT FOR  
CERTAIN OXYGENATED FUEL  
ADDITIVES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603; 15 USC 2611; 15 USC 2625

**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 (OFA's). 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 OFA's such as methyl t-butyl ether (MTBE). EPA will be soliciting interested parties to work on an Enforceable Consent Agreement (ECA) under TSCA section

4, through which responsible parties can agree to provide data to EPA. Although not currently a rulemaking, EPA is including this in the Regulatory Agenda to inform the public of this activity which will have a regulatory impact once an ECA is finalized.

**Timetable:**

Action	Date	FR Cite
Notice To Solicit Interested Parties	06/00/03	
Notice - ECA	12/00/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4174

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

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**RIN:** 2070-AD28

**3376. • SUSTAINABLE FUTURES;  
VOLUNTARY PILOT PROJECT UNDER  
THE TSCA NEW CHEMICAL  
PROGRAM**

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

**RIN:** 2070-AD60

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**

Proposed Rule Stage

**3377. LEAD-BASED PAINT  
ACTIVITIES; TRAINING AND  
CERTIFICATION FOR RENOVATION  
AND REMODELING**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 15 USC 2603 TSCA title IV; PL 102-550 sec 402(c)(3)

**CFR Citation:** 40 CFR 745

**Legal Deadline:** Final, Statutory, October 28, 1996.

**Abstract:** Under section 402(c)(2) of the Toxic Substances Control Act (TSCA) title IV, EPA conducted a study of the extent to which persons engaged in renovation and remodeling activities in target housing are exposed to lead in the conduct of such activities or disturb lead and create a lead-based paint hazard. EPA must use the results of this study and consult with interested parties to determine which categories of renovation and remodeling activities require training and certification. EPA must then revise the training and certification regulations originally developed for individuals performing lead-based paint abatement under section 402(c)(a) of TSCA Title IV to apply them to the renovation and

remodeling categories. If EPA determines that any category does not require certification, EPA must publish an explanation of the basis for that determination.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis  
Required:** Yes

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3557

**Sectors Affected:** 23321 Single Family Housing Construction; 23322 Multifamily Housing Construction; 23521 Painting and Wall Covering Contractors; 23551 Carpentry Contractors; 23599 All Other Special Trade Contractors; 53111 Lessors of Residential Buildings and Dwellings; 531311 Residential Property Managers; 54138 Testing Laboratories

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**RIN:** 2070-AC83

**3378. POLYCHLORINATED  
BIPHENYLS (PCBS); EXEMPTIONS  
FROM THE PROHIBITIONS AGAINST  
MANUFACTURING, PROCESSING,  
AND DISTRIBUTION IN COMMERCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2605 TSCA sec 6(e)(3)(B)

**CFR Citation:** 40 CFR 761

**Legal Deadline:** None

## EPA—Toxic Substances Control Act (TSCA)

## Proposed Rule Stage

**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. In addition, the interim procedural rules were amended to require certain petitioners to reapply for EPA approval to continue PCB activities previously approved by EPA.

**Timetable:**

Action	Date	FR Cite
NPRM (1) Group I	12/06/94	59 FR 62875
NPRM (2) Group II, Response to DoD Petitions	11/00/02	
Final Action (1) Group I	10/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 2150

**Sectors Affected:** 211 Oil and Gas Extraction; 2211 Electric Power Generation, Transmission and Distribution; 31-33 Manufacturing; 5133 Telecommunications; 6113 Colleges, Universities and Professional Schools; 622 Hospitals; 921 Executive, Legislative, Public Finance and General Government

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**RIN:** 2070-AB20

### 3379. AMENDMENT TO THE PREMANUFACTURE NOTIFICATION EXEMPTIONS; REVISIONS OF EXEMPTIONS FOR POLYMERS (40 CFR PART 723)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604

**CFR Citation:** 40 CFR 723

**Legal Deadline:** None

**Abstract:** This regulatory action will eliminate exemptions under the Polymer Exemption Rule for certain chemicals containing or related to perfluorooctyl sulfonate (PFOS) and perfluorooctanoic acid (PFOA). Based on data on PFOS and PFOA, EPA believes that these substances and other structurally related substances may persist in the environment, bioaccumulate, and be toxic. Certain polymers which contain PFOS, PFOA, or structurally similar substances, or which could release such substances as a degradation on incineration product would no longer qualify for exemption from TSCA section 5 reporting.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	10/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4635

**Sectors Affected:** 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 327 Nonmetallic Mineral Product Manufacturing

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**RIN:** 2070-AD58

### 3380. TEST RULE; CERTAIN CHEMICALS ON THE ATSDR PRIORITY LIST OF HAZARDOUS SUBSTANCES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 42 USC 9604(i) CERCLA 104(i); 42 USC 9601 CERCLA; 15 USC 2611 TSCA 12; 42 USC 7401 112(b)(4) CAA; 42 USC 7412 (b)(4)&(b)(1) CAA; 42 USC 7403 (d) CAA

**CFR Citation:** 40 CFR 790

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of eight chemicals to fulfill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(i). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. In addition, this action would require manufacturers and processors to develop data for these chemicals that will be used by EPA under the Clean Air Act (CAA) to evaluate residual risks from hazardous air pollutants (HAPs) on the list of HAPs in the CAA under section 112(f), 42 USC 7412(f) and sections 112(d and e). Data from this action would also be used to support implementation of several provisions of section 112 of the CAA including, determining risks remaining after the application of technology based standards under

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section 112(d) of the CAA, estimating the risks associated with accidental releases, and determining whether or not substances should be removed (delisted) from section (b)(1) of the CAA list of HAPS.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 2563

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

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**RIN:** 2070-AB79

**3381. TEST RULE; DEVELOPMENTAL AND REPRODUCTIVE TOXICITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603; 15 USC 2607(a); 15 USC 2611; 15 USC 2625

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

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4 of the Toxic Substances Control Act (TSCA) that would require manufacturers, defined by statute to include importers, and processors of seven (7) substances to conduct testing for developmental and/or reproductive toxicity. EPA is also proposing reporting rules for two of the seven substances. These rules would require the reporting of production volumes so it will be possible to determine when the testing program can be triggered for the two substances without causing a significant impact on revenues. This is

a reproposal of a test rule announced March 4, 1991 (56 FR 9092).

**Timetable:**

Action	Date	FR Cite
NPRM	03/04/91	56 FR 9092
NPRM Reproposal	06/00/03	

**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

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**RIN:** 2070-AD44

**3382. FOLLOW-UP RULES ON EXISTING CHEMICALS**

**Priority:** Routine and Frequent

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM 2,4-Pentanedione SNUR	09/27/89	54 FR 39548
NPRM Chloranil	05/12/93	58 FR 27980
NPRM Benzidine-based Chemical Substances	08/30/95	60 FR 45119
Final Action Benzidine-based Chemical Substances	10/07/96	61 FR 52287
NPRM Heavy Metal-Based Pigments in Aerosol Spray Paints SNUR	01/15/02	67 FR 1937
NPRM Methylcyclopentane SNUR	12/00/02	
NPRM 2-Ethoxyethanol & 2-Methoxyethanol Acetate	12/00/02	
NPRM 2,4-Pentanedione SNUR (Reproposal)	05/00/03	
NPRM p-Aminophenol & Bromochloromethane 8(a) Chemical Specific Rule	06/00/03	
NPRM Certain Chemical Substances No Longer in Production SNUR	06/00/03	
Final Action Heavy Metal-Based Pigments in Aerosol Spray Paints SNUR	06/00/03	
NPRM o-Tolidine & o-Dianisidine-based Dyes (Benzidine Congener Dyes)	09/00/03	
NPRM Proposed Amendment to Benzidine-based Chemical Substances SNUR	12/00/03	
Final Action Amendment to Benzidine-based Chemical Substances SNUR	06/00/04	
Final Action Final Chloranil SNUR	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 1923

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

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**RIN:** 2070-AA58

**3383. SIGNIFICANT NEW USE RULE; SELECTED FLAME RETARDANT CHEMICAL SUBSTANCES FOR USE IN RESIDENTIAL UPHOLSTERED FURNITURE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604 TSCA 5

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

**Legal Deadline:** None

**Abstract:** EPA is proposing a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain flame retardant chemicals for use in residential upholstered furniture. The SNUR would require companies wanting to import or manufacture these chemicals for the significant new uses described in the proposed rule to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

**Additional Information:** SAN No. 4512

**Sectors Affected:** 325 Chemical Manufacturing; 313 Textile Mills; 337121 Upholstered Household Furniture Manufacturing

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**RIN:** 2070-AD48

**3384. 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 plant 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	09/00/03	

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4598

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**RIN:** 2070-AD53

**Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)**

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**3385. LEAD; MANAGEMENT AND DISPOSAL OF LEAD-BASED PAINT DEBRIS**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2601 to 2671; 42 USC 6901 to 6992

**CFR Citation:** 40 CFR 745

**Legal Deadline:** None

**Abstract:** Currently, waste derived from lead-based paint (LBP) abatements is managed under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Other Federal agencies (Department of

Housing and Urban Development, Department of Health and Human Services) and several States and advocacy groups have expressed concern that the costs associated with the disposal of large volume architectural components (e.g., doors and windows) may interfere with

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abatement activities. EPA's Office of Prevention, Pesticides and Toxic Substances and the Office of Solid Waste have initiated a joint rulemaking to address the disposal of these architectural components. This rulemaking would develop disposal standards for these components under the Toxic Substances Control Act (TSCA) title IV, (the definition of abatement under TSCA title IV, section 401(1)(B), includes disposal). The TSCA regulations would establish appropriate disposal standards for LBP architectural components and identify recycling and incineration activities that would be controlled or prohibited. To minimize duplication of waste management requirements, EPA is developing a companion RCRA rule to suspend temporarily hazardous waste management regulations applicable to lead-based paint debris which will be subject to the new TSCA standards.

**Timetable:**

Action	Date	FR Cite
NPRM - TSCA Proposal	12/18/98	63 FR 70189
NPRM Comment Period Extended	02/12/99	64 FR 7159
Final Action	03/00/03	

**Regulatory Flexibility Analysis**

Required: No

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

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

**Additional Information:** SAN No. 3508

**Sectors Affected:** 23332 Commercial and Institutional Building Construction; 23521 Painting and Wall Covering Contractors; 23542 Drywall, Plastering, Acoustical and Insulation Contractors; 23511 Plumbing, Heating and Air-Conditioning Contractors; 23594 Wrecking and Demolition Contractors; 23592 Glass and Glazing Contractors; 54138 Testing Laboratories; 562111 Solid Waste Collection; 23321 Single Family Housing Construction; 233 Building, Developing and General Contracting

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**RIN:** 2070-AC72

**3386. LEAD; NOTIFICATION REQUIREMENTS FOR LEAD-BASED PAINT ABATEMENT ACTIVITIES AND TRAINING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2682 TSCA 402; 15 USC 2687 TSCA 407; PL 102-550

**CFR Citation:** 40 CFR 745

**Legal Deadline:** None

**Abstract:** EPA is issuing this rule under the authority of Section 407 of the Toxic Substances Control Act (TSCA) to establish notification procedures for lead abatement professionals (certified under 40 CFR 745.226) conducting lead-based paint activities, and training programs (accredited under 40 CFR 225) providing lead-based paint activities courses. Specifically, this rule seeks to establish procedures to notify the Agency prior to commencement of lead-based paint abatement activities as required by 40 CFR 745.227(e)(4). In addition, this rule seeks to establish provisions which would require training programs accredited under 40 CFR 745.225 to notify the Agency under the following conditions: 1) prior to providing lead-based paint activities, training, and 2) following completion of lead-based paint activities courses. These notification requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize inspections. This rule supports 40 CFR part 745, subpart L to ensure that lead abatement professionals who inspect, assess and remove lead-based paint, dust or soil are well qualified, trained, and certified to conduct these activities.

**Timetable:**

Action	Date	FR Cite
NPRM	01/22/01	66 FR 7207
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

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

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

**Additional Information:** SAN No. 4172

**Sectors Affected:** 611519 Other Technical and Trade Schools

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**RIN:** 2070-AD31

**3387. SIGNIFICANT NEW USE RULES; FOLLOW-UP RULES ON NON-5(E) NEW CHEMICAL SUBSTANCES**

**Priority:** Routine and Frequent

**Legal Authority:** 15 USC 2604 TSCA sec 5

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA regulates the commercial development of new chemicals that have completed premanufacture notice (PMN) review. In a PMN review, the Agency assesses whether or not a chemical's manufacture, import, process, distribution, use, or disposal outside the activities described in the PMN may present an unreasonable risk. EPA will issue Significant New Use Rules (SNURs) requiring 90-day notification to EPA from any manufacturer, importer, or processor who would engage in activities that are designated as significant new uses. Under the Expedited Follow-up Rule (EFUR) which became effective on October 12, 1989, EPA will identify such new chemicals and publish them in a batch SNUR 3-4 times per year. Chemicals that were subject to a proposed SNUR before the effective date of the EFUR or do not qualify under the EFUR, may be regulated individually by notice and comment rulemaking and are listed below.



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**Timetable:**

Action	Date	FR Cite
NPRM Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)	06/11/86	51 FR 21199
NPRM 1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)	12/08/87	52 FR 46496
NPRM Aluminum Cross-linked Sodium Carboxymethylcellulose	06/11/93	58 FR 32628
Final Action Alkyl & Sulfonic Acid & Ammonium Salt (84-1056)	06/00/03	
Final Action 1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)	06/00/03	
Final Action Aluminum Cross-linked Sodium Carboxymethylcellulose	06/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 1976

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

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RIN: 2070-AA59

**3388. 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 TSCA sec 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that uncontrolled manufacture, import,

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

**Timetable:**

Action	Date	FR Cite
NPRM Batch SNUR: 84-660/-704 & 84-105/-106/-107 & 85-433	05/27/93	58 FR 30744
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
NPRM Certain Chemical Substances	09/09/98	63 FR 48157
Final Action Batch SNUR: 84-660/-704 & 84-105/-106/-107 & 85-433	05/11/02	67 FR 17643
Final Action Certain Chemical Substances (91-1299/95-1667 91-1298 91-1297	03/00/03	
Final Action Aromatic Amino Ether (P90-1840)	03/00/03	
Final Action Alkenyl Ether of Alkanetriol Polymer (93-458)	03/00/03	
Final Action Certain Chemical Substances	06/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAN No. 3495

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

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RIN: 2070-AB27

**3389. TEST RULE; GENERIC ENTRY FOR ITC RELATED TESTING DECISIONS**

Priority: Substantive, Nonsignificant

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

CFR Citation: 40 CFR 790 to 799

Legal Deadline: None

**Abstract:** EPA is requiring testing via rules, or will obtain testing through enforceable consent agreements (ECAs) or publish a notice which provides the reasons for not doing so for chemicals listed herein. These chemicals have been designated for priority testing consideration by the ITC or recommended for testing consideration (for which the 12-month statutory requirement does not apply). The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other Federal or other EPA offices through EPA review processes.

**Timetable:**

Action	Date	FR Cite
ANPRM Aryl Phosphates (ITC List 2)	12/29/83	48 FR 57452
NPRM Brominated Flame Retardants	06/25/91	56 FR 29140
NPRM Aryl Phosphates (ITC List 2)	01/17/92	57 FR 2138

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Action	Date	FR Cite
Final Action-ECA DiBasic Esters (CPSC)	08/05/99	64 FR 42692
Final Action-ECA 1,1,2-Trichloroethane (TCE)	06/15/00	65 FR 37550
Final Action-ECA Ethylene Dichloride (EDC)	12/00/02	
Final Action ITC Chemicals (ITC List 28)	12/00/02	
Final Action-ECA Maleic Anhydride	06/00/03	
Final Action-ECA Hydrogen Fluoride	06/00/03	
Final Action-ECA Phthalic Anhydride	06/00/03	
Final Action-ECA Aryl Phosphates (ITC List 2)	12/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3493**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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RIN: 2070-AB94

**3390. TEST RULE; HAZARDOUS AIR POLLUTANTS (HAPS)****Priority:** Other Significant**Legal Authority:** 15 USC 2603 TSCA 4; 42 USC 7412 CAA 112; 42 USC 7403 CAA 103; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None**Abstract:** EPA is proposing health effects testing under TSCA section 4 in support of programs and activities

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/26/96	61 FR 33178
Supplemental NPRM	12/24/97	62 FR 67466
Supplemental NPRM	04/21/98	63 FR 19694
Final Action	10/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3487**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Richard Leukroth, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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RIN: 2070-AC76

**3391. TEST RULE; CERTAIN HIGH PRODUCTION VOLUME (HPV) CHEMICALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603; 15 USC 2611 to 2612; 15 USC 2625 to 2626**CFR Citation:** 40 CFR 790 to 799**Legal Deadline:** None

**Abstract:** This rule will 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. Although varied based on specific data needs for the particular chemical, the data generally collected under this rule may include: acute toxicity, repeat dose toxicity, developmental and reproductive toxicity; mutagenicity ecotoxicity and environmental fate. The first rule proposed testing for 37 HPV chemicals with substantial worker exposure. The action is part of the Chemical Right-to-Know Initiative, which is described in The Regulatory Plan.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81658
Final Action	03/00/03	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3990**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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RIN: 2070-AD16

**3392. TEST RULE; IN VITRO DERMAL ABSORPTION RATE TESTING OF CERTAIN CHEMICALS OF INTEREST TO THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12**CFR Citation:** 40 CFR 700 to 799**Legal Deadline:** None

**Abstract:** EPA is requiring manufacturers (which is defined by statute to include importers) and processors of 38 chemical substances of interest to the Occupational Safety and Health Administration (OSHA) to conduct testing for in vitro dermal absorption rate testing. These chemicals, and others, were designated for in vitro dermal absorption rate testing in the 31st, 32nd, and 35th Reports of the TSCA section 4(e) Interagency Testing Committee (ITC) to the EPA. Each of the chemical substances included in this proposed rule is produced in an amount equal to or greater than one million pounds per year. In addition, each of the chemicals in this proposed rule was identified in the National Occupational Exposure Survey (NOES) as having a total potential worker exposure of greater than 1,000 workers. OSHA has indicated that it needs quantitative measures of dermal absorption rate in order to evaluate the potential hazard of these chemicals to workers.

**Timetable:**

Action	Date	FR Cite
NPRM - OSHA Chemicals Dermal Testing (ITC List 31, 32 & 35)	06/09/99	64 FR 31074
Final Action - OSHA Chemical Dermal Testing	12/00/02	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 4425**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Frank Kover, Environmental Protection Agency, Office of Prevention, Pesticides andToxic Substances, 7405M, Washington, DC 20460  
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RIN: 2070-AD42

**3393. ACRYLAMIDE AND N-METHYLOLACRYLAMIDE GROUTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2605 TSCA sec 6; 15 USC 2607 TSCA sec 8**CFR Citation:** 40 CFR 764**Legal Deadline:** None

**Abstract:** On October 2, 1991, EPA proposed a regulation to prohibit the manufacture, importation, distribution and use of acrylamide and NMA grouts based on the unreasonable risk to workers who apply these grouts. Since that time, personal protective equipment that can provide adequate protection to workers has become available. EPA is now considering whether it is still necessary to prohibit the use of these grouts to protect the health of grouters.

**Timetable:**

Action	Date	FR Cite
NPRM	10/02/91	56 FR 49863
Notice Reopening Record for Comments on Durability of NMA	02/28/96	61 FR 7454
Final Action	03/00/03	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 2779**Sectors Affected:** 23491 Water, Sewer, and Pipeline Construction; 23491 Water, Sewer, and Pipeline Construction; 32519 Other Basic Organic Chemical Manufacturing; 32519 Other Basic Organic Chemical Manufacturing; 42269 Other Chemical and Allied Products Wholesalers; 22132 Sewage Treatment Facilities**Agency Contact:** John Bowser, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460  
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RIN: 2070-AC17

**3394. TSCA SECTION 8(A) PRELIMINARY ASSESSMENT INFORMATION RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(a) TSCA sec 8(a)**CFR Citation:** 40 CFR 712**Legal Deadline:** None

**Abstract:** These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the Toxic Substances Control Act section 8(a) Preliminary Assessment Information Rule (40 CFR part 712). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. These data will also support risk assessment and test rule decisions.

**Timetable:**

Action	Date	FR Cite
Final Action 37th ITC List	02/28/96	61 FR 7421
Final Action 38th ITC List	10/29/96	61 FR 55871
Final Action 38th ITC List - Stay	12/11/96	61 FR 65186
Final Action 38th ITC List - Stay/Technical Amendments	01/07/98	63 FR 684

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Action	Date	FR Cite
Final Action 38th ITC List - Revocation	01/11/00	65 FR 1548
Final Action 39th ITC List	01/11/00	65 FR 1548
Final Action 41st ITC List	07/05/00	65 FR 41371
Final Action 42nd ITC List	07/24/00	65 FR 45535
Final Action 47th ITC List	07/26/01	66 FR 38955
Final Action 48th ITC List	11/00/02	
Final Action 50th ITC List	01/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 2178**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Paul Campanella, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AB08**3395. TSCA SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES****Priority:** Routine and Frequent**Legal Authority:** 15 USC 2607(d) TSCA sec 8(d)**CFR Citation:** 40 CFR 716**Legal Deadline:** None**Abstract:** These rules require manufacturers, importers and processors to submit unpublished health and safety data on chemicals added to the requirements of the Toxic Substances Control Act section 8(d) Health and Safety Data Reporting Rule (40 CFR part 716). These chemicals have been identified by the Office of Pollution Prevention and Toxics, other

EPA offices, and other Federal agencies, as well as recommended for testing consideration by the Interagency Testing Committee.

**Timetable:**

Action	Date	FR Cite
Final 38th ITC List	10/29/96	61 FR 55871
Final 38th ITC List - Stay	12/11/96	61 FR 65186
Final 38th ITC List - Stay/Technical Amendment	01/07/98	63 FR 684
Final Action 38th ITC List - Revocation	01/11/00	65 FR 1548
Final Action 39th, 41st and 42nd ITC List	02/00/03	
Final Action 47th ITC List	03/00/03	
Final Action 48th ITC List	04/00/03	
Final Action 50th ITC List	05/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 1139**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Paul Campanella, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7405M, Washington, DC 20460

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**RIN:** 2070-AB11**3396. TSCA SECTION 8(E) POLICY; NOTICE OF CLARIFICATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2607(e) TSCA sec 8(e)**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The TSCA section 8(e) Notice of Clarification and Solicitation of Public Comment would change certain aspects of the 1978 TSCA section 8(e) Policy Statement. The 1978 Policy

Statement describes the types of information that EPA considers reportable under section 8(e), the substantial risk reporting provision of TSCA, and describes the procedures for reporting such information to EPA. This clarification effort derives from a review of the existing section 8(e) guidance done in the context of questions raised by companies considering participating in the section 8(e) Compliance Audit Program (CAP). As a result of this review, EPA determined that parts of the 1978 Policy Statement concerning the reportability of information on widespread and previously unsuspected distribution in environmental media and emergency incidents of environmental contamination needed some refinement. The subject Federal Register action solicited comment on refined reporting guidance concerning widespread and previously unsuspected distribution in environmental media and provides additional circumstances where information is not reportable because it is considered known to the Administrator. Finally, the notice solicited comments on changes to the section 8(e) reporting deadline and the standards for claims of confidentiality for information contained in a notice of substantial risk under section 8(e).

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/93	58 FR 37735
Final Action	11/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** SAN No. 3118**Sectors Affected:** 32411 Petroleum Refineries; 325 Chemical Manufacturing**Agency Contact:** Richard Hefter, Environmental Protection Agency, Office of Prevention, Pesticides and Toxic Substances, 7403M, Washington, DC 20460

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## EPA—Toxic Substances Control Act (TSCA)

Final Rule Stage

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RIN: 2070-AC80

### 3397. TSCA INVENTORY UPDATE RULE AMENDMENTS

**Priority:** Other Significant

**Legal Authority:** 15 USC 2607(a) TSCA 8(a)

**CFR Citation:** 40 CFR 710

**Legal Deadline:** None

**Abstract:** This action would amend the current TSCA Inventory Update Rule (IUR) to require chemical manufacturers to report to EPA data on exposure-related information and the industrial and consumer end uses of chemicals they produce or import. Currently, EPA requires chemical manufacturers to report the names of the chemicals they produce, as well as the locations of manufacturing facilities and the quantities produced. About 3,000 facilities reported data on about 9,000 unique chemicals during the last reporting cycle under the IUR. Data obtained would be used by EPA and others to: better understand the potential for chemical exposures; screen the chemicals now in commerce and identify those of highest concern; establish priorities and goals for their chemical assessment, risk management and prevention programs, and monitor the programs' progress; encourage pollution prevention by identifying potentially safer substitute chemicals for uses of potential concern; and enhance the effectiveness of chemical risk communication efforts. Additionally, EPA is making other amendments to the IUR. These include removing the inorganic chemicals exemption, thereby providing the information to better assess and manage risks of inorganic chemicals; improving the linkages of IUR data to other data sources to enhance the data's usefulness; and altering the confidential business information (CBI) claim procedures to reduce the frequency of CBI claims, allowing the public greater access to relevant information on toxic chemicals. EPA has held meetings with representatives of the chemical industry, environmental groups, environmental justice leaders, labor groups, State governments and other Federal agencies to ensure public involvement in the TSCA Inventory Update Rule Amendments Project.

#### Timetable:

Action	Date	FR Cite
NPRM	08/26/99	64 FR 46771
NPRM Comment Period Extended	10/22/99	64 FR 56998
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3301

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

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RIN: 2070-AC61

### 3398. SIGNIFICANT NEW USE RULE; REFRACTORY CERAMIC FIBERS (RCFS)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

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

#### Timetable:

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

**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

### 3399. CHEMICAL RIGHT-TO-KNOW INITIATIVE; HIGH PRODUCTION VOLUME (HPV) CHEMICALS

**Priority:** Other Significant

**Legal Authority:** 15 USC 4 TSCA; 15 USC 8 TSCA; 42 USC 313 TRI; 7 USC 136 FIFRA

**CFR Citation:** 40 CFR 700 et seq

**Legal Deadline:** None

**Abstract:** The Chemical RTK Initiative was established in 1998 in response to the finding that most commercial chemicals have very little, if any, publicly available toxicity information on which to make sound judgments about potential risks. There are three key components to this initiative, each of which is being implemented by EPA. These are: collecting and making public screening level toxicity data for 2,800 widely used commercial chemicals; additional health effects assessment for chemicals to which children are substantially exposed; and the listing and lowering of thresholds for persistent, bioaccumulative, toxic chemicals reported to the Toxic Release Inventory (TRI). This Initiative will involve several separate activities, with

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any regulatory related actions included as separate entries in the Regulatory Agenda.

**Timetable:**

Action	Date	FR Cite
Notice Data Collection and Development on HPV Chemicals	12/26/00	65 FR 81686
Initiative Completed HPV Data To Be Received	06/00/05	

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4176

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

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**RIN:** 2070-AD25

**3400. SIGNIFICANT NEW USE RULE; PERFLUOROALKYL SULFONATES (PFOA)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2604 TSCA 5

**CFR Citation:** 40 CFR 704; 40 CFR 721

**Legal Deadline:** None

**Abstract:** EPA is proposing a significant new use rule (SNUR) under section 5 of the Toxic Substances Control Act (TSCA) covering certain perfluoroalkyl sulfonates. This SNUR would require companies who wanted to manufacture or import these chemicals for the significant new uses described in the proposed rule to submit a significant new use notice (SNUN) to the Agency at least 90 days prior to beginning those activities.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/00	65 FR 62319
NPRM Comment Period Extended	11/21/00	65 FR 69889
Notice of Public Meeting on NPRM	02/23/01	66 FR 11243
Supplemental NPRM	03/11/02	67 FR 11014

Action	Date	FR Cite
Final Action for Certain Uses in the Proposal	03/11/02	67 FR 11008
Final Action for Remaining Uses in the Proposal	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** SAN No. 4475

**Sectors Affected:** 325 Chemical Manufacturing

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**RIN:** 2070-AD43

Environmental Protection Agency (EPA)  
Toxic Substances Control Act (TSCA)

Long-Term Actions

**3401. ASBESTOS MODEL ACCREDITATION PLAN REVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2646 TSCA sec 206

**CFR Citation:** 40 CFR 763

**Legal Deadline:** Final, Statutory, November 28, 1992.

**Abstract:** The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) amended TSCA to require that EPA revise its asbestos model accreditation plan (MAP) to extend training and accreditation requirements to include persons performing certain asbestos-related work in public or commercial buildings, to increase the minimum number of training hours required for accreditation purposes and to effect other changes necessary to implement the amendments.

**Timetable:**

Action	Date	FR Cite
Model Plan	05/13/92	57 FR 20438
Interim Final Rule	02/03/94	59 FR 5236
Final Action	05/00/04	

**Regulatory Flexibility Analysis Required:** No

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3148

**Sectors Affected:** 611519 Other Technical and Trade Schools

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**RIN:** 2070-AC51

**3402. LEAD FISHING SINKERS; RESPONSE TO CITIZENS PETITION AND PROPOSED BAN**

**Priority:** Other Significant

**Legal Authority:** 15 USC 2605 TSCA

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## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

**CFR Citation:** 40 CFR 745**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
ANPRM	05/13/91	56 FR 22096
NPRM - Ban of Fishing Sinkers	03/09/94	59 FR 11122
Final Action - Fishing Sinkers	12/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Additional Information:** SAN No. 3252

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**RIN:** 2070-AC21**3403. LEAD-BASED PAINT ACTIVITIES; TRAINING, ACCREDITATION, AND CERTIFICATION RULE AND MODEL STATE PLAN RULE - BRIDGES AND STRUCTURES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** This action may affect State, local or tribal governments and the private sector.**Legal Authority:** 15 USC 2603 TSCA title IV; 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 that EPA promulgate regulations governing lead-based paint (LBP) activities to ensure that individuals engaged in such activities are properly trained, that LBP training programs are accredited, and that contractors engaged in such activities are certified. In addition, EPA must promulgate a Model State program which may be adopted by any State which seeks to administer and enforce a State Program. EPA promulgated regulations for training and certification of training programs for LBP activities and child occupied facilities in 1996 (see 40 CFR 745). Regulations for LBP activities in public and commercial buildings and bridges and other structures are still under development.

**Timetable:**

Action	Date	FR Cite
NPRM (Buildings & Structures)	03/00/04	
Final Action (Buildings & Structures)	10/00/05	

**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. 4376**Sectors Affected:** 23411 Highway and Street Construction; 611519 Other Technical and Trade Schools**Agency Contact:** Joel Wolf, Environmental Protection Agency,

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**RIN:** 2070-AC64**3404. DISPOSAL OF POLYCHLORINATED BIPHENYLS: IMPLEMENTATION ISSUES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 2607 (TSCA sec 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	06/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Federalism:** Undetermined**Additional Information:** SAN No. 4597**Sectors Affected:** 92 Public Administration; 22 Utilities; 31-33

## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

Manufacturing; 48-49 Transportation; 53 Real Estate and Rental and Leasing; 54 Professional, Scientific and Technical Services; 562 Waste Management and Remediation Services; 81 Other Services (except Public Administration)

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**RIN:** 2070-AD52

### 3405. VOLUNTARY CHILDREN'S CHEMICAL EVALUATION PROGRAM (VCCEP)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12; 15 USC 2625 TSCA 26

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

**Legal Deadline:** None

**Abstract:** This is a voluntary program to evaluate commercial chemicals to which children may have a high likelihood of exposure. Designed with extensive stakeholder participation, the purpose of this voluntary program is to obtain toxicity and exposure data needed to assess the risk of childhood exposure to commercial chemicals. EPA launched a pilot of this program on December 26, 2000. Manufacturers of 20 of the 23 pilot chemicals have volunteered to sponsor their chemicals in tier 1 in the pilot. A workshop was held in December 2001 to provide sponsors with additional guidance on the scope and content of the exposure assessments they will prepare. A peer consultation process will be used to evaluate the scientific merits of the hazard, exposure, and risk assessments submitted by sponsors. The first assessments developed for VCCEP are expected to be received in mid 2002. 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 Cancellation of Public Meeting	01/13/00	65 FR 2163
Notice Stakeholder Involvement Process - Notice of Public Meeting	03/29/00	65 FR 16590
Notice Voluntary Children's Chemical Evaluation Program - Pilot	12/26/00	65 FR 81700
Notice Update	01/00/04	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 2865

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

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**RIN:** 2070-AC27

### 3406. TEST RULE; CERTAIN METALS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 15 USC 2603 TSCA 4; 15 USC 2611 TSCA 12; 15 USC 2625 TSCA 26; 42 USC 9604(i) CERCLA 104(i)

**CFR Citation:** 40 CFR 790

**Legal Deadline:** None

**Abstract:** EPA is proposing a test rule under section 4(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and processors of certain metals to fill data needs identified by the Agency for Toxic Substances and Disease Registry (ATSDR), the National Toxicology Program (NTP), and EPA pursuant to

the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 104(I). Under CERCLA, ATSDR is to establish a list of priority hazardous substances found at superfund sites, develop toxicological profiles for the hazardous substances, identify priority data needs, and establish a research program obtaining the necessary data. This action is a component of ATSDR's research program. Data from this action would provide specific information about the substances for the public and scientific community. The information would be used in conducting comprehensive public health assessments of populations living near hazardous waste sites. Scientific data improves the quality of risk assessments used by EPA, other Federal agencies, and State and local governments. The risk assessments affect standards, guidelines, listing/delisting, and other decisions affecting public health and the environment. The metals are also hazardous air pollutants (HAPs) under the Clean Air Act (CAA) section 112. Data from this action would also be used to implement several provisions of section 112 of the CAA, including determining risks remaining after the application of technology based 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	06/00/04	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3882

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

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## EPA—Toxic Substances Control Act (TSCA)

## Long-Term Actions

and Toxic Substances, 7405M,  
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RIN: 2070-AD10

**3407. NOTICE OF TSCA SECTION 4 REIMBURSEMENT PERIOD AND TSCA SECTION 12(B) EXPORT NOTIFICATION PERIOD SUNSET DATES FOR TSCA SECTION 4 SUBSTANCES**

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

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

**CFR Citation:** 40 CFR 707; 40 CFR 790; 40 CFR 791; 40 CFR 799

**Legal Deadline:** None

**Abstract:** EPA developed a list of substances that are or have been subject

to TSCA section 4 testing actions which required testing under rules or enforceable consent orders. EPA identified sunset, or termination, dates that identified: (1) the end of section 4 reporting requirements (40 CFR 790); (2) the end of the reimbursement period under which persons subject to test rules are subject to an obligation to reimburse test sponsors (40 CFR 791); and (3) the end of the period during which export notification requirements under TSCA section 12(b) are triggered. This action is now complete.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3559

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

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## Environmental Protection Agency (EPA)

## Prerule Stage

## Emergency Planning and Community Right-to-Know Act (EPCRA)

**3408. TRI: APA PETITION-EPCRA 313 DEFINITION OF OVERBURDEN AS IT RELATES TO THE MINING INDUSTRY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The regulatory definition for EPCRA section 313 defines overburden to mean any unconsolidated material that overlies a deposit of useful material or ores. It does not include any portion of ore or waste rock. Overburden generally lacks any recoverable materials and contains only trace amounts of EPCRA section 313 chemicals. Under section 313, all activities related to overburden are exempt from threshold determinations and release and other waste management calculations because overburden contains TRI chemicals in negligible amounts and reporting is unlikely to provide the public with

valuable information. On December 22, 1998, the National Mining Association (NMA) petitioned EPA, pursuant to the Administrative Procedures Act (APA) to change the current EPCRA 313 definition of overburden to include both consolidated material and unconsolidated material. By making such a change, consolidated material that overlies an ore deposit would be eligible for the overburden exemption (i.e., overburden generally lacks any recoverable minerals and contains only trace amounts of EPCRA section 313 chemicals). NMA asserts that EPA's definition of overburden is inconsistent with that of industry. NMA considers overburden to be all material, both consolidated and unconsolidated, that overlies an ore deposit of useful material and must be removed to allow access to ore deposit.

**Timetable:**

Action	Date	FR Cite
Notice	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4392

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**Environmental Protection Agency (EPA)  
Emergency Planning and Community Right-to-Know Act (EPCRA)**

Proposed Rule Stage

**3409. TRI; REVIEW OF CHEMICALS  
ON THE ORIGINAL TRI LIST**
**Priority:** Other Significant

**Legal Authority:** 42 USC 1101 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** When TRI was established by Congress in 1986, the statutory language placed 309 chemicals and 20 categories of chemicals on the TRI list; that is referred to as the original TRI list. The chemicals on the original list were taken from two existing lists of toxic substances: the Maryland Chemical Inventory Report List of Toxic or Hazardous Substances, and the New Jersey Environmental Hazardous Substances list. This action constitutes the first systematic review of toxicology and environmental data for all the chemicals on the original TRI list to determine whether data for those chemicals conform with the statutory criteria for listing of chemicals on TRI. Chemicals for which data do not meet the statutory criteria will be delisted.

**Timetable:**

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

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

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4015

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**RIN:** 2025-AA03

**3410. TRI; RESPONSES TO PETITIONS  
RECEIVED TO ADD OR DELETE OR  
MODIFY CHEMICAL LISTINGS ON THE  
TOXIC RELEASE INVENTORY**
**Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 11013 EPCRA 313

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** These actions grant or deny petitions received to add or delete or modify chemicals on the list of toxic chemicals under section 313 of the Emergency Planning and Community Right to Know Act (EPCRA) that are subject to reporting under the Toxic Chemical Release Reporting Rule. The actions cover individual chemicals or groups of chemicals for which petitions have been received.

**Timetable:**

Action	Date	FR Cite
Notice DBNPA (Request to Delete)	10/27/95	60 FR 54949
NPRM Chromite Ore From Transvaal Reg. of S.A.	02/23/99	64 FR 8775
NPRM Diisononyl Phthalate (DINP) (Request To Add)	09/05/00	65 FR 53681
Final Action Chromite Ore From Transvaal Reg. of S.A.	05/11/01	66 FR 24066
Response Chromium, Antimony, Titanite Petition	12/00/02	
Final Response DBNPA (Request To Delete)	12/00/03	
Final Action Diisononyl Phthalate (DINP) Request To Add	12/00/04	

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

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2425

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**RIN:** 2025-AA00

**3411. TRI; REVISIONS TO THE  
OTHERWISE USE ACTIVITY  
EXEMPTIONS AND THE COAL  
EXTRACTION ACTIVITIES EXEMPTION**
**Priority:** Substantive, Nonsignificant.  
Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The Toxics Release Inventory (TRI) requires reporting from facilities that manufacture or process at least 25,000 pounds of a listed non-PBT chemical, or otherwise use 10,000 pounds of a listed non-PBT chemical. The activity thresholds are lower for listed PBT chemicals. In determining amounts of listed chemicals that are manufactured, processed or otherwise used, facilities may consider specific exemptions from reporting. EPA is presently reviewing a group of these exemptions. The categories of exemptions presently being reconsidered by EPA are the personal use exemption, and the motor vehicle maintenance exemption. Also known as otherwise use exemptions because they are limited to otherwise use activities, these exemptions are expressly provided for at 40 CFR 372.38(c). EPA is also considering changes to the coal mining extraction activities exemption provided for at 40 CFR 372.38(g).

**Timetable:**

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

**Regulatory Flexibility Analysis**
**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4265

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## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Proposed Rule Stage

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RIN: 2025-AA06

### 3412. RULEMAKING TO CHANGE TOXICS RELEASE INVENTORY (TRI) REPORTING REQUIREMENTS FROM STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES TO NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The Office of Management and Budget (OMB) published a Federal Register notice of final decision (62 FR 68) to adopt the North American Industry Classification System (NAICS) for the United States. This rulemaking initiates the conversion from TRI reporting using Standard Industrial Classification (SIC) codes to TRI Reporting using NAICS codes. The TRI program will convert to NAICS without producing any changes in the facilities that are now subject to TRI reporting. Therefore, there should be no increased burden resulting from this action.

#### Timetable:

Action	Date	FR Cite
NPRM	01/00/03	
Final Action	09/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Additional Information:** SAN No. 4595

**Sectors Affected:** 212 Mining (except Oil and Gas); 221 Utilities; 562 Waste Management and Remediation Services; 422 Wholesale Trade, Nondurable Goods

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RIN: 2025-AA10

### 3413. CLARIFY TRI REPORTING OBLIGATIONS UNDER EPCRA SECTION 313 FOR THE METAL MINING ACTIVITIES OF EXTRACTION AND BENEFICIATION

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

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** The Toxics Release Inventory (TRI) currently requires reporting from metal mining facilities if they manufacture or process 25,000 pounds or more of a listed chemical or otherwise use 10,000 pounds or more of a listed chemical. These mining facilities engage in the removal of naturally occurring materials from the earth. EPA had considered naturally occurring materials to be manufactured by natural processes. A recent court order set aside EPA's interpretation of manufacture stating that naturally occurring ores can not be manufactured within the meaning of EPCRA section 313. EPA is considering clarifying how the definitions of manufacturing and processing under EPCRA section 313 apply to the mining sector processes of extraction and beneficiation. This action will not affect the coal extraction activities exemption.

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/02	
Final Action	12/00/03	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** SAN No. 4616

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RIN: 2025-AA11

### 3414. • ADDITION OF TOXICITY EQUIVALENCY (TEQ) REPORTING AND QUANTITY DATA FOR INDIVIDUAL MEMBERS OF THE DIOXIN AND DIOXIN-LIKE COMPOUNDS CATEGORY UNDER EPCRA, SECTION 313

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11001 et seq

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Small Entities Affected:** Businesses

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

Proposed Rule Stage

**Government Levels Affected:** Federal  
**Additional Information:** SAN No. 4692  
**URL For More Information:**  
<http://www.epa.gov>

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**RIN:** 2025-AA12

**Environmental Protection Agency (EPA)**  
**Emergency Planning and Community Right-to-Know Act (EPCRA)**

Long-Term Actions

**3415. EMERGENCY PLANNING AND  
 COMMUNITY RIGHT-TO-KNOW ACT:  
 AMENDMENTS AND STREAMLINING  
 RULE**

**Priority:** Other Significant

**Legal Authority:** 42 USC 11002; 42  
 USC 11004; 42 USC 11048; 42 USC  
 11021; 42 USC 11022

**CFR Citation:** 40 CFR 355; 40 CFR 370

**Legal Deadline:** None

**Abstract:** This rule will address the remaining issues from the proposed rule of June 8, 1998. (Reporting thresholds for gasoline and diesel fuel at retail gas stations were included in a separate final rule; 64 FR 7031, February 11, 1999.) A supplemental proposal will address reporting thresholds for chemicals that pose minimal risk. The final rule will address: reporting thresholds for rock salt, sand, gravel and other chemicals that pose minimal risk; plain language rewrite and possibly reporting thresholds for facilities with some similarities to gas stations (motor pools, marinas, etc.); and guidance on approaches to State flexibility.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/98	63 FR 31268
Supplemental NPRM	To Be	Determined

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State,  
 Local

**Additional Information:** SAN No. 3215

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**RIN:** 2050-AE17

**3416. RESPONSE TO A PETITION  
 REQUESTING DELETION OF  
 PHOSMET FROM THE EXTREMELY  
 HAZARDOUS SUBSTANCES (EHSS)  
 LIST**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11002; 42  
 USC 11004; 42 USC 11048

**CFR Citation:** 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA has received a petition to remove phosmet from the extremely hazardous substance (EHS) list under the Emergency Planning and Community Right-to-Know Act (EPCRA). This rulemaking will address the petitioner's claims.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 3994

**Sectors Affected:** 11133 Noncitrus  
 Fruit and Tree Nut Farming; 111421  
 Nursery and Tree Production; 42291  
 Farm Supplies Wholesalers

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**RIN:** 2050-AE42

**3417. MODIFICATION OF THRESHOLD  
 PLANNING QUANTITY FOR  
 ISOPHORONE DIISOCYANATE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11002; 42  
 USC 11004; 42 USC 11048

**CFR Citation:** 40 CFR 355

**Legal Deadline:** None

**Abstract:** On October 12, 1994 (59 FR 51816), EPA proposed to modify the listing of several chemicals on the extremely hazardous substances (EHS) list under the Emergency Planning and Community Right-to-Know Act. One petitioner requested the removal of isophorone diisocyanate (IPDI). EPA rejected the petitioner's request. However, in the review of the petition, EPA noticed that there was an error in the setting of the threshold planning quantity (TPQ) for IPDI, and proposed to correct the error in the October 12, 1994 notice of proposed rulemaking. The other modifications to the EHS list were made final on May 7, 1996; however, the TPQ for IPDI was not included in that final rule. The goal is to finalize the TPQ for IPDI.

**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. 3993

**Sectors Affected:** 325 Chemical  
 Manufacturing

## EPA—Emergency Planning and Community Right-to-Know Act (EPCRA)

## Long-Term Actions

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**RIN:** 2050—AE43

### 3418. TRI; CHEMICAL EXPANSION; FINALIZATION OF DEFERRED CHEMICALS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013 EPCRA 313; 42 USC 11023; 42 USC 11048; 42 USC 11076

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** On November 30, 1994, EPA added 286 chemicals and chemical categories to the EPCRA section 313 list, including 39 chemicals as part of two delineated categories. Each chemical and chemical category was found to meet the statutory criteria described in EPCRA section 313(d)(2)(A)-(C). At this time, EPA deferred final action on 40 chemicals and one chemical category until a later date. These were deferred because the comments received on them raised difficult technical or policy issues which required additional time to address. EPA chose not to delay final action on the 286 chemicals and chemical categories because of the additional time needed to address the issues surrounding the smaller group of 40 chemicals and one chemical category; rather, EPA believed it to be in the spirit of community right-to-know to proceed with the final rulemaking of the additional chemicals and chemical categories.

#### Timetable:

Action	Date	FR Cite
NPRM	01/12/94	59 FR 1788
Supplemental NPRM Deferred Chemicals	12/00/03	
Final Action Deferred Chemicals	12/00/04	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3007

**Sectors Affected:** 42269 Other Chemical and Allied Products Wholesalers

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**RIN:** 2025—AA01

### 3419. TRI; POLLUTION PREVENTION ACT INFORMATION REQUIREMENTS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 11013  
Pollution Prevention Act

**CFR Citation:** 40 CFR 372

**Legal Deadline:** None

**Abstract:** Section 6607(b) of the  
Pollution Prevention Act of 1990 (PPA)  
(Pub. L. 101-508) requires the addition

of several data elements to the Toxic Chemical Release Inventory (TRI) reporting requirements as promulgated under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (Pub. L. 99-499). Section 313 of EPCRA requires owners or operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals to annually report their releases of these chemicals to each environmental medium. The PPA mandates that section 313 covered facilities also report on source reduction and recycling activities relating to the toxic chemicals beginning with the 1991 reporting year. Since 1991 covered facilities have been providing this information to EPA in section 8, Source Reduction and Recycling Activities, of EPA Form R. On September 25, 1991 (56 FR 48475), EPA proposed regulations which would provide definitions and instructions for reporting the PPA data elements on the EPA Form R. In this action, EPA will amend certain aspects of the September 25, 1991, proposed rule.

#### Timetable:

Action	Date	FR Cite
NPRM Response	09/25/91 To Be	56 FR 48475 Determined

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 2847

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**RIN:** 2025—AA09

## Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA)

### Prerule Stage

### 3420. LAND DISPOSAL RESTRICTIONS; NOTICE OF DATA AVAILABILITY; MERCURY TREATABILITY STUDIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924

**CFR Citation:** 40 CFR 268

**Legal Deadline:** None

**Abstract:** This notice of data availability (NODA) makes available to the public two studies conducted on the treatment of mercury wastes. The studies were performed to demonstrate the conditions that affect the stability

of waste residues created from the treatment of high mercury wastes. This NODA also makes available the results of the peer review for these studies.

## EPA—Resource Conservation and Recovery Act (RCRA)

Prerule Stage

**Timetable:**

Action	Date	FR Cite
ANPRM	05/28/99	64 FR 28949
NoDA	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: SAN No. 4094

**Sectors Affected:** 325181 Alkalies and Chlorine Manufacturing; 3353 Electrical Equipment Manufacturing; 3254 Pharmaceutical and Medicine Manufacturing; 32551 Paint and Coating Manufacturing

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RIN: 2050-AE54

## Environmental Protection Agency (EPA)

Proposed Rule Stage

## Resource Conservation and Recovery Act (RCRA)

**3421. METHODS INNOVATION RULE**

Priority: Substantive, Nonsignificant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925; 42 USC 6926; 42 USC 6927; 42 USC 6930; 42 USC 6934; 42 USC 6935; 42 USC 6936; 42 USC 6937; 42 USC 6938; ...

**CFR Citation:** 40 CFR 258; 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270; 40 CFR 279

Legal Deadline: None

**Abstract:** EPA has been actively working to break down the barriers that the environmental monitoring community faces when trying to use new monitoring techniques. As a first step, EPA has accelerated its review process for new methods by eliminating several unnecessary internal review steps, and by streamlining the internal approval process for each new method. However, there are currently 32 citations in title 40 of the Code of Federal Regulations (CFR) where the use of SW-846 methods is required. As a second step for speeding up the approval process, EPA plans to remove the requirements to use SW-846 methods for other than method-defined parameters (i.e., where the method defines the regulations, such as the Toxicity Characteristic Leaching Procedure) from 40 CFR. This will likely lead to an even more streamlined approval process since SW-846 will then be able to be handled strictly as guidance and not need the regulatory process for approval. This additional streamlining will permit new, more cost-effective methods to attain public and regulatory authority acceptance in much less time, allowing required monitoring to be done more cheaply,

faster and, in some cases, more accurately.

Since many advances have occurred in waste sampling strategies since initial guidance was published in 1984, EPA is announcing the availability of a new guidance document for public comment entitled RCRA Waste Sampling Draft Technical Guidance.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Final Action	10/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local, Tribal

Additional Information: SAN No. 3989

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RIN: 2050-AE41

**3422. REVISIONS TO SOLID WASTE LANDFILL CRITERIA—LEACHATE RECIRCULATION ON ALTERNATIVE LINERS**

Priority: Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a

CFR Citation: 40 CFR 258

Legal Deadline: None

**Abstract:** EPA plans to propose a rule to allow leachate recirculation over alternative liner systems which meet

the performance standard specified by the municipal solid waste landfill (MSWLF) criteria. The performance determination would be made by the state director of an approved MSWLF program. EPA also plans to propose a new section to the MSWLF criteria which will allow the alternative of clean closure of landfills rather than require the installation of a landfill cap, which would allow the solid waste in the MSWLF to be totally removed from the site and be properly disposed of at another site. Finally, EPA plans to propose an additional factor to 258.54 for determining the frequency of ground water monitoring for the detection monitoring program specified in this subpart. The additional factor for consideration concerns liner performance where there is some direct system for determining liner performance. However, the minimum monitoring frequency would still be no less than once a year as stated in the existing regulation.

**Timetable:**

Action	Date	FR Cite
NoDA Request for Information and Data	04/06/00	65 FR 18014
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal

Additional Information: SAN No. 4230

Sectors Affected: 562 Waste Management and Remediation Services

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## EPA—Resource Conservation and Recovery Act (RCRA)

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RIN: 2050-AE67

#### 3423. MODIFICATIONS TO RCRA RULES ASSOCIATED WITH SOLVENT-CONTAMINATED SHOP TOWELS AND WIPES

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

RIN: 2050-AE51

#### 3424. REVISION OF WASTEWATER TREATMENT EXEMPTIONS FOR HAZARDOUS WASTE MIXTURES

**Regulatory Plan:** This entry is Seq. No. 130 in part II of this issue of the *Federal Register*.

RIN: 2050-AE84

#### 3425. INCREASE METALS RECLAMATION FROM F006 WASTE STREAMS

**Regulatory Plan:** This entry is Seq. No. 131 in part II of this issue of the *Federal Register*.

RIN: 2050-AE97

#### 3426. REVISIONS TO THE DEFINITION OF SOLID WASTE

**Regulatory Plan:** This entry is Seq. No. 132 in part II of this issue of the *Federal Register*.

RIN: 2050-AE98

#### 3427. REVISIONS FOR TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6901 et seq

**CFR Citation:** 40 CFR 262 subpart H (Revision)

**Legal Deadline:** None

**Abstract:** The Agency is considering changing the existing regulation 40 CFR 262 subpart H, which regulates transboundary movement of hazardous waste within all countries that are members of the Organization for Economic Cooperation and Development (OECD). This regulation would be amended to comply with changes passed by the OECD Council. Existing waste lists may be restructured to comply with the new OECD waste lists. As such, previously existing waste lists may be renamed according to adopted OECD terminology. Shipments of small waste amounts destined for laboratory analysis may be exempted from filing certain paperwork requirements that are otherwise required. A certificate of recovery may be required upon final recovery of wastes and timeframes for recovery operations may be changed to reflect the decisions made by the OECD Council.

#### Timetable:

Action	Date	FR Cite
NPRM	06/00/03	
Direct Final Rule - Revisions for Transboundary Shipments of Hazardous Waste	06/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 4606

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RIN: 2050-AE93

#### 3428. • RCRA BURDEN REDUCTION INITIATIVE, PHASE 2

**Priority:** Other Significant

**Legal Authority:** 42 USC 6907; 42 USC 6912(a); 42 USC 6921 to 6927; 42 USC

6930; 42 USC 6934; 42 USC 6935; 42 USC 6937 to 6939; 42 USC 6944; 42 USC 6949(a); 42 USC 6974; PL 104-13

**CFR Citation:** 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 268; 40 CFR 270

**Legal Deadline:** None

**Abstract:** As part of its response to the Paperwork Reduction Act, OSW formed the RCRA Burden Reduction Initiative. The Initiative group reviewed all of the RCRA paperwork reporting and recordkeeping requirements, and developed ideas for streamlining or eliminating a third of them. On January 17, 2002, a proposed rule was published in the *Federal Register* with these ideas. As part of the second phase of the Initiative, we are considering proposing additional burden reduction ideas.

#### Timetable:

Action	Date	FR Cite
NPRM	05/00/03	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

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

**Additional Information:** SAN No. 4735

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RIN: 2050-AF01

#### 3429. PROJECT XL SITE-SPECIFIC RULEMAKING FOR ANNE ARUNDEL COUNTY MILLERSVILLE LANDFILL, SEVERN, MARYLAND

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6945; 42 USC 6949)

**CFR Citation:** 40 CFR 258

**Legal Deadline:** None

**Abstract:** Anne Arundel County proposes to demonstrate that a bioreactor with an alternative liner system is as effective, or superior to a bioreactor with the standard composite liner currently allowed by regulations. The main goal of this project is to deliver superior environmental performance (SEP) by capturing the additional airspace gained by accelerated decomposition of

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the waste. This benefits the County and its citizens by prolonging the life of the landfill and thereby postponing the siting of new solid waste management facilities, with their attendant social impacts, environmental impacts, and economic costs.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 4534

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**RIN:** 2090-AA25

**3430. PROJECT XL SITE-SPECIFIC RULEMAKING FOR THE IBM SEMICONDUCTOR MANUFACTURING FACILITY IN HOPEWELL JUNCTION, NEW YORK**

**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)

**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	12/00/02	
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4565

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**RIN:** 2090-AA29

## Environmental Protection Agency (EPA)

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## Resource Conservation and Recovery Act (RCRA)

**3431. STANDARDIZED PERMIT FOR RCRA HAZARDOUS WASTE MANAGEMENT FACILITIES**

**Regulatory Plan:** This entry is Seq. No. 142 in part II of this issue of the **Federal Register**.

**RIN:** 2050-AE44

**3432. REVISIONS TO THE COMPREHENSIVE GUIDELINE FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6912(a) RCRA sec 6002(e)

**CFR Citation:** 40 CFR 247

**Legal Deadline:** None

**Abstract:** RCRA section 6002 and E.O. 13101 require EPA to prepare guidelines in the Federal Register which designate items that are or can be made with recovered materials and

to issue recommendations for government procurement of these items. Once designated, procuring agencies are required to purchase these items with the highest percentage of recovered materials practicable. Government procurement of EPA-designated items containing recovered materials fosters markets for recovered materials and, thereby, closes the recycling loop. To date, EPA has designated 54 items under three Comprehensive Procurement Guidelines (CPG1, CPG2 and CPG3). EPA has also issued a Recovered Materials Advisory Notice (RMAN) with each CPG which provides recommendations on buying the designated items. The E.O. requires EPA to update the CPG every two years. The newest action issues final item designations in CPG4.

**Timetable:**

Action	Date	FR Cite
Notice -- Paper Products Recovered Materials Advisory Notice	06/08/98	63 FR 31214
Notice -- Recovered Materials Advisory Notice I Update	06/08/98	63 FR 31217
NPRM (CPG3 and RMAN 3)	08/26/98	63 FR 45558
Notice Notice of Availability of Final Document	01/19/00	65 FR 3082
Final Action (CPG3 and RMAN 3)	01/19/00	65 FR 3069
NPRM (CPG4 and RMAN 4)	08/28/01	66 FR 45256
Final-CPG4 (CPG4 and RMAN 4)	12/00/02	
NPRM-CPG5	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

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



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

**Additional Information:** SAN No. 3545

**Sectors Affected:** 92111 Executive Offices; 92119 All Other General Government

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**RIN:** 2050-AE23

### 3433. MANAGEMENT OF CEMENT KILN DUST (CKD)

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

**RIN:** 2050-AE34

### 3434. CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES AND CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS: DISPOSAL OF RESIDENTIAL LEAD-BASED PAINT WASTE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6912(a); 42 USC 6944; 42 USC 6949a

**CFR Citation:** 40 CFR 257; 40 CFR 258

**Legal Deadline:** None

**Abstract:** To help accelerate the pace of lead-based paint removal from residences, and thereby reduce exposure to children and adults from the health risks associated with lead, the Agency plans to expressly allow residential lead-based paint waste to be disposed of in construction and demolition landfills. The rule would revise the definition of “municipal solid waste landfill (MSWLF) unit,” and add definitions of “construction and demolition landfill” and “residential lead-based paint waste in the Criteria for Classification of Solid Waste Disposal Facilities and Practices (part 257) and Criteria for Municipal Solid Waste Landfills (part 258).

**Timetable:**

Action	Date	FR Cite
NPRM	10/23/01	66 FR 53566
Direct Final Rule	10/23/01	66 FR 53535

Action	Date	FR Cite
Withdraw Direct Final Rule	12/28/01	66 FR 67108
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4525

**Sectors Affected:** 235 Special Trade Contractors; 23599 All Other Special Trade Contractors; 562212 Solid Waste Landfill

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**RIN:** 2050-AE86

### 3435. MUNICIPAL SOLID WASTE LANDFILL LOCATION RESTRICTIONS FOR AIRPORT SAFETY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6902(a); 42 USC 6907; 42 USC 6912(a); 42 USC 6944; 42 USC 6945(c); 42 USC 6949(c)

**CFR Citation:** 40 CFR 258.10(e)-(f)

**Legal Deadline:** None

**Abstract:** The direct final rule amends the municipal solid waste landfill (MSWLF) location restrictions for airport safety by adding location restrictions to conform with those contained in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. The rule prohibits the construction or establishment of a new MSWLF within six miles of a public airport (1) that has received grants under the Airport and Airway Improvement Act of 1982, as amended, and (2) that is primarily designed for 60 passengers or less. MSWLFs in the State of Alaska are exempt. Because new MSWLFs are subject to the statutory location restrictions in addition to regulatory location restrictions currently in effect under 40 CFR 258.10, EPA has promulgated the rule amendment to prevent confusion regarding applicable location restrictions for MSWLFs for airport safety purposes, as well as to notify affected entities of these statutory restrictions. EPA also proposed a

parallel rule identical to this direct final action in order to provide opportunity for comment on the rule, although we view the action as noncontroversial and do not anticipate any adverse comments. If adverse comments are received, we will withdraw the final rule. The regulated entities are: (1) Federal agencies and state, local, municipal and tribal governments constructing or establishing new MSWLFs within six miles of a public airport and (2) industries involved in constructing or establishing new landfills within six miles of a public airport.

**Timetable:**

Action	Date	FR Cite
NPRM	07/11/02	67 FR 45948
Direct Final Rule	07/11/02	67 FR 45915
Withdrawal of Direct Final Rule	10/08/02	67 FR 62647
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4575

**Sectors Affected:** 23 Construction; 5622 Waste Treatment and Disposal; 56221 Waste Treatment and Disposal; 562212 Solid Waste Landfill

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**RIN:** 2050-AE91

### 3436. RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS FOR MUNICIPAL SOLID WASTE LANDFILL

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6907; 42 USC 6912; 42 USC 6944; 42 USC 6949a

**CFR Citation:** 40 CFR 258.4

**Legal Deadline:** None

**Abstract:** EPA is considering adding a new section to the Criteria for Municipal Solid Waste Landfills (MSWLF) to allow states to issue research, development, and demonstration (RD&D) permits for landfill operations at variance with some parts of the criteria, as long as

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it is demonstrated that these operations will not result in an increased risk to human health and the environment. Waivers of location restrictions, groundwater monitoring, corrective action requirements, the financial assurance criteria, and explosive gases control would not be allowed by this action. EPA is considering this alternative to stimulate new technologies and alternatives in the landfilling of municipal solid waste.

**Timetable:**

Action	Date	FR Cite
NoDA - Request for Information and Data	04/06/00	65 FR 18014
NPRM	06/10/02	67 FR 39662
Final Action	07/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

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

**Government Levels Affected:** State, Local

**Additional Information:** SAN No. 4588

**Sectors Affected:** 562 Waste Management and Remediation Services

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**RIN:** 2050-AE92

**3437. OFFICE OF SOLID WASTE BURDEN REDUCTION PROJECT**

**Regulatory Plan:** This entry is Seq. No. 143 in part II of this issue of the **Federal Register**.

**RIN:** 2050-AE50

**3438. • LAND DISPOSAL RESTRICTIONS; NATIONAL TREATMENT VARIANCE FOR RADIOACTIVELY CONTAMINATED CADMIUM, MERCURY, AND SILVER WASTE BATTERIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 40 CFR 268; 40 CFR 278

**Legal Deadline:** None

**Abstract:** In response to a rulemaking petition from the Department of Energy, the United States Environmental Protection Agency is planning to grant the requested national treatment variance by designating new treatment subcategories for radioactively contaminated cadmium-, mercury-, and silver-containing batteries. The current treatment standards of thermal recovery for cadmium batteries and of roasting and retorting for mercury batteries are technically inappropriate because any recovered metals would likely contain residual radioactive contamination and be unusable. The current numerical treatment standard for silver batteries is also inappropriate because of the potential increase in radiation exposure to workers associated with manually segregating silver-containing batteries for the purpose of treatment. Macroencapsulation in accordance with the provisions of 40 CFR 268.45 is proposed as the required treatment prior to land disposal.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/02	67 FR 62626
Direct Final Rule	10/07/02	67 FR 62618
NPRM Comment Period End	11/06/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4731

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**RIN:** 2050-AE99

**3439. • E-CYCLING PILOT PROJECT FOR REGION 3 STATES (ECOS); STREAMLINING RCRA REGULATIONS TO ENCOURAGE REUSE, RECYCLING, AND RECOVERY OF ELECTRONIC EQUIPMENT**

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

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6924(y); 42 USC 6938

**CFR Citation:** 40 CFR 261.4(a)(24); 40 CFR 261.40

**Legal Deadline:** None

**Abstract:** This project is the result of an Environmental Council of States (ECOS) partnership agreement that EPA Region 3 entered into with the six State environmental agencies. As part of the partnership agreement, the region agreed to prepare a regional rule and to expedite its promulgation by using the direct final rulemaking process. By using this innovative approach to have a regional e-Cycling Pilot Project, EPA Region 3 and the Mid-Atlantic States (DE, DC, MD, PA, VA, WV) will be able to provide additional information about EPA's national proposed cathode ray tube (CRT) exclusion from the definition of solid waste (e.g., CRTs are the video display components of televisions and computer monitors). The Regional e-Cycling Pilot Project could serve as a model for electronic recycling nationwide, and the States believe that the recycling program will function effectively as a result of this regulatory flexibility.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4701

**Sectors Affected:** 56292 Materials Recovery Facilities; 56211 Waste Collection

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## EPA—Resource Conservation and Recovery Act (RCRA)

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RIN: 2003-AA00

#### 3440. PROJECT XL — ORTHO-MCNEIL PILOT PROJECT ALLOWING ON-SITE TREATMENT OF LOW-LEVEL MIXED WASTES WITHOUT RCRA PERMIT

**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

**Legal Deadline:** None

**Abstract:** This site-specific rulemaking would allow Ortho-McNeil Pharmaceutical to treat small volumes of low-level mixed wastes on-site using a bench-scale catalytic oxidizing treatment unit. This treatment effectively destroys the organic component of the wastestream, yielding a residual that is only a low-level radioactive waste.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/01	66 FR 38395
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4439

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RIN: 2090-AA14

## Environmental Protection Agency (EPA)

Long-Term Actions

## Resource Conservation and Recovery Act (RCRA)

#### 3441. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES GENERATED BY COMMERCIAL ELECTRIC POWER PRODUCERS

**Priority:** Economically Significant

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

**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 proposed RCRA subtitle D regulations for the management of coal combustion wastes in landfills and surface impoundments that are generated by producers of electric power, including electric utilities and independent power producers. On April 25, 2000 EPA issued a regulatory determination for fossil fuel combustion wastes (65 FR 32214, May 22, 2000). The purpose of the determination was to decide whether certain wastes from the combustion of fossil fuels (including coal, oil and natural gas) should remain exempt from subtitle C (management as hazardous waste) of the Resource Conservation and Recovery Act (RCRA) for the coal, oil and natural gas combustion wastes that were addressed. The Agency's decision was to retain the exemption from hazardous waste

management for all of the fossil fuel combustion wastes. However, the Agency also determined and announced that waste management regulations under RCRA subtitle D (management as non-hazardous wastes) are appropriate for certain coal combustion wastes that are disposed in landfills and surface impoundments. The utility industry has made significant improvements in its waste management practices over recent years, and most state regulatory programs are similarly improving. Nevertheless, public comments and other analyses have convinced the Agency that coal combustion wastes could pose risks to human health and the environment if they are not properly managed. There is sufficient evidence that adequate controls may not be in place. For example, while most states can now require newer waste management units to include liners and groundwater monitoring, 62 percent of existing utility surface impoundments do not have groundwater monitoring. In the Agency's view, this justifies the development of national regulations. We note, however, that some waste management units may not warrant liners and/or groundwater monitoring, depending on site-specific characteristics. The Agency is initiating this action to develop and issue appropriate waste management regulations under Subtitle D of RCRA.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4470

**Sectors Affected:** 221112 Fossil Fuel Electric Power Generation

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RIN: 2050-AE81

#### 3442. STANDARDS FOR THE MANAGEMENT OF COAL COMBUSTION WASTES — NON-POWER PRODUCERS AND MINEFILLING

**Priority:** Economically Significant

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

**Legal Authority:** 42 USC 6907(a)(3); 42 USC 6944

**CFR Citation:** 40 CFR 257

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## Long-Term Actions

**Legal Deadline:** None

**Abstract:** EPA is developing a proposed regulation for the management of coal combustion wastes that are generated by non-electric utility coal burners and managed in landfills and surface impoundments, and for the practice of minefilling of coal combustion wastes. On April 25, 2000 EPA issued a regulatory determination for fossil fuel combustion wastes (65 FR 32214, May 22, 2000) to announce its decision that certain wastes from the combustion of fossil fuels (including coal, oil and natural gas) should remain exempt from subtitle C (management as hazardous waste) of RCRA. This regulatory determination also announced that regulations under RCRA subtitle D (management as nonhazardous wastes) are appropriate for management of certain coal combustion wastes that are disposed in landfills and surface impoundments. In addition, EPA stated its plan to consult with the U.S. Department of the Interior on appropriate measures under the Surface Mining Control and Reclamation Act (SMCRA) or RCRA or some combination of both, to address the disposal of coal combustion wastes when used for minefilling in surface or underground mines.

Although industry has made significant improvements in waste management practices over recent years, and most State regulatory programs are similarly improving, public comments and other analyses have convinced the Agency that coal combustion wastes could pose risks to human health and the environment, if they are not properly managed. There is sufficient evidence that adequate controls may not be in place. For example, while most States can now require newer waste management units to include liners and groundwater monitoring, less than about 50 percent of existing nonutility landfills are lined (these statistics exclude municipal solid waste landfills which are not the subject of this action). EPA acknowledges that some waste management units may not warrant liners and/or groundwater monitoring, depending on site-specific characteristics. The Agency also decided that the practice of minefilling coal combustion wastes could present a danger to human health and the environment under certain circumstances. Since there are few states that currently operate

comprehensive programs that specifically address the unique circumstances of minefilling, the Agency believes national regulations under RCRA subtitle D and/or SMCRA may be appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 4469

**Sectors Affected:** 311 Food Manufacturing; 313 Textile Mills; 337 Furniture and Related Product Manufacturing; 2121 Coal Mining; 322 Paper Manufacturing; 325 Chemical Manufacturing; 331 Primary Metal Manufacturing; 336 Transportation Equipment Manufacturing; 62 Health Care and Social Assistance; 22112 Electric Power Transmission, Control and Distribution

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**RIN:** 2050-AE83

**3443. HAZARDOUS WASTE MANIFEST REGULATION**

**Priority:** Other Significant

**Legal Authority:** 42 USC 6922 RCRA sec 3002; 42 USC 6923 RCRA sec 3003; 42 USC 6924 RCRA sec 3004; 42 USC 6926 RCRA sec 3006; PL 105-277; Title 17 Government Paperwork Elimination Act

**CFR Citation:** 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 271

**Legal Deadline:** None

**Abstract:** The Uniform Hazardous Waste Manifest (Form 8700-22) is a multi-copy form used to identify the quantity, composition, origin, routing, and destination of hazardous waste during its transportation. The manifest system's current reliance on paper results in significant paperwork and cost burden to waste handlers and

States who choose to collect manifest information. The Agency intends to pursue an optional approach that would use information technologies to conduct the manifest process electronically, thereby reducing paperwork burden, and improving the speed and accuracy of preparing, transmitting, and recordkeeping the manifest form. In addition, the Agency intends to standardize further the manifest form elements, and to specify one format for the manifest that may be used in all states. The Agency also intends to announce standard requirements for tracking rejected wastes, container residues, and international shipments of hazardous wastes.

**Timetable:**

Action	Date	FR Cite
NPRM	05/22/01	66 FR 28240
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3147

**Sectors Affected:** 2111 Oil and Gas Extraction; 2122 Metal Ore Mining; 2211 Electric Power Generation, Transmission and Distribution; 3221 Pulp, Paper, and Paperboard Mills; 323 Printing and Related Support Activities; 325 Chemical Manufacturing; 326 Plastics and Rubber Products Manufacturing; 331 Primary Metal Manufacturing; 332 Fabricated Metal Product Manufacturing; 482 Rail Transportation; 483 Water Transportation; 484 Truck Transportation; 5621 Waste Collection; 5622 Waste Treatment and Disposal

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**RIN:** 2050-AE21

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

**3444. REGULATION OF HAZARDOUS OIL-BEARING SECONDARY MATERIALS FROM PETROLEUM REFINING INDUSTRY AND OTHER HAZARDOUS SECONDARY MATERIALS PROCESSED IN A GASIFICATION SYSTEM****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; ...**CFR Citation:** 40 CFR 260; 40 CFR 261**Legal Deadline:** None

**Abstract:** The U.S. Environmental Protection Agency (EPA) is considering finalizing revisions to the RCRA hazardous regulations to exclude oil-bearing secondary materials, generated by the petroleum refining industry and others, from the definition of solid waste if the materials are destined to be processed in a gasification device manufacturing synthesis gas fuel. We are considering this exclusion in order to clarify and simplify RCRA jurisdiction, and to be consistent with other comparable existing exclusions. EPA is also considering finalizing an exclusion for certain organic-containing materials that are gasified and are generated by industries other than petroleum refining.

**Timetable:**

Action	Date	FR Cite
NPRM	03/25/02	67 FR 13683
Final Action	11/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 4411**Sectors Affected:** 32411 Petroleum Refineries

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**RIN:** 2050-AE78**3445. FINAL DETERMINATION OF THE APPLICABILITY OF THE TOXICITY CHARACTERISTIC RULE TO PETROLEUM CONTAMINATED MEDIA AND DEBRIS FROM UNDERGROUND STORAGE TANKS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6921 RCRA sec 3001**CFR Citation:** 40 CFR 261**Legal Deadline:** None

**Abstract:** In the final hazardous waste Toxicity Characteristic (TC) rule published in June 1990, EPA decided to temporarily defer application of the TC rule to petroleum-contaminated media and debris, such as soils and groundwater, that result from underground storage tank (UST) corrective actions. This rule is part of the Agency's commitment to make a final determination regarding the UST temporary deferral. The temporary deferral was, in part, based on the Agency's concern that without such a deferral, UST cleanup procedures would be adversely affected, resulting in delays in remedial action and increases in remediation costs. Since this action is deregulatory, there are no adverse effects on small businesses, or on State, local, or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	02/12/93	58 FR 8504
Final Action	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Undetermined**Additional Information:** SAN No. 3189

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**RIN:** 2050-AD69**3446. LISTING DETERMINATION OF WASTES GENERATED DURING THE MANUFACTURE OF AZO, ANTHRAQUINONE, AND TRIARYLMETHANE DYES AND PIGMENTS****Priority:** Other Significant**Legal Authority:** 42 USC 6921 RCRA sec 3001; 42 USC 9602 Superfund (CERCLA) sec 102**CFR Citation:** 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 271; 40 CFR 302**Legal Deadline:** None

**Abstract:** This action addresses the potential human health and environmental risks posed by wastes from the manufacture of dyes and pigments, and determines whether these wastes should be listed as hazardous wastes under RCRA to control any potentially unacceptable risks. If listed under RCRA, these wastes would also be added to the CERCLA list of hazardous substances. This action will be implemented by EPA and States authorized under RCRA. There may be some small business impacts. EPA proposed listing decisions for most wastes in 1994 (Dyes-I), and deferred decisions on several others. Two deferred waste streams (filter aids and triarylmethane sludges) are subject to separate deadlines for proposed and final action (Dyes II rulemaking). The Dyes II NPRM was published on July 23, 1999. The rules proposed in 1994 and 1999 were incomplete because they did not contain information claimed to be confidential by industry. Therefore, a NODA for each proposal will be necessary, when EPA is able to release an adequate record. The deadlines are based on recent settlement discussions with plaintiffs in EDF v. Browner, Civil Action No. 89-0598 D.D.C.

As part of the listing of dyes and pigments effort, EPA will also develop land disposal restrictions for these dyes and pigments.

**Timetable:**

Action	Date	FR Cite
NPRM Dyes I	12/22/94	59 FR 66072
NPRM Dyes II - Deferred Wastes	07/23/99	64 FR 40192
NPRM Dyes I - Land Disposal Restrictions	To Be	Determined
NoDA Dyes I - See Additional Information.	To Be	Determined

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

Action	Date	FR Cite
NoDA Dyes II - See Additional Information	To Be Determined	
Final Action Dyes I - See Additional Information	To Be Determined	
Final Action Dyes II - (Deferred Wastes - See Additional Information)	To Be Determined	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 3066**Sectors Affected:** 325132 Organic Dye and Pigment Manufacturing

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**RIN:** 2050-AD80**3447. RECYCLING OF CATHODE RAY TUBES (CRTS) AND MERCURY-CONTAINING EQUIPMENT: CHANGES TO HAZARDOUS WASTE REGULATIONS****Priority:** Other Significant**Legal Authority:** 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6923; 42 USC 6924; 42 USC 6925**CFR Citation:** 40 CFR 261; 40 CFR 273**Legal Deadline:** None

**Abstract:** This action will ultimately revise the existing Federal hazardous waste regulations to encourage recycling and better management of Cathode Ray Tubes (CRTs) by providing a conditional exclusion from the definition of solid waste for CRTs being recycled. A CRT is the display component of a television or computer monitor. A CRT is made largely of specialized glasses, some of which contain lead to protect the user from

X-rays inside the CRT. Due to the lead, when they are disposed of or reclaimed, some CRTs are hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) regulations. This rule will also streamline RCRA requirements for managing mercury-containing equipment by adding such equipment to the universal waste rule. This rule is planned in response to a June 9, 1998 recommendation on CRT recycling from the Common Sense Initiative (CSI) Council to the Environmental Protection Agency (EPA), and in response to a petition from the Utilities Solid Waste Activities Group regarding mercury-containing equipment. The goal of this action is to improve management and encourage recycling, thereby minimizing disposal of lead, increasing resource recovery, and enhancing protection of human health and the environment.

**Timetable:**

Action	Date	FR Cite
NPRM Final Action	06/12/02 05/00/04	67 FR 40507

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4092**Sectors Affected:** 334411 Electron Tube Manufacturing

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**RIN:** 2050-AE52**3448. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)****Priority:** Other Significant**Legal Authority:** 42 USC 6912(a) RCRA sec 2002(a); 42 USC 6924 RCRA sec 3004; 42 USC 6925 RCRA sec 3005; 42 USC 6926 RCRA sec 3006**CFR Citation:** 40 CFR 264; 40 CFR 265; 40 CFR 280; 40 CFR 761**Legal Deadline:** None

**Abstract:** The revised financial responsibility test is intended to improve the current test in predicting

which firms will enter bankruptcy and not be able to cover their financial obligations for liability and closure costs of hazardous waste treatment, storage and disposal facilities. A bankrupt firm may be unable to afford the proper closure of a facility which would require the government to incur response costs at the facility. The rule would also qualify owners and operators of RCRA Treatment, Storage, and Disposal Facilities which must currently use more expensive ways, such as surety bonds or letters of credit, of demonstrating financial assurance, to use the less expensive corporate financial responsibility test for more of their obligations. The combined savings from screening out riskier firms and making the test more available to viable firms would be approximately \$19 million annually in public and private costs. These regulatory amendments would have no effect on local or tribal governments.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/91	56 FR 30201
NPRM Notice of Data Availability	10/12/94 12/00/03	59 FR 51523
Final Action	03/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal, State**Additional Information:** SAN No. 2647

**Sectors Affected:** 323110 Commercial Lithographic Printing; 323114 Quick Printing; 325131 Inorganic Dye and Pigment Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 331311 Alumina Refining; 325211 Plastics Material and Resin Manufacturing; 32551 Paint and Coating Manufacturing; 32511 Petrochemical Manufacturing; 32512 Industrial Gas Manufacturing; 325188 All Other Basic Inorganic Chemical Manufacturing; 325193 Ethyl Alcohol Manufacturing; 325199 All Other Basic Organic Chemical Manufacturing; 325998 All Other Miscellaneous Chemical Product Manufacturing; 311942 Spice and Extract Manufacturing; 32411 Petroleum Refineries; 332813 Electroplating, Plating, Polishing, Anodizing and

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

Coloring; 33271 Machine Shops; 33299 All Other Fabricated Metal Product Manufacturing; 333319 Other Commercial and Service Industry Machinery Manufacturing; 333999 All Other General Purpose Machinery Manufacturing; 336399 All Other Motor Vehicle Parts Manufacturing; 334 Computer and Electronic Product Manufacturing; 336 Transportation Equipment Manufacturing; 48422 Specialized Freight (except Used Goods) Trucking, Local; 56211 Waste Collection; 22111 Electric Power Generation; 22112 Fossil Fuel Electric Power Generation; 22132 Sewage Treatment Facilities; 56292 Materials Recovery Facilities

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**RIN:** 2050-AC71

#### 3449. LAND DISPOSAL RESTRICTIONS; TREATMENT STANDARDS FOR SPENT POTLINERS FROM PRIMARY ALUMINUM REDUCTION (K088) AND REGULATORY CLASSIFICATION OF K088 VITRIFICATION UNITS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6924

**CFR Citation:** 40 CFR 268; 40 CFR 271

**Legal Deadline:** None

**Abstract:** On July 20, 2000, EPA proposed revised treatment standards for K088 wastes. Specifically, the Agency proposed to lower the cyanide treatment standard and reinstate a treatment standard for fluoride nonwastewaters based on a deionized water leach test. Comments to the proposed rule were significant and suggest that there are significant treatment issues yet to be resolved for K088 waste. The Agency needs to further assess the treatment universe for K088 and is considered extending the possible date of a final rule or to investigate other strategies both regulatory and non-regulatory to facilitate recycling of spent aluminum potliners.

#### Timetable:

Action	Date	FR Cite
NPRM	07/12/00	65 FR 42937
Final Action	10/00/04	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4233

**Sectors Affected:** 3334 Ventilation, Heating, Air-Conditioning and Commercial Refrigeration Equipment Manufacturing

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**RIN:** 2050-AE65

#### 3450. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS — PHASE II COVERING BOILERS AND CERTAIN INDUSTRIAL FURNACES

**Priority:** Other Significant

**Legal Authority:** 42 USC 6924 RCRA sec 3004; 42 USC 6925 RCRA sec 3005; 42 USC 7412 CAA sec 112; 42 USC 7414 CAA sec 114

**CFR Citation:** 40 CFR 60; 40 CFR 63; 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

**Legal Deadline:** None

**Abstract:** Under the Clean Air Act (CAA), EPA is required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPs) for most hazardous waste combustors (HWCs) (i.e., incinerators, cement kilns, boilers, and some types of smelting furnaces). In addition, under the Resource Conservation and Recovery Act (RCRA), EPA is required to establish standards for all HWCs as necessary to ensure protection of human health and the environment. The Agency is in the process of

developing a proposal to address boilers and possibly other industrial furnaces, which combust hazardous wastes.

#### Timetable:

Action	Date	FR Cite
NPRM Cement Kilns & Lightweight Aggregate Kilns & Incinerators	04/19/96	61 FR 17358
Final Action MACT Fasttrack	06/19/98	63 FR 33782
Final Action Cement Kilns & LWAKs & Incinerators (Final-Phase I)	09/30/99	64 FR 52828
NoDA NESHAPS Standards for HAPs Boilers & Industrial Furnaces	07/27/00	65 FR 39581
NPRM Boilers & Other Industrial Furnaces (Phase II)	12/00/03	

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 3333

**Sectors Affected:** 2123 Non-Metallic Mineral Mining and Quarrying; 2211 Electric Power Generation, Transmission and Distribution; 22132 Sewage Treatment Facilities; 3241 Petroleum and Coal Products Manufacturing; 3271 Clay Product and Refractory Manufacturing; 3231 Printing and Related Support Activities; 3251 Basic Chemical Manufacturing; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing; 3253 Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing; 3254 Pharmaceutical and Medicine Manufacturing; 3255 Paint, Coating, Adhesive, and Sealant Manufacturing; 3259 Other Chemical Product Manufacturing; 3271 Clay Product and Refractory Manufacturing; 3273 Cement and Concrete Product Manufacturing; 3274 Lime, Gypsum and Gypsum Product Manufacturing; 3279 Other Nonmetallic Mineral Product Manufacturing; 3327 Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing; 3328 Coating, Engraving, Heat Treating and Allied Activities; 3329 Other Fabricated Metal Product Manufacturing; 3332 Industrial Machinery Manufacturing; 33351 Metalworking Machinery Manufacturing; 3339 Other General Purpose Machinery Manufacturing;

## EPA—Resource Conservation and Recovery Act (RCRA)

## Long-Term Actions

3341 Computer and Peripheral Equipment Manufacturing; 3342 Communications Equipment Manufacturing; 3343 Audio and Video Equipment Manufacturing; 3344 Semiconductor and Other Electronic Component Manufacturing; 3361 Motor Vehicle Manufacturing; 3362 Motor Vehicle Body and Trailer Manufacturing; 3363 Motor Vehicle Parts Manufacturing; 4227 Petroleum and Petroleum Products Wholesalers

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**RIN:** 2050-AE01

### 3451. NESHAPS: STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS

**Priority:** Other Significant

**Legal Authority:** 42 USC 6924 RCRA sec 3004; 42 USC 6925 RCRA sec 3005; 42 USC 7412 CAA sec 112; 42 USC 7414 CAA sec 114

**CFR Citation:** 40 CFR 60; 40 CFR 63; 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270

**Legal Deadline:** Final, Judicial, June 14, 2005.

**Abstract:** Under the Clean Air Act (CAA), EPA is required to establish National Emission Standards for Hazardous Air Pollutants (NESHAPs) for most hazardous waste combustors (HWCs) (i.e., incinerators, cement kilns, boilers, and some types of recovery furnaces). In addition, under the Resource Conservation and Recovery Act (RCRA), EPA is required to establish standards for all HWCs as necessary to ensure protection of human health and the environment. Consequently, the Agency established in the HWC Maximum Achievable Control Technology (MACT) rule new emissions standards for cement kilns, lightweight aggregate kilns, and incinerators under CAA authority on September 30, 1999 (64 FR 52828).

Following promulgation, issues were raised by the regulated community through informal comments and through litigation. A clarification rule was proposed on July 3, 2001 (66 FR 35126). A final rule changed and clarified a subset of the proposed amendments to the final Phase I rule (February 14, 2002, 67 FR 6968). An interim final rule was issued on February 13, 2002 to establish amendments to certain implementation requirements (67 FR 6792). EPA plans to promulgate final replacement standards to replace the interim standards promulgated on February 13, 2002.

#### Timetable:

Action	Date	FR Cite
Final - MACT Fasttrack	06/19/98	63 FR 33782
Final - Cement Kilns & LWAKs & Incinerators (Final-Phase I)	09/30/99	64 FR 52828
Direct Final Rule - Phase 1 Amendments	07/03/01	66 FR 35087
Parallel Proposal to Direct Final Rule	07/03/01	66 FR 35124
NPRM-Phase1 Phase I Amendments	07/03/01	66 FR 35126
Direct Final Rule - Partial Denial	10/15/01	66 FR 52361
Final (Good Cause) - Emergency Extension of Compliance Date	11/29/01	66 FR 63313
Final Action - Extension for Compliance	12/06/01	66 FR 63313
Interim Final Standards for Phase 1 Amendments Final rule (Good Cause)	02/13/02	67 FR 6791
Final Rule Standards for HAPs for HW Combustors - Phase 1 Amendments	02/14/02	67 FR 6967
NPRM	12/00/03	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Federalism:** Undetermined

**Additional Information:** SAN No. 4418

**Sectors Affected:** 2123 Non-Metallic Mineral Mining and Quarrying; 2211 Electric Power Generation, Transmission and Distribution; 22132 Sewage Treatment Facilities; 3241 Petroleum and Coal Products Manufacturing; 3271 Clay Product and Refractory Manufacturing; 3231 Printing and Related Support Activities; 3251 Basic Chemical Manufacturing; 3252 Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing; 3253 Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing; 3254 Pharmaceutical and Medicine Manufacturing; 3255 Paint, Coating, Adhesive, and Sealant Manufacturing; 3259 Other Chemical Product Manufacturing; 3271 Clay Product and Refractory Manufacturing; 3273 Cement and Concrete Product Manufacturing; 3274 Lime, Gypsum and Gypsum Product Manufacturing; 3279 Other Nonmetallic Mineral Product Manufacturing; 3327 Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing; 3328 Coating, Engraving, Heat Treating and Allied Activities; 3332 Industrial Machinery Manufacturing; 33351 Metalworking Machinery Manufacturing; 3339 Other General Purpose Machinery Manufacturing; 3341 Computer and Peripheral Equipment Manufacturing; 3342 Communications Equipment Manufacturing; 3343 Audio and Video Equipment Manufacturing; 3344 Semiconductor and Other Electronic Component Manufacturing; 3361 Motor Vehicle Manufacturing; 3362 Motor Vehicle Body and Trailer Manufacturing; 3363 Motor Vehicle Parts Manufacturing; 4227 Petroleum and Petroleum Products Wholesalers; 45431 Fuel Dealers

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**RIN:** 2050-AE79



**Environmental Protection Agency (EPA)  
Resource Conservation and Recovery Act (RCRA)**
**Completed Actions**
**3452. PAINT MANUFACTURING  
WASTES LISTING: HAZARDOUS  
WASTE MANAGEMENT SYSTEM:  
IDENTIFICATION AND LISTING OF  
HAZARDOUS WASTE**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 261; 40 CFR 271;  
40 CFR 302; 40 CFR 264; 40 CFR 265

**Completed:**

Reason	Date	FR Cite
Final Action	04/04/02	67 FR 16262

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal,  
State

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**RIN:** 2050-AE32

**3453. REQUIREMENTS FOR ZINC  
FERTILIZER MADE FROM RECYCLED  
HAZARDOUS SECONDARY  
MATERIALS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 261; 40 CFR 266;  
40 CFR 268; 40 CFR 271

**Completed:**

Reason	Date	FR Cite
Final Action	07/24/02	67 FR 48393

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal,  
State

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**RIN:** 2050-AE69

**3454. PROJECT XL SITE-SPECIFIC  
RULEMAKING FOR IMPLEMENTING  
WASTE TREATMENT SYSTEMS AT  
TWO VIRGINIA LANDFILLS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 40 CFR Part 258

**Completed:**

Reason	Date	FR Cite
Final Action	07/18/02	67 FR 47310

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State

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**RIN:** 2090-AA30

**Environmental Protection Agency (EPA)  
Oil Pollution Act (OPA)**
**Completed Actions**
**3455. OIL POLLUTION PREVENTION  
REGULATION: REVISIONS**

**Priority:** Other Significant

**CFR Citation:** 40 CFR 112

**Completed:**

Reason	Date	FR Cite
Final Action	07/17/02	67 FR 47042

**Regulatory Flexibility Analysis**

**Required:** No

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

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**RIN:** 2050-AC62

**Environmental Protection Agency (EPA)  
Comprehensive Environmental Response, Compensation and Liability Act**
**Proposed Rule Stage**
**3456. REPORTABLE QUANTITY  
ADJUSTMENTS FOR CARBAMATES  
AND CARBAMATE-RELATED  
HAZARDOUS WASTE STREAMS;  
REPORTABLE QUANTITY  
ADJUSTMENT FOR INORGANIC  
CHEMICAL MANUFACTURING  
PROCESS WASTE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 9602(a); 42  
USC 11004

**CFR Citation:** 40 CFR 302; 40 CFR 355

**Legal Deadline:** None

**Abstract:** EPA has listed carbamate  
waste streams as hazardous wastes  
under the Resource Conservation and

Recovery Act (RCRA). RCRA listed  
wastes, by statute, automatically  
become hazardous substances under the  
Comprehensive Environmental  
Response, Compensation, and Liability  
Act (CERCLA) and are assigned a one  
pound statutory reportable quantity  
(RQ) until EPA adjusts them. These  
substances also become subject to  
reporting requirements under the  
Emergency Planning and Community  
Right-to-Know Act (EPCRA) with a one  
pound threshold. EPA, in this action,  
will propose RQ adjustments for the  
carbamates. Most RQ adjustments are  
expected to be greater than one pound.  
Raising the RQs for these substances  
would decrease the burden on 1) the

regulated community for complying  
with the reporting requirements under  
CERCLA and EPCRA; 2) Federal, State,  
and local authorities for program  
implementation; and 3) Federal, State,  
or local authorities, if they release  
hazardous substances at the RQ level  
or greater.

In addition, we are seeking to propose  
an RQ adjustment for the inorganic  
chemical manufacturing process waste  
(K178) that was proposed for listing on  
9/14/00 (65 FR 55684).

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

## EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: SAN No. 3423

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RIN: 2050-AE12

**3457. • CORRECTION OF ERRORS AND ADJUSTMENT OF CERCLA REPORTABLE QUANTITIES**

Priority: Other Significant

Legal Authority: 42 USC 9602-9603

CFR Citation: 40 CFR 302 (Revision)

Legal Deadline: None

**Abstract:** The Agency is considering proposing corrections and other changes to 40 CFR 302.4, the Designation of Hazardous Substances. The proposal may include the correction of entries for individual substances, entries for F- and K-waste streams and entries in appendix A of 40 CFR 302.4. Other aspects of the proposal may include additional substances as entries in table 302.4, appendix A to section 302.4, and the table in section 302.6(b)(iii); removal of other entries from these lists; and amendments to certain footnotes that explain entries in table 302.4.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected:

Undetermined

Additional Information: SAN No. 4737

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RIN: 2050-AF03

**3458. • STANDARDS AND PRACTICES FOR CONDUCTING "ALL APPROPRIATE INQUIRY"**

Priority: Other Significant

Legal Authority: 42 USC 9607

CFR Citation: 40 CFR 312

**Legal Deadline:** Final, Statutory,  
January 11, 2004, Small Business  
Liability Protection Act section 223,  
CERCLA 101(35)(B)(2)(ii).

**Abstract:** The Small Business Liability Relief and Brownfields Revitalization Act amends CERCLA 101(35)(B) and includes new provisions regarding the innocent landowner defense. As part of these provisions, the Act addresses the need to conduct "all appropriate inquiry" to establish that the property owner had no reason to know of any contamination at the property when it is acquired. In the Act, Congress directed EPA to develop regulations establishing standards and practices for conducting "all appropriate inquiry." Section 101(35)(B)(2)(iii) of the Act includes criteria that EPA is to include in setting these standards and practices. This regulation will establish the Federal standards for conducting "all appropriate inquiry," pursuant to the Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected: State, Local, Tribal

Additional Information: SAN No. 4739

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RIN: 2050-AF04

**3459. • CLARIFICATION TO INTERIM STANDARDS AND PRACTICES FOR ALL APPROPRIATE INQUIRY UNDER CERCLA AND NOTICE OF FUTURE RULEMAKING ACTION**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 9601(35)

CFR Citation: 40 CFR 312

Legal Deadline: None

**Abstract:** EPA is pursuing a rule to explain and clarify a provision included in recent amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA plans to address certain interim standards established in the Small Business Liability Relief and Brownfields Revitalization Act (the Brownfields Act) for conducting "all appropriate inquiry," to establish exemptions from liability under CERCLA or establish that a landowner had no reason to know of contamination at a property under CERCLA liability provisions prior to purchasing the property. The Brownfields Act provides clarification of provisions related to CERCLA liability for certain parties including contiguous property owners, prospective purchasers, and innocent landowners. Among the requirements added to CERCLA is the requirement that such parties undertake "all appropriate inquiry" into prior ownership and use of certain property.

Under the Brownfields Act, Congress provided an interim standard for conducting all appropriate inquiry, the American Society for Testing and Materials (ASTM) standard known as Standard E1527-97 (entitled Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process). This interim standard applies to properties purchased after May 31, 1997, until EPA promulgates regulations establishing standards and practices for conducting all appropriate inquiry. The rule will clarify the interim requirements for conducting "all appropriate inquiry" in the case of property purchased on or after May 31, 1997, and the conduct of such activities to establish an innocent landowner defense.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
Direct Final Rule	11/00/02	

**EPA—Comprehensive Environmental Response, Compensation and Liability Act Proposed Rule Stage****Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4740**Agency Contact:** Patricia Overmeyer, Environmental Protection Agency, Solid Waste and Emergency Response, 5105T, Washington, DC 20460

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**RIN:** 2050-AF05**3460. REVISE 40 CFR PART 35 SUBPART O: COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS****Priority:** Other Significant**Legal Authority:** 42 USC 9601 to 9675**CFR Citation:** 40 CFR 35 subpart O**Legal Deadline:** None

**Abstract:** 40 CFR part 35 subpart O is the Superfund Administrative Regulation that governs awarding of Superfund cooperative agreements (CAs) to States, Indian tribes, and territories of the United States. Subpart O covers State-lead, site-specific cooperative agreements for non-time-critical removal, preredial, remedial, and enforcement actions, and site-specific management assistance for federal-lead projects. Also covered by subpart O are non-site-specific Core Program and Voluntary Cleanup

Program State infrastructure development, as well as Brownfields pilots, and Brownfields assessments. The requirements for Superfund State contracts, financial administration, property, procurement, reporting, recordkeeping, and closeout are provided in subpart O.

Subpart O was promulgated 6/5/1990, and became effective on 7/5/1990. Many changes in the Superfund program have occurred over the past almost ten years and these need to be reflected in subpart O. The six categories of CAs presently used in subpart O need greater flexibility to accommodate the new types of CAs that have developed. For example, the number of Block Funding Reform pilots, begun in 1997, to consolidate several of the cooperative agreements offered in subpart O, has grown to about 16 for fiscal year 2000, and have generated at least 60 approved deviation requests from subpart O and 40 CFR part 31. These pilot projects offer considerable administrative relief to States, tribes, and EPA by reducing reporting requirements, broadening scope changes without amendment, increasing the ability to move monies within and among CAs, and relaxing application requirements regarding site-specific identification of cooperative agreement funds to certain activities, while maintaining site-specific drawdown requirements needed for cost recovery and Superfund accounting. Subpart O also needs to be conformed with part 31 (Uniform

Administrative Requirements for Grants and Cooperative Agreements).

EPA expects to institutionalize the combining of CA types, create more flexible reporting requirements, permit greater scope changes without amendment, provide more flexible money movement within and among CAs, and other policy advances in State/tribal/EPA interaction.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4177**Agency Contact:** Kirby Biggs, Environmental Protection Agency, Solid Waste and Emergency Response, 5204W, Washington, DC 20460

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**RIN:** 2050-AE62**Environmental Protection Agency (EPA)****Long-Term Actions****Comprehensive Environmental Response, Compensation and Liability Act****3461. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES: PROPOSED AND FINAL RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 9605 Superfund (CERCLA) sec 105**CFR Citation:** 40 CFR 300.425**Legal Deadline:** None

**Abstract:** This action will revise the sites included on the National Priorities List (NPL) of uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow

EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up.

**Timetable:**

Action	Date	FR Cite
NPRM 24	03/06/98	63 FR 11340
Final Action 20	03/06/98	63 FR 11332
NPRM 25	07/28/98	63 FR 40247
Final Action 21	07/28/98	63 FR 40182
Final Action (Tex-Tin Corp)	09/18/98	63 FR 49855
NPRM 26	09/29/98	63 FR 51882
Final Action 22	09/29/98	63 FR 51848
NPRM 27	01/19/99	64 FR 2950
Final Action 23	01/19/99	64 FR 2942

Action	Date	FR Cite
NPRM (Midnight Mine)	02/16/99	64 FR 7564
NPRM 28	04/23/99	64 FR 19968
NPRM (Alameda)	05/10/99	64 FR 24990
Final Action 24	05/10/99	64 FR 24949
NPRM 29	07/22/99	64 FR 39886
Final Action 25	07/22/99	64 FR 39878
NPRM 30	10/22/99	64 FR 56992
Final Action	10/22/99	64 FR 56966
NPRM 31	02/04/00	65 FR 5468
Final Action 26	02/04/00	65 FR 5435
NPRM 32	05/11/00	65 FR 30489
Final Action 28	05/11/00	65 FR 30482
NPRM 33	07/27/00	65 FR 46131
Final Action 29	07/27/00	65 FR 46096
NPRM	08/24/00	65 FR 51567
Alabama/Malone		

## EPA—Comprehensive Environmental Response, Compensation and Liability Act

## Long-Term Actions

Action	Date	FR Cite
NPRM 34	12/01/00	65 FR 75215
Final Action 30	12/01/00	65 FR 75179
NPRM 35	01/11/01	66 FR 2380
NPRM 36	06/14/01	66 FR 32287
Final Action 31	06/14/01	66 FR 32235
NPRM 37	09/13/01	66 FR 47612
Final Action 32	09/13/01	66 FR 47583
NPRM	02/26/02	67 FR 8836
NPRM	09/05/02	67 FR 56794
Final Rule	09/05/02	67 FR 56757
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** SAN No. 3439

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**RIN:** 2050-AD75**3462. CRITERIA FOR THE DESIGNATION OF HAZARDOUS SUBSTANCES UNDER CERCLA SECTION 102(A)****Priority:** Other Significant**Legal Authority:** 42 USC 9602**CFR Citation:** 40 CFR 302.4**Legal Deadline:** None**Abstract:** This action will address the development of evaluation criteria for

the designation of substances as hazardous under CERCLA. It is necessary to develop evaluation criteria because the Agency has the authority under CERCLA 102(a) to designate substances as hazardous; however, the Agency does not have criteria to do so. To date the only substances designated as CERCLA hazardous substances are as a result of their appearance on other Acts' lists defined under CERCLA 101(14). Using CERCLA designation criteria the Agency may establish CERCLA hazardous substances independently from other Acts, in the interest of public health and the environment.

The purpose of this action is to have well thought-out criteria for designating hazardous substances that may be applied to individual substances for evaluation and decision as to whether or not the substance should be appropriately designated a CERCLA 102(a) hazardous substance. The Agency already has the authority to designate substances as hazardous; in this action, criteria will be developed to implement that authority.

**Timetable:**

Action	Date	FR Cite
ANPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4201

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**RIN:** 2050-AE63**3463. • ADMINISTRATIVE REPORTING EXEMPTION FOR CERTAIN AIR RELEASES OF NOX****Priority:** Other Significant**Legal Authority:** 42 USC 9603**CFR Citation:** 40 CFR 302.6(c)**Legal Deadline:** None

**Abstract:** The Agency is considering proposing to administratively exempt from reporting requirements the releases of certain NOx emissions to air. This would eliminate reports from facilities emitting NOx where the Agency has determined that the releases pose little or no risk or to which a Federal response is infeasible or inappropriate. Requiring reports of such releases would serve little or no useful purpose and could, instead, impose a significant burden on the Federal response system and on the persons responsible for notifying the Federal government of the release.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** SAN No. 4736

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**RIN:** 2050-AF02

## Environmental Protection Agency (EPA)

## Completed Actions

## Comprehensive Environmental Response, Compensation and Liability Act

**3464. CORRECT TYPOGRAPHICAL ERRORS AND REMOVE OBSOLETE LANGUAGE IN 40 CFR PART 302****Priority:** Info./Admin./Other**CFR Citation:** 40 CFR 302 (Revision)**Completed:**

Reason	Date	FR Cite
NPRM	07/09/02	67 FR 45440
Direct Final Rule	07/09/02	67 FR 45314

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

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**RIN:** 2050-AE88

**Environmental Protection Agency (EPA)**  
**Clean Water Act (CWA)**

Prerule Stage

**3465. CLEAN WATER ACT DEFINITION OF WATERS OF THE UNITED STATES**

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

**RIN:** 2040-AB74

**Environmental Protection Agency (EPA)**  
**Clean Water Act (CWA)**

Proposed Rule Stage

**3466. 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 section 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) (40 CFR part 300.900). Section 311(d)(2)(G) of the Clean Water Act requires that EPA 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 specified in 40 CFR 300.915 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 into or upon navigable waters, adjoining shorelines, the waters of the contiguous zone, or which may affect natural resources belonging to or under the exclusive management authority of the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4526

**Sectors Affected:** 54 Professional, Scientific and Technical Services; 3259 Other Chemical Product Manufacturing; 325 Chemical Manufacturing; 3251 Basic Chemical Manufacturing

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**RIN:** 2050-AE87

**3467. WATER QUALITY STANDARDS FOR ALABAMA—PHASE II**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1313 CWA 303

**CFR Citation:** 40 CFR 131

**Legal Deadline:** NPRM, Judicial, October 15, 2002, See additional information.

**Abstract:** Under the CWA, States have primary authority in developing water quality standards for waters within their jurisdiction. EPA maintains oversight authority in that States must submit their water quality standards to EPA for review and approval or disapproval. If a State's water quality standards are not consistent with the requirements of the CWA and its supporting regulations, and are subsequently disapproved by EPA, the State must revise the disapproved water quality standards. If the State does not revise the disapproved water quality standards, the CWA requires the EPA Administrator to promulgate Federal

water quality standards to supersede those disapproved provisions in the states' water quality standards. EPA is developing a proposed rule to determine the appropriate use designations for seven waterbodies in Alabama that EPA disapproved in 1986 and 1991.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4264

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**RIN:** 2040-AD35

**3468. 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(h); 33 USC 1361(a)

**CFR Citation:** 40 CFR 136; 40 CFR 503

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

parts 136 and 503 to approve EPA Method 1668 for the congener-specific determination of co-planar and mono-ortho-substituted polychlorinated biphenyls (PCBs) in effluent, ambient water, and sludge. This method is necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's designated water quality standard. At present there is no EPA analytical method for determination of these PCBs at the levels of concern. Therefore, approval of a new EPA test procedure is necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis Required:** No

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

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

**Additional Information:** SAN No. 4049

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**RIN:** 2040-AD09

**3469. TEST PROCEDURES FOR THE ANALYSIS OF MERCURY UNDER THE CLEAN WATER ACT (METHOD 245.7)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** CWA 304(h); CWA 501(a); 33 USC 1314(h); 33 USC 1361(a)

**CFR Citation:** 40 CFR 136.3(IB)

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve a new analytical

test procedure (method) for the determination of mercury in the wastewater program as authorized under the Clean Water Act (CWA). This new test procedure is capable of measuring mercury at low parts-per-trillion (ppt; ng/L) concentrations and would be an alternative to the recently promulgated EPA Method 1631, which also determines mercury at low ppt concentrations. EPA Method 245.7 uses similar technology to EPA Method 1631 (cold vapor atomic fluorescence spectrometry), but it does not require the use of a gold trap. Laboratories claim that EPA Method 245.7 is a less burdensome and more cost-effective method than EPA Method 1631.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4377

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**RIN:** 2040-AD52

**3470. REVISIONS TO METHOD DETECTION AND QUANTIFICATION FOR USE UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h); 33 USC 1361(a); 42 USC 300f; 42 USC 300j

**CFR Citation:** 40 CFR 136(b)

**Legal Deadline:** NPRM, Judicial, February 28, 2003, Settlement Agreement.

Final, Judicial, September 30, 2004, Settlement Agreement.

**Abstract:** This regulatory action would propose to amend the guidelines establishing test procedures for the

analysis of pollutants under 40 CFR part 136 related to the detection and quantification procedures currently used by EPA for analytes regulated in the wastewater program as authorized under the Clean Water Act (CWA) and in the drinking water program under the Safe Drinking Water Act (SDWA). The current method detection limit (MDL) procedure is set forth at 40 CFR part 136, appendix B. EPA has not promulgated a generic procedure for quantification but it uses the minimum level of quantitation (ML) in its wastewater program and the practical quantitation level (PQL) in its drinking water program. The ML is defined in analytical methods and is generally set at 3.18 times the MDL. The PQL is generally set at five to ten times the MDL. The Office of Water has been working to revise and refine these concepts in response to the need to regulate pollutants at low levels (often levels that are lower than measurement capabilities will allow) and to address other potential approaches to detection and quantification, including concepts being introduced by outside organizations such as voluntary consensus standards bodies (VCSBs). The rulemaking would also reevaluate the current MDL and quantification approaches and assess alternative approaches.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
Final Action	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4378

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**RIN:** 2040-AD53

## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

**3471. TEST PROCEDURES: NEW AND UPDATED TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT AND SAFE DRINKING WATER ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(h); 33 USC 1361(a); 42 USC 300f; 42 USC 300g-1; 42 USC 300j-4; 42 USC 300j-9(a)**CFR Citation:** 40 CFR 136**Legal Deadline:** None

**Abstract:** This regulatory action would amend the “Guidelines Establishing Test Procedures for the Analysis of Pollutants” under 40 CFR Parts 136 and 141 to approve new and updated EPA methods for wastewater, ambient water quality, and drinking water, including new and updated versions of methods from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater, ambient water quality and/or drinking water programs, as authorized under the Clean Water Act (CWA) and Safe Drinking Water Act. This regulation would propose new methods for metals such as Method 1638 (which utilizes ICP/MS), new methods for chemical pollutants (e.g., Method 245.7), and updated methods for chemical and biological pollutants (e.g., Methods 625 and 1625), including methods from voluntary consensus standards bodies (VCSBs), and from other external organizations. The new and updated methods include methods from organizations such as the American Society for Testing and Materials (ASTM), Standard Methods, Association of Official Analytical Methods-International, and U.S. Geological Survey.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	
Final Action	06/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4540**Agency Contact:** William A. Telliard, Environmental Protection Agency, Water, 4303T, Washington, DC 20460  
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**RIN:** 2040-AD71**3472. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 3****Regulatory Plan:** This entry is Seq. No. 136 in part II of this issue of the **Federal Register**.**RIN:** 2040-AD70**3473. NPDES PERMIT REQUIREMENTS FOR MUNICIPAL SANITARY AND COMBINED SEWER COLLECTION SYSTEMS, MUNICIPAL SATELLITE COLLECTION SYSTEMS, SANITARY SEWER OVERFLOWS, AND PEAK EXCESS FLOW TREATMENT FACILITIES****Regulatory Plan:** This entry is Seq. No. 133 in part II of this issue of the **Federal Register**.**RIN:** 2040-AD02**3474. OCEAN DISCHARGES CRITERIA REVISIONS****Priority:** Other Significant**Legal Authority:** 33 USC 1343 et seq**CFR Citation:** 40 CFR 125.121(a); 40 CFR 125.121(e); 40 CFR 125.122; 40 CFR 125.123; 40 CFR 125.124**Legal Deadline:** None

**Abstract:** EPA is proposing to modify the existing regulations implementing the ocean protection provisions of section 403 of the Clean Water Act. A key element of the proposed rule would provide for establishment of baseline water quality standards for ocean waters beyond three miles offshore. These waters, designated “Healthy Ocean Waters,” would be protected by both a narrative statement of desired quality and pollutant-specific numeric criteria. The proposed rule also would strengthen the requirements for a permit to discharge to any ocean waters, and would create a process for

establishing Special Ocean Sites (SOSs), which are areas within ocean waters that are of outstanding value, where new and significantly expanded discharges would be prohibited. The proposed rule will enhance the protection of the ocean environment and meet the goals of the Executive Order on Marine Protected Areas (E.O. 13158).

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/03	
Final Action	04/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal, State, Tribal**Additional Information:** SAN No. 4446**Sectors Affected:** 21111 Oil and Gas Extraction; 22132 Sewage Treatment Facilities; 221111 Hydroelectric Power Generation; 221112 Fossil Fuel Electric Power Generation; 42271 Petroleum Bulk Stations and Terminals; 325412 Pharmaceutical Preparation Manufacturing; 311711 Seafood Canning**Agency Contact:** David Redford, Environmental Protection Agency, Water, 4504T, Washington, DC 20460  
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## EPA—Clean Water Act (CWA)

## Proposed Rule Stage

**3477. • NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR MUNICIPAL WASTEWATER TREATMENT DURING WET WEATHER CONDITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1251 et seq**CFR Citation:** 40 CFR 122.41(m)**Legal Deadline:** None

**Abstract:** During periods of wet weather, wastewater flows received by municipal sewage treatment plants can significantly increase. Significant increases in wastewater flow caused by wet weather conditions 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. EPA plans to clarify NPDES requirements for municipal sewage treatment plants regarding treatment of peak flows generated during wet weather conditions. This action would provide principles under which peak wet weather discharges from POTWs that consist of effluent routed around biological treatment units blended together with the effluent from the biological units prior to discharge can be authorized in an NPDES permit.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, State**Federalism:** Undetermined**Additional Information:** SAN No. 4690**Sectors Affected:** 22132 Sewage Treatment Facilities**Agency Contact:** Kevin Weiss, Environmental Protection Agency, Water, 4203M, Washington, DC 20460  
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**RIN:** 2040-AD87

## Environmental Protection Agency (EPA)

## Final Rule Stage

## Clean Water Act (CWA)

**3478. EFFLUENT GUIDELINES AND STANDARDS FOR THE METAL PRODUCTS AND MACHINERY CATEGORY, PHASES 1 AND 2****Regulatory Plan:** This entry is Seq. No. 145 in part II of this issue of the *Federal Register*.**RIN:** 2040-AB79**3479. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REGULATION AND EFFLUENT GUIDELINES AND STANDARDS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOS)****Regulatory Plan:** This entry is Seq. No. 146 in part II of this issue of the *Federal Register*.**RIN:** 2040-AD19**3480. TEST PROCEDURES FOR ANALYSIS FOR BIOLOGICAL CONTAMINANTS UNDER CLEAN WATER ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361 CWA 501(a)**CFR Citation:** 40 CFR 136**Legal Deadline:** None

**Abstract:** This regulatory action would amend the guidelines establishing test procedures for the analysis of pollutants under 40 CFR part 136 to approve EPA Method 1622 and to approve microbiological methods for monitoring ambient water for the detection of *Cryptosporidium*, *Giardia*, *E. coli* and *Enterococci*. In ambient waters by filtration of a 10-L sample in laboratory, separation of target organisms from other debris using immunomagnetic separation, and detection of the organisms using immunofluorescence assay and differential interference contrast microscopy and confirmation examination of the organisms using vital dye stains. This proposed regulation would approve test procedures to be available for use by testing laboratories.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/01	66 FR 45811
Final Action	01/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4047**Agency Contact:** Robin K. Oshiro, Environmental Protection Agency, Water, 4303T, Washington, DC 20460  
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**RIN:** 2040-AD08**3481. TEST PROCEDURES: CLEAN WATER ACT AND SAFE DRINKING WATER ACT METHODS UPDATE****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(h); 33 USC 1361(a); 42 USC 300 g-1; 42 USC 300f(1); 42 USC 300j-4; 42 USC 300j-9(a)**CFR Citation:** 40 CFR 136; 40 CFR 141; 40 CFR 143**Legal Deadline:** None**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136, National Primary Drinking Water Regulations under 40 CFR part 141, and



## EPA—Clean Water Act (CWA)

## Final Rule Stage

National Secondary Drinking Water Regulations under 40 CFR part 143 to approve updated versions of analytical test procedures (methods) from voluntary consensus standards bodies and other organizations. These methods are used to comply with monitoring requirements in the wastewater and drinking water programs, as authorized under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). This regulation would approve updated versions of methods for determination of chemical, radiological, and microbiological pollutants in wastewater and drinking water. The updates are to methods from voluntary consensus standards bodies (the American Society for Testing and Materials and Standard Methods) and from the U.S. Geological Survey and the Department of Energy. Previously approved versions of the methods being updated remain approved. Because EPA received adverse comments on the direct final rule published on January 16, 2001, the Agency withdrew the direct final on May 15, 2001. EPA plans to issue a final rulemaking addressing the adverse comments by November 2002, based on a companion proposal to the direct final rule.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	01/16/01	66 FR 3466
Notice of Withdrawal of Direct Final Rule	05/15/01	66 FR 26795
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4409

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RIN: 2040-AD59

**3482. TEST PROCEDURES FOR THE ANALYSIS OF MERCURY UNDER THE CLEAN WATER ACT (REVISIONS TO METHOD 1631)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(h); 33 USC 1361(a)**CFR Citation:** 40 CFR 136.3**Legal Deadline:** NPRM, Judicial, September 30, 2001, Settlement agreement.

Final, Judicial, September 30, 2002, Settlement agreement.

**Abstract:** This action would amend EPA Method 1631 to add new requirements for clean techniques and quality control (QC) beyond those specified in EPA Method 1631 for the determination of mercury at water quality criteria levels. EPA Method 1631 was promulgated at 40 CFR 136 in June 1999. Later that year, the Alliance of Automobile Manufacturers, the Chemical Manufacturers Association, and the Utility Water Act Group (Petitioners) filed a petition for judicial review of the final rule. One of the issues in the petition related to the clean sampling techniques and QC requirements in the Method. As part of a Settlement Agreement in October 2000, EPA agreed to sign a Federal Register notice proposing additional clean techniques and QC requirements for Method 1631 by September 30, 2001, and to take final action by September 30, 2002.

**Timetable:**

Action	Date	FR Cite
Final Action Technical Correction	06/18/01	66 FR 32774
NPRM	10/09/01	66 FR 51518
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4541

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RIN: 2040-AD72

**3483. RULE TO REVISE AND TO RATIFY OR WITHDRAW WHOLE EFFLUENT TOXICITY TEST METHODS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(h); 33 USC 1361(a)**CFR Citation:** 40 CFR 136.3**Legal Deadline:** NPRM, Judicial, September 24, 2001, Settlement Agreement.

Final, Judicial, November 8, 2002, Settlement Agreement.

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 by revising several whole effluent toxicity (WET) test methods and by ratifying or withdrawing WET test methods listed in Table IA for use under the Clean Water Act. These methods were promulgated on October 16, 1995 (60 FR 53529). The regulation is needed to satisfy the terms of two settlement agreements (entered into by EPA and Edison Electric Institute, et al., and Western Coalition of Arid States on July 24, 1998; and entered into by EPA and Lone Star Steel in January, 1997). This action will amend the 1995 rule by revising three WET method manuals, and by ratifying or withdrawing each of the WET test methods challenged in the settlement agreements from these three manuals. Specific revisions include: the requirement of blocking by parentage in Method 1002, the requirement for demonstration of valid concentration-response relationships, the inclusion of specific procedures to control pH drift, and the inclusion of procedures to reduce pathogenic interferences in Method 1000.

**Timetable:**

Action	Date	FR Cite
NPRM	09/28/01	66 FR 49794
Final Action	11/00/02	

**Regulatory Flexibility Analysis**

Required: No

**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4514

## EPA—Clean Water Act (CWA)

Final Rule Stage

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**RIN:** 2040-AD73

**3484. MINIMIZING ADVERSE ENVIRONMENTAL IMPACT FROM COOLING WATER INTAKE STRUCTURES AT EXISTING FACILITIES UNDER SECTION 316(B) OF THE CLEAN WATER ACT, PHASE 2**

**Regulatory Plan:** This entry is Seq. No. 147 in part II of this issue of the Federal Register.

**RIN:** 2040-AD62

**3485. COMPARISON OF DREDGED MATERIAL TO REFERENCE SEDIMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1344CWA sec 404

**CFR Citation:** 40 CFR 230

**Legal Deadline:** None

**Abstract:** This action would revise the testing provisions of the Clean Water Act section 404(b)(1) Guidelines to provide for comparisons between dredged material proposed for discharge and reference sediment. Reference sediment would be defined as sediment that reflects conditions at the disposal site had no dredged material disposal ever occurred there. Because the disposal site itself is currently used as the point of comparison, this action would make a technical improvement in assessing cumulative impacts and help make dredged material testing under section 404 more consistent with that conducted for ocean disposal, which currently employs a reference sediment approach. This action is not expected to have a significant impact on state, local, or tribal governments or small business, as the action will be limited to Corps projects and permit applications for which dredged material

testing is necessary, and because the effect of the action will be limited to changing the location of an otherwise collected sample.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/95	60 FR 419
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** SAN No. 3288

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**RIN:** 2040-AC14

**3486. ROUND 2 STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1345 CWA sec 405; 33 USC 1361(a) CWA sec 501(a)

**CFR Citation:** 40 CFR 503 (Revision)

**Legal Deadline:** NPRM, Judicial, December 15, 1999.  
Final, Judicial, October 17, 2003.

**Abstract:** This rulemaking concerns dioxin and dioxin-like compounds in sewage sludge that is applied to the land. Section 405 of the Clean Water Act (CWA) requires EPA to promulgate regulations providing guidelines for the use and disposal of sewage sludge, including numeric standards for toxic pollutants which may adversely affect human health and the environment and management practices. EPA promulgated the first round of regulations, which set standards for toxic pollutants in sewage sludge for which information was available and management practices for land application, surface disposal and incineration of sewage sludge. (58 FR 9248, Feb. 19, 1993). EPA proposed the second round of regulations, for other toxic pollutants not regulated in the first round, of regulations, for other toxic pollutants not regulated in the first round, in December 1999 (64 FR 72045, Dec. 23, 1999). The proposed rule would establish a limit of 300 nanograms of TEQ dioxins per kilogram

of dry sewage sludge for land application along with monitoring requirements. The proposal also proposed to take no regulatory action with respect to dioxins in sewage sludge that is disposed of at a surface disposal site or incinerated in a sewage sludge incinerator. EPA signed a final notice of its determination not to further regulate for dioxins in sewage sludge that is disposed of at a surface disposal site or incinerated in a sewage sludge incinerator, and stated that final action on the proposal to amend the land application rule will be published separately at a later date. (66 FR 66228, Dec. 21, 2001). The deadline for taking final action on the land application rule is subject to a consent decree deadline of October 17, 2003.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/99	64 FR 72045
Notice of Data Availability re: Land Application	06/12/02	67 FR 40554
Final Action Land Application	10/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 3488

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**RIN:** 2040-AC25

**3487. MODIFICATION TO COMPETITIVE PROCESS USED BY EPA FOR WATER QUALITY COOPERATIVE AGREEMENTS AND WETLAND PROGRAM DEVELOPMENT GRANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 sec 104

**CFR Citation:** 40 CFR 35.362; 40 CFR 35.382

**Legal Deadline:** None

## EPA—Clean Water Act (CWA)

## Final Rule Stage

**Abstract:** EPA is proposing to modify the requirement that a competitive process be used for the award of Water Quality Cooperative Agreements (WQCA) and Wetland Program Development Grants (WPDG). The proposed modification would provide Regions with the discretion to allocate a portion of WQCA and WPDG funds to States in accordance with program guidance instead of awarding funds based on a competition among States. The proposed changes would provide State, interstate, and local agencies greater flexibility in developing comprehensive programs.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4624

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**RIN:** 2040-AD83

**3488. • REVISIONS TO MINIMIZING ADVERSE ENVIRONMENTAL IMPACTS FROM COOLING WATER INTAKE STRUCTURES UNDER SECTION 316(B) OF THE CLEAN WATER ACT — PHASE I**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1251 et seq

**CFR Citation:** 40 CFR 125 subpart I

**Legal Deadline:** None

**Abstract:** This action will make three minor technical corrections to the final rule implementing section 316(b) of the Clean Water Act (CWA) for new facilities that use water withdrawn from rivers, streams, lakes, reservoirs, estuaries, oceans or other waters of the United States for cooling purposes. (EPA published the final rule on December 18, 2001, 66 FR 65256.) The final rule established national technology-based performance requirements applicable to the location, design, construction, and capacity of cooling water intake structures at new facilities. The regulatory language did not correctly reflect EPA's intent in three minor instances. Therefore, EPA will make three minor changes to the regulatory text: (1) delete inadvertent requirement that quarterly monitoring occur at a low-flow condition that occurs once every ten years; (2) clarify that the permit director will consider information from fishery agencies about whether certain requirements should be put in a permit, not allow the fishery manager to make the determination; and (3) delete unnecessary cross references between the Track 2 compliance option and the alternative requirements provision.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4726

**Sectors Affected:** 221111 Hydroelectric Power Generation; 221112 Fossil Fuel Electric Power Generation; 221113 Nuclear Electric Power Generation; 221119 Other Electric Power Generation; 221121 Electric Bulk Power Transmission and Control; 221122 Electric Power Distribution; 111991 Sugar Beet Farming; 11193 Sugarcane Farming; 21221 Iron Ore Mining; 212391 Potash, Soda, and Borate Mineral Mining; 311221 Wet Corn Milling; 311311 Sugarcane Mills; 311312 Cane Sugar Refining; 311313 Beet Sugar Manufacturing; 311222 Soybean Processing; 311225 Fats and Oils Refining and Blending; 31214 Distilleries; 312229 Other Tobacco Product Manufacturing; 31221 Tobacco Stemming and Redrying; 31321 Broadwoven Fabric Mills; 321912 Cut Stock, Resawing Lumber, and Planing; 321113 Sawmills; 321918 Other Millwork (including Flooring ); 321999 All Other Miscellaneous Wood Product Manufacturing; 321212 Softwood Veneer and Plywood Manufacturing; 321219 Reconstituted Wood Product Manufacturing; 3221 Pulp, Paper, and Paperboard Mills; 322121 Paper (except Newsprint) Mills; 32213 Paperboard Mills; 322121 Paper (except Newsprint) Mills

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**RIN:** 2040-AD85

**Environmental Protection Agency (EPA)  
Clean Water Act (CWA)**
**Long-Term Actions**
**3489. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONSTRUCTION AND DEVELOPMENT INDUSTRY**

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

**Unfunded Mandates:** This action may affect State, local or tribal governments.

**Legal Authority:** 33 USC 1311 CWA 301; 33 USC 1314 CWA 304; 33 USC 1316 CWA 306; 33 USC 1317 CWA 307; 33 USC 1318 CWA 308; 33 USC 1342 CWA 402; 33 USC 1361 CWA 501

**CFR Citation:** 40 CFR 450

**Legal Deadline:** NPRM, Judicial, May 15, 2002.  
Final, Judicial, March 31, 2004.

**Abstract:** The effluent guidelines will apply to some construction activities associated with new development, as well as to those associated with redevelopment activities. The regulations will address storm water runoff from construction sites during the active phase of construction. Construction activity is a major source of sediment and other pollutants discharged to the nation's waters. Industries potentially affected by this rulemaking include land developers, home builders, builders of commercial and industrial property, and other private and public sector construction site owners and operators. EPA will develop design criteria for erosion and sediment controls. These requirements will be implemented in NPDES storm water permits issued to construction site owners and operators.

**Timetable:**

Action	Date	FR Cite
NPRM	06/24/02	67 FR 42644
Final Action	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4280

**Sectors Affected:** 233 Building, Developing and General Contracting; 234 Heavy Construction

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**RIN:** 2040-AD42

**3490. 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). This action, which OW refers to as Phase III of the Cluster Rules, will respond to comments and reflect new data. There are five domestic mills in these two subcategories. The final rule is anticipated to set limits for adsorbable organic halides (AOX), chemical oxygen demand (COD), chloroform, dioxin, furan, and 12 specific chlorinated phenolics.

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/93	58 FR 66078
Final Action	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4370

**Sectors Affected:** 3221 Pulp, Paper, and Paperboard Mills

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**RIN:** 2040-AD49

**3491. EFFLUENT GUIDELINES AND STANDARDS FOR THE CONCENTRATED AQUATIC ANIMAL PRODUCTION INDUSTRY**

**Priority:** Other Significant

**Legal Authority:** CWA sec 301; CWA sec 304; CWA sec 306; CWA sec 307; CWA sec 308; CWA sec 318; CWA sec 402; CWA sec 501

**CFR Citation:** 40 CFR 451

**Legal Deadline:** NPRM, Judicial, August 14, 2002.  
Final, Judicial, June 30, 2004.

**Abstract:** EPA is focusing new efforts to help reduce nutrient loadings from commercial agricultural and industrial operations nationwide. Currently, there are no federal technology-based standards for aquatic animal production facilities, which are part of the aquaculture industry. This action is a new effort to develop pollutant controls in the form of nationally applicable discharge standards for commercial and public aquaculture operations. In assessments of surface water quality, States most frequently cite siltation, nutrients, and pathogens as the major cause of water quality impairment. With the growth of the aquaculture industry, and inconsistent state of regulatory oversight, EPA will examine available technologies for the control of solids which in turn control other pollutants, primarily nutrients. This action was formerly titled Aquaculture.

**Timetable:**

Action	Date	FR Cite
NPRM	09/12/02	67 FR 57871
Final Action	06/00/04	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4406

**Sectors Affected:** 112511 Finfish Farming and Fish Hatcheries; 112512 Shellfish Farming; 112519 Other Animal Aquaculture; 71213 Zoos and Botanical Gardens

## EPA—Clean Water Act (CWA)

## Long-Term Actions

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**RIN:** 2040-AD55

### 3492. EFFLUENT GUIDELINES AND STANDARDS FOR THE MEAT AND POULTRY PRODUCTS POINT SOURCE CATEGORY (REVISIONS)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311; 33 USC 1314; 33 USC 1316; 33 USC 1317; 33 USC 1318; 33 USC 1361; 33 USC 1342

**CFR Citation:** 40 CFR 432 (Revision)

**Legal Deadline:** NPRM, Judicial, January 30, 2002.

Final, Judicial, December 31, 2003.

**Abstract:** The Agency has proposed revisions to the effluent limitations guidelines and standards for the meat and poultry products point source category. The current regulations, at 40 CFR 432, are more than 20 years old and are limited to a few conventional pollutants. Recent concerns about nutrient discharges from these facilities might be resolved by these additional effluent limitations. In particular, the current regulations do not address ammonia nitrogen for red meat slaughterhouses/packinghouses (subparts A-D). Nutrients are a significant remaining water quality problem for impaired streams. Revisions to the current regulations also include effluent limitations for poultry processing, which is not currently covered by any effluent guideline.

**Timetable:**

Action	Date	FR Cite
NPRM	02/25/02	67 FR 8582
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

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

**Additional Information:** SAN No. 4407

**Sectors Affected:** 311611 Animal (except Poultry) Slaughtering; 311612 Meat Processed from Carcasses; 311613 Rendering and Meat By-product Processing; 311615 Poultry Processing

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**RIN:** 2040-AD56

### 3493. WATER QUALITY STANDARDS FOR INDIAN COUNTRY WATERS

**Priority:** Other Significant

**Legal Authority:** 33 USC 1251 et seq

**CFR Citation:** 40 CFR 131; 40 CFR 121.17 (New); 40 CFR 122.4 (Amended); 40 CFR 123.1 (Amended); 40 CFR 131.4 (Amended); 40 CFR 131.40 (New); 40 CFR 230.10 (Amended); 40 CFR 233.1 (Amended); 40 CFR 233.51 (Amended)

**Legal Deadline:** None

**Abstract:** EPA is considering proposing a national rule containing core federal water quality standards (WQS) to support tailored, site-specific decisions for certain waters in Indian country that do not have EPA-approved Tribal standards. EPA is contemplating this rule as a first step towards ensuring that the core Clean Water Act (CWA) framework for protecting water quality is in place for all such waters. The core federal water quality standards would establish: use designations consistent with CWA section 101(a) goals, cultural and traditional, and other uses; water quality criteria for protecting the designated uses; and an antidegradation policy designed to protect water quality. Such standards would provide a basis for EPA (in consultation with a Tribe) to affect pollution discharges occurring upstream from Tribal waters, provide a basis for including water quality based limitations or conditions in permits or certifications for discharges within Indian country; and provide the basis for establishing Total Maximum Daily Loads (TMDLs) for Indian country waters. A federal

promulgation would not prevent Tribes from developing their own standards. The Office of Management and Budget reviewed the proposal and returned it to EPA on October 2, 2001, for further consideration and analysis. EPA is considering how to proceed.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4344

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**RIN:** 2040-AD46

### 3494. TEST PROCEDURES FOR THE ANALYSIS OF TRACE METALS UNDER THE CLEAN WATER ACT

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would propose to amend the guidelines establishing test procedures for the analysis of pollutants under 40 CFR part 136 to approve new EPA methods for the determination of trace metals at EPA's water quality criteria levels. These methods are necessary for the implementation of water quality-based permits under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act. Water quality-based permits are necessary when technology-based controls do not ensure that a particular water body would meet the State's designated

## EPA—Clean Water Act (CWA)

## Long-Term Actions

water quality standard. Because the methods currently approved under 40 CFR part 136 were designed to support primarily technology-based permitting needs, and because these technology-based levels are as much as 280 times higher than water quality-based criteria for metals, approval of new EPA test procedures is necessary.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3702

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**RIN:** 2040-AC75

**3495. TEST PROCEDURES:  
INCREASED METHOD FLEXIBILITY  
FOR TEST PROCEDURES APPROVED  
FOR CLEAN WATER ACT  
COMPLIANCE MONITORING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304 (h); 33 USC 1361(a) CWA 501 (a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would highlight the flexibility already contained in the 600 and 1600 series of EPA Methods that are currently approved for Clean Water Act compliance monitoring under 40 CFR part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants. These methods typically contain a statement that, in recognition of advances that are occurring in analytical technology, and to allow the analyst to overcome sample matrix

interferences, the analyst is permitted certain options to improve separations or lower the costs of measurements. These options include alternate extraction, concentration, cleanup procedures, and changes in columns and detectors. The methods further require the analyst to demonstrate that the method modifications will not adversely affect the quality of data by generating quality control results that meet the specifications contained in the method. Despite this stated flexibility, the Agency has found that many NPDES and pretreatment permitting authorities are not aware of this flexibility when issuing or enforcing NPDES and pretreatment permits. Therefore, this regulatory action will highlight the existing method flexibility and clarify EPA's position regarding its application. This action will also extend this flexibility to other methods currently approved under 40 CFR part 136. The purpose of extending this flexibility to other methods is to (1) increase consistency between methods, (2) provide for increased recognition of advances in analytical technology, and (3) reduce costs associated with analytical measurements.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

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

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

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**RIN:** 2040-AC92

**3496. TEST PROCEDURES:  
PERFORMANCE-BASED  
MEASUREMENT SYSTEM (PBMS)  
PROCEDURES AND GUIDANCE FOR  
CLEAN WATER ACT TEST  
PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)

**CFR Citation:** 40 CFR 136

**Legal Deadline:** None

**Abstract:** This regulatory action would establish the use of 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 include guidance concerning the format, content, quality assurance/quality control, and data validation requirements for use of test methods. This regulatory action would also describe increased program guidance in the form of a clearinghouse, technical bulletins, and/or guidance documents geared towards clarifying technical and policy issues associated with the use of test methods approved for use in the program.

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/97	62 FR 14975
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

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

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

**Additional Information:** SAN No. 3713

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**RIN:** 2040-AC93

## EPA—Clean Water Act (CWA)

## Long-Term Actions

**3497. TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE ONE****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)**CFR Citation:** 40 CFR 136**Legal Deadline:** None

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR part 136 to approve new procedures for the analysis of miscellaneous metals, anions, and volatile organics under the Clean Water Act (CWA). These methods are used for implementing water quality based permits under the National Pollutant Discharge Elimination System (NPDES) of the CWA. This regulation would approve test procedures to be used in measuring this group of compounds under the NPDES Program unless the Regional Administrator approves an alternative procedure. EPA plans to segment the rulemaking into two phases to accommodate different amounts of data for the long list of compounds.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/95	60 FR 53988
Final Action	06/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 3155

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**RIN:** 2040-AC95**3498. TEST PROCEDURES FOR THE ANALYSIS OF MISCELLANEOUS METALS, ANIONS, AND VOLATILE ORGANICS UNDER THE CLEAN WATER ACT, PHASE TWO****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1314(h) CWA 304(h); 33 USC 1361(a) CWA 501(a)**CFR Citation:** 40 CFR 136**Legal Deadline:** None

**Abstract:** This regulatory action would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under 40 CFR Part 136 to approve new procedures for the analysis of miscellaneous metals, anions, and volatile organics under the Clean Water Act (CWA). These methods are used for implementing water quality based permits under the National Pollutant Discharge Elimination System (NPDES) of the CWA. This regulation would approve test procedures to be used in measuring this group of compounds under the NPDES unless the Regional Administrator approves an alternative procedure. This rulemaking would constitute the second of two segments of rulemaking initially proposed as one action.

**Timetable:**

Action	Date	FR Cite
NPRM	10/18/95	60 FR 53988
Final Action	06/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4089

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**RIN:** 2040-AD12**3499. UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES - PHASE II****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1322; 33 USC 1361**CFR Citation:** 40 CFR 1700**Legal Deadline:** Final, Statutory, May 10, 2001.

**Abstract:** This action is Phase II of implementing regulations on Uniform National Discharge Standards for Vessels of the Armed Forces. In 1996 the Clean Water Act was amended to create section 312(n), Uniform National Discharge Standards for Vessels of the Armed Forces. Section 312(n) directs EPA and DOD to work together to provide Armed Forces vessels with a nationally uniform set of discharge standards, which preempt State discharge standards for these vessels. The purpose of the statute is to allow DOD to plan, design and build environmentally sound vessels, to encourage innovative pollution control technology, and to improve operational flexibility. EPA and DOD jointly promulgated Phase I of these regulations, 40 CFR part 1700, on May 10, 1999 (64 FR 25126). The Phase I rulemaking concluded that 25 discharges from Armed Forces vessels would require control devices. Some of these discharges have the potential to introduce oil or other organics into receiving waters (such as bilge water); some have the potential to introduce copper or other metals (such as fire main); and some have the potential to introduce nonindigenous invasive aquatic species (such as ballast water). Phase II will establish performance standards for control devices for these 25 discharges. Once DOD implements rules for achieving the standards set in Phase II, covered discharges from Armed Forces vessels will be required to meet these standards, and will not be subject to discharge standards established by States.

**Timetable:**

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

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

## EPA—Clean Water Act (CWA)

## Long-Term Actions

**Federalism:** Undetermined

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**RIN:** 2040-AC84

### 3500. STREAMLINING THE GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

**Priority:** Other Significant

**Legal Authority:** 33 USC 1314 CWA sec 304; 33 USC 1317 CWA sec 307; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 403

**Legal Deadline:** None

**Abstract:** The final rule will be promulgated as a program streamlining activity. The rule will revise certain provisions in the general pretreatment regulations (40 CFR part 403) that address restrictions on and oversight of industrial discharges into publicly owned treatment works (POTWs). The final rule will include exclusions or variable requirements for smaller facilities that contribute insignificant amounts of pollutants, clarify requirements for implementing pretreatment standards, and provide more flexible reporting, inspection and sampling requirements. The revisions should provide greater flexibility, reduce burden, and achieve improved environmental results at less cost for regulatory authorities and the regulated community.

#### Timetable:

Action	Date	FR Cite
NPRM	07/22/99	64 FR 39564
Final Action	12/00/04	

#### Regulatory Flexibility Analysis

**Required:** No

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

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

**Additional Information:** SAN No. 3663

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### 3501. NPDES STREAMLINING RULE — ROUND III

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1311 CWA sec 301; 33 USC 1312 CWA sec 302; 33 USC 1314 CWA sec 304; 33 USC 1316 CWA sec 306; 33 USC 1318 CWA sec 308; 33 USC 1342 CWA sec 402; 33 USC 1361 CWA sec 501

**CFR Citation:** 40 CFR 122; 40 CFR 123; 40 CFR 124

**Legal Deadline:** None

**Abstract:** EPA plans to issue several rulemaking packages 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 adding additional permit modifications that can be considered minor modifications at 122.63, and changes to requirements concerning EPA's review of State permits. Other revisions may be considered as work on this rule progresses. This rulemaking is expected to affect entities which implement the NPDES program or are regulated by it. This includes small businesses and State, tribal and local governments. Most of these effects are expected to be deregulatory or streamlining in nature.

#### Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
Final Action	08/00/07	

#### Regulatory Flexibility Analysis

**Required:** No

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

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

**Additional Information:** SAN No. 3786

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### 3502. CLEAN WATER STATE REVOLVING FUND REGULATION REVISIONS RE: USE AS MATCHING FUNDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1383(h)

**CFR Citation:** 40 CFR 35.3125(b)(1)

**Legal Deadline:** None

**Abstract:** This regulation will revise the Clean Water State Revolving Fund (CWSRF) Regulations to allow the use of loans from the non-Federal and non-State match share of CWSRF funds as a match for infrastructure grants. In 1990, EPA issued regulations implementing the CWSRF program, established as title VI of the Clean Water Act (CWA) in 1987. Section 603(h) of the CWA prohibits use of the CWSRF loan as matching funds with respect to the non-Federal share of the cost of a treatment works project for which a municipality or agency is receiving assistance from the Administrator under any other authority. In issuing its regulations at 40 CFR 35.3125(b)(1), EPA interpreted this prohibition broadly, applying the restriction to all treatment works construction. At that time, EPA believed the replacement of the construction grants program authorized by title II of the CWA by the CWSRF would result in a significant decrease in the use of other Federal grant funds for treatment works construction. However, from FY 1995 onward, Congress has authorized and appropriated funds for infrastructure construction grants in various Appropriations Acts. There are currently over 700 projects totaling over \$3.3 billion dollars. In several cases, EPA has been asked to allow CWSRF funds to be used as a match for these grants; but 40 CFR 35.3125(b)(1) prohibits such action. Upon reconsideration, EPA has decided its initial reading in 1990 was too broad, and the intent of Congress was only to prohibit use of CWSRF loans as a match for title II construction grants.



## EPA—Clean Water Act (CWA)

## Long-Term Actions

This action will revise the regulations to allow a State, in its operation of the CWSRF, to permit a CWSRF loan for non-title II infrastructure construction grant projects to be used as a non-federal match in certain circumstances. The prohibition on the use of CWSRF as a match for a title II construction grant will continue.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule Direct Final with companion proposal.	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local, Tribal**Additional Information:** SAN No. 4493

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**RIN:** 2040-AD68Environmental Protection Agency (EPA)  
Clean Water Act (CWA)

## Completed Actions

**3503. EFFLUENT GUIDELINES AND STANDARDS FOR THE IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY (REVISIONS)****Priority:** Other Significant**CFR Citation:** 40 CFR 420**Completed:**

Reason	Date	FR Cite
Final Action	10/17/02	67 FR 64216

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

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**RIN:** 2040-AC90**3504. EFFLUENT GUIDELINES AND STANDARDS FOR THE BLEACHED PAPERGRADE KRAFT SUBCATEGORY OF THE PULP, PAPER, AND PAPERBOARD CATEGORY; CERTIFICATION IN LIEU OF MONITORING FOR CHLOROFORM****Priority:** Substantive, Nonsignificant**CFR Citation:** 40 CFR 430**Completed:**

Reason	Date	FR Cite
Final Action	09/19/02	67 FR 58990

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

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**RIN:** 2040-AD23**3505. EFFLUENT GUIDELINES 2002 PROGRAM PLAN****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Completed:**

Reason	Date	FR Cite
NPRM	06/18/02	67 FR 41417
Final Action	08/27/02	67 FR 55012

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

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**RIN:** 2040-AD78**3506. REVISION TO CLEAN WATER ACT REGULATORY DEFINITION OF FILL MATERIAL****Priority:** Substantive, Nonsignificant**CFR Citation:** 33 CFR 323.2(e); 40 CFR 232.2**Completed:**

Reason	Date	FR Cite
Final Action	05/09/02	67 FR 31129

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

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**RIN:** 2040-AD51

**Environmental Protection Agency (EPA)  
Safe Drinking Water Act (SDWA)**

Prerule Stage

**3507. DRINKING WATER:  
REGULATORY DETERMINATIONS  
REGARDING CONTAMINANTS ON  
THE DRINKING WATER  
CONTAMINANT CANDIDATE LIST**
**Priority:** Other Significant**Legal Authority:** 42 USC 300f et seq; SDWA 1412(b)(1)(B)**CFR Citation:** Not Yet Determined**Legal Deadline:** Other, Statutory, August 6, 2001, Final Regulatory Determination.

**Abstract:** The 1996 amendments to the Safe Drinking Water Act (SDWA) requires EPA to publish a list of non-regulated contaminants every five years, which may warrant regulation due to their health effects and their potential for occurrence in public water systems (PWSs). The first list, called the Contaminant Candidate List (CCL), was published in the Federal Register on March 2, 1998 (63 FR 10274). When establishing the 1998 CCL, EPA divided the contaminants among three main categories: 1) contaminants which are priorities for additional research; 2) contaminants which need additional occurrence data; and 3) contaminants which are priorities for consideration for rulemaking. These contaminants are collectively referred to as the Regulatory Determination Priority contaminants. In addition to publishing the drinking water CCL, the SDWA also requires the Agency to select five or more contaminants from the CCL and determine, by August 2001, whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). The Regulatory Determination Priority category is the list of contaminants from which the Agency will determine whether or not regulations are necessary. There are currently nine contaminants that have sufficient scientific information to make regulatory determinations: Acanthamoeba; Aldrin; Dieldrin; Hexachlorobutadiene; Manganese; Metribuzin; Naphthalene; Sodium; and Sulfate. In order make a decision whether or not to develop a 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 a NPDWR; 2) develop guidance (e.g. Health or Consumer Advisory); or 3) determine no action is necessary.

**Timetable:**

Action	Date	FR Cite
Notice of Preliminary Regulatory Determinations	06/03/02	67 FR 38222
Notice of Final Regulatory Determinations	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4447**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD61
**3508. 6-YEAR REVIEW OF EXISTING  
NATIONAL PRIMARY DRINKING  
WATER REGULATIONS**
**Priority:** Other Significant**Legal Authority:** 42 USC 300f et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** Other, Statutory, August 6, 2002, Complete review for contaminants with NPDWRs promulgated prior to August 1996.

**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 six 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 regulation changes that will streamline or reduce existing requirements without lessening the level of public health protection. As a part of this action, EPA will do two things: (1) develop an overall protocol for conducting each six year review; and (2) review 69 NPDWRs published prior to 1996. The remaining NPDWRs published prior to 1996 (e.g., arsenic, radionuclides, most microbiological NPDWRs) have been, or are being, reviewed in the context of recent or ongoing rulemakings. 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 each review will be a Federal Register notice making available the results of the Agency's review and a planned rulemaking schedule for the regulations that the Agency believes are appropriate candidates for revision at that time. EPA may decide that any of the following need to be revised: maximum contaminant level goals, maximum contaminant levels, analytical methods, monitoring, treatment, recordkeeping and reporting requirements. EPA plans extensive stakeholder outreach and consultation in the development of the protocol and throughout the review process.

**Timetable:**

Action	Date	FR Cite
Notice of Preliminary Decision	04/17/02	67 FR 19030
Notice of Final Decision	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** SAN No. 4424**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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## EPA—Safe Drinking Water Act (SDWA)

Prerule Stage

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RIN: 2040-AD67

Environmental Protection Agency (EPA)  
Safe Drinking Water Act (SDWA)

Proposed Rule Stage

**3509. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE**

**Regulatory Plan:** This entry is Seq. No. 134 in part II of this issue of the **Federal Register**.

RIN: 2040-AD37

**3510. NATIONAL PRIMARY DRINKING WATER REGULATIONS: STAGE 2 DISINFECTION BYPRODUCTS RULE**

**Regulatory Plan:** This entry is Seq. No. 135 in part II of this issue of the **Federal Register**.

RIN: 2040-AD38

**3511. • DRINKING WATER CONTAMINANT CANDIDATE LIST 2**

**Priority:** Routine and Frequent

**Legal Authority:** SDWA Amendments of 1996 Sec 1412(b)(1)(B)

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Other, Statutory, February 28, 2003, 1-5 years after CCL.

**Abstract:** This tiering action is to develop the Second Drinking Water Contaminant Candidate List (CCL2). To meet the Safe Drinking Water Act (SDWA) requirements under section 1412(b)(1)(B)(i), as amended in 1996, OGWDW will publish a list of contaminants that are known or anticipated to occur in public water systems which may require regulation under the SDWA. In developing this list of contaminants, that are not currently subject to any proposed or promulgated NPDWRs, EPA must consult with the SAB, provide an opportunity for public comments, consider the National Contaminant Occurrence Database (developed under SDWA section 1445(g)), consider contaminants referred to in section 101(4) of CERCLA, and substances registered as pesticides under FIFRA. Similar to CCL1, the CCL2 will be based on readily available occurrence and health effects information and evaluated by EPA. SDWA required the first CCL to be published 18 months

after the date of enactment (2/98), and a new CCL every 5 years thereafter. The methods used to develop the CCL are described in the Federal Register (FR 62193). To respond to comments received on the draft drinking water CCL, the Agency requested assistance from the National Research Council (NRC) for guidance on methods and processes to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for the future CCLs. The details of the NRC recommendation are available in the report entitled "Classifying Drinking Water Contaminants for Regulatory Considerations." The NRC recommendations are being evaluated by a National Drinking Water Advisory Council work group, and the results of this parallel effort will be used for future CCLs.

**Timetable:**

Action	Date	FR Cite
Announcement of Draft	11/00/02	
Announcement of CCL	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** SAN No. 4703

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RIN: 2040-AD86

**3512. • DRINKING WATER CONTAMINANT CANDIDATE LIST 2**

**Priority:** Routine and Frequent

**Legal Authority:** SDWA Amendments of 1996, sec 1412(b)(1)(B)

**CFR Citation:** None

**Legal Deadline:** Other, Statutory, February 28, 2003, Within 1 to 5 years after CCL.

**Abstract:** This action is to develop the Second Drinking Water Contaminant Candidate List (CCL2). To meet the Safe Drinking Water Act (SDWA) requirements under section 1412(b)(1)(B), as amended in 1996, OGWDW will publish a list of contaminants that are known or anticipated to occur in public water systems which may require regulation under the SDWA. In developing this list of contaminants that are not currently subject to any proposed or promulgated NPDWRs, EPA must consult with the SAB, provide an opportunity for public comments, consider the National Contaminant Occurrence Database (developed under SDWA section 1445(g)), consider contaminants referred to in section 101(4) of CERCLA, and substances registered as pesticides under FIFRA. Like CCL1, the CCL2 will be based on readily available occurrence and health effects information and evaluated by EPA. SDWA required the first CCL to be published 18 months after the date of enactment (2/98), and a new CCL every 5 years thereafter. To respond to comments received on the draft drinking water CCL, the Agency requested assistance from the National Research Council (NRC) for guidance on methods and processes to identify and narrow a very broad universe of potential contaminants into a smaller, more focused list for the future CCLs. The details of the NRC recommendation are available in the report entitled Classifying Drinking Water Contaminants for Regulatory Considerations. The NRC recommendations are being evaluated by a National Drinking Water Advisory Council Work Group and the results of this parallel effort will be used for future CCLs.

## EPA—Safe Drinking Water Act (SDWA)

Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
Draft	11/00/02	
Final Action	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2040-AD88

**Environmental Protection Agency (EPA)  
Safe Drinking Water Act (SDWA)**

Final Rule Stage

**3513. UNREGULATED CONTAMINANT MONITORING REGULATION: ANALYTICAL METHOD FOR AEROMONAS & NATIONAL PRIMARY & SECONDARY DRINKING WATER REGULATIONS: ANALYTICAL METHODS FOR CHEMICAL & MICROBIOLOGICAL CONTAMINANTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300f; 42 USC 300g-1; 42 USC 300g-2; 42 USC 300g-3; 42 USC 300g-4; 42 USC 300g-5; 42 USC 300g-6; 42 USC 300j-4; 42 USC 300j-9; 42 USC 300j-11

**CFR Citation:** 40 CFR 141.40

**Legal Deadline:** None

**Abstract:** This action proposes the analytical method and an associated Minimum Reporting Level (MRL) for the analysis of Aeromonas to support the Unregulated Contaminant Monitoring Regulation's List 2 monitoring of 120 large and 180 small public water systems from January 1, 2003 through December 31, 2003. Only these 300 systems must monitor for Aeromonas. Additionally, EPA proposes to approve EPA Method 515.4 to support previously required National Primary Drinking Water Regulation (NPDWR) compliance monitoring for 2,4-D (as acid, salts and esters), 2,4,5-TP (Silvex), dinoseb, pentachlorophenol, picloram and dalapon, and EPA Method 531.2 to support previously required NPDWR monitoring for carbofuran and oxamyl. Finally, EPA proposed to approve eight additional industry developed analytical methods to support previously required NPDWR compliance monitoring. These eight methods include: a method for the determination of atrazine, two methods for the determination of cyanide, three methods for the determination of total coliforms, a method for the determination of heterotrophic bacteria

and a method for the determination of turbidity.

**Timetable:**

Action	Date	FR Cite
NPRM	03/07/02	67 FR 10532
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** SAN No. 4638

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**RIN:** 2040-AD81

**3514. NATIONAL PRIMARY DRINKING WATER REGULATIONS: GROUNDWATER RULE**

**Regulatory Plan:** This entry is Seq. No. 144 in part II of this issue of the Federal Register.

**RIN:** 2040-AA97

**3515. MINOR REVISIONS TO THE PUBLIC NOTIFICATION RULE, CONSUMER CONFIDENCE REPORT RULE, AND PRIMACY RULE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 300f et seq

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** None

**Abstract:** As part of a settlement agreement, EPA agreed to make specific changes to the health effects language, in the Public Notification and Consumer Confidence Report Rules, concerning di(2-ethylhexyl)adipate (DEHA) and di(2-ethylhexyl)phthalate (DEHP). With respect to DEHA, the proposed new wording would replace a reference to "general toxic effects" with specific toxic effects wording (i.e., weight loss and liver enlargement) and add the word "possible" to the reference to reproductive effects. With respect to DEHP, the proposed revision would add the word "well" in front of the phrase in excess of the MCL to describe when the health effects may be experienced. In addition, this proposal would include a negotiated paragraph on the proper use of the Agency's Integrated Risk Information System (IRIS). EPA is also making the following minor changes to the Consumer Confidence Report Rule: removing "leaching from wood preservatives" as a likely source for copper contamination; revising appendix A to move some disinfection byproducts contaminants from the "volatile organic contaminants" section to the "inorganic contaminants" section; and revising Appendix A to change "chloride dioxide" to "chlorine dioxide." Finally, EPA is removing an outdated provision of the Primacy Rule, since the Administrator no longer has authority to waive NPDWRs for federally owned public water systems.

**Timetable:**

Action	Date	FR Cite
NPRM	09/07/01	66 FR 46928
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

## EPA—Safe Drinking Water Act (SDWA)

Final Rule Stage

**Additional Information:** SAN No. 4561  
**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AD77

**Environmental Protection Agency (EPA)  
 Safe Drinking Water Act (SDWA)**

Long-Term Actions

**3516. 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; SDWA 1412

**CFR Citation:** 40 CFR 141; 40 CFR 142

**Legal Deadline:** NPRM, Statutory, August 6, 1999.  
 Final, Statutory, November 2, 2000.  
 Other, Statutory, November 2, 2000,  
 Publish radon health risk reduction and cost analysis.

**Abstract:** EPA proposed regulations for radon in drinking water which provide flexibility in how to manage the health risks from radon, in both drinking water and in indoor air. States and systems would be able to focus their efforts on the highest radon risks to the public — in indoor air — while reducing the highest risks from radon in drinking water. The proposal was based on the unique framework in the 1996 Safe Drinking Water Act (SDWA). The proposed regulation would provide two options to States and water systems for reducing public health risks from radon. Under the first option, States may choose to develop enhanced State programs to address the health risks from indoor radon while water systems reduce radon levels in drinking water to at or below the higher, alternative maximum contaminant level MCL proposed at 4,000 pCi/L (picoCuries per liter, a standard unit of radiation). EPA is encouraging the States to adopt this approach as the most cost-effective way to achieve the greatest radon risk reduction. If a State does not elect this option, the second option would require water systems in that State to either reduce radon in drinking water levels to the MCL of 300 pCi/L, or to develop a local indoor radon program and reduce levels in drinking water to 4000 pCi/L.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM	07/18/91	56 FR 33050
Notice	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59245
Notice	06/23/00	65 FR 39113
Final Action	12/00/03	

**Regulatory Flexibility Analysis  
 Required:** Yes

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

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

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

**Additional Information:** SAN No. 2281

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AA94

**3517. NATIONAL PRIMARY DRINKING WATER REGULATIONS: ALDICARB**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 300f et seq; SDWA 1412

**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	08/00/04	
Final Action	08/00/05	

**Regulatory Flexibility Analysis  
 Required:** Undetermined

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

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

**Federalism:** Undetermined

**Additional Information:** SAN No. 3238

**Sectors Affected:** 22131 Water Supply and Irrigation Systems

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**RIN:** 2040-AC13

**3518. 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

## EPA—Safe Drinking Water Act (SDWA)

## Long-Term Actions

**Abstract:** Methyl tertiary butyl ether (MTBE) is a fuel additive used primarily to increase the oxygen content in gasoline. It has been used in increasing quantity in the 1990s to meet the requirements of the Federal reformulated gasoline (RFG) and oxyfuels programs required by the Clean Air Act Amendments of 1990. Although the use of MTBE in gasoline has helped to reduce harmful air emissions, it is being detected in ground water and surface water throughout the country. In some instances the affected waters are drinking water sources. At relatively low levels, MTBE's taste and odor can make drinking water supplies unacceptable to consumers. In this action, EPA is proposing a secondary standard for MTBE, which would provide guidance for taste and odor acceptability and to protect the public welfare.

**Timetable:** Next Action Undetermined

**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

**3519. UPDATE OF STATE UNDERGROUND INJECTION CONTROL PROGRAMS**

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

**Legal Authority:** 42 USC 300h-1;  
SDWA sec 1422; 42 USC 300h-4;  
SDWA sec 1425

**CFR Citation:** 40 CFR 147 (Revision)

**Legal Deadline:** None

**Abstract:** EPA provides a place in part 147 of its UIC regulations where all the State UIC programs are summarized. Included in this summarization are all the authorities and regulations used by the States to implement the UIC program, as well as all other documents that are relevant to the program. The primary reason for this is to provide one place where all the UIC programs nationwide are presented. A second reason, more importantly, is to allow EPA to incorporate by reference into the Code of Federal Regulations the State program authorities. Current citations to State regulations in 40 CFR part 147 are out of date for many

States. This update is necessary to ensure that the CFR accurately reflects current approved State UIC programs and that elements of those programs are federally enforceable if necessary. EPA regional offices will be submitting State revision packages as they are completed. Part 147 will then be updated in several stages. This is the first stage. This effort should have no impact on the regulated community because we will merely be incorporating by reference elements of already effective State programs.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

**Additional Information:** SAN No. 4236

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**RIN:** 2040-AD40

## Environmental Protection Agency (EPA)

## Completed Actions

## Safe Drinking Water Act (SDWA)

**3520. UNDERGROUND INJECTION CONTROL CLASS V PHASE 2 REVISIONS**

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

**CFR Citation:** 40 CFR 144

**Completed:**

Reason	Date	FR Cite
Notice of Final Determination	06/07/02	67 FR 39584

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 2040-AD63

**Environmental Protection Agency (EPA)**  
**Shore Protection Act (SPA)**

Final Rule Stage

**3521. 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. In regards to small businesses, EPA has provided guidance on development of operation and maintenance manuals and encourages the use and documentation of existing industry practices that meet or exceed the EPA proposed minimum waste handling standards. All indications are that this regulation as proposed would have a minimal economic impact. This regulation will result in reduction of municipal and commercial wastes deposited in coastal waters.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/94	59 FR 44798
Final Action	08/00/03	

**Regulatory Flexibility Analysis  
Required:** No
**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local**Additional Information:** SAN No. 2820

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**RIN:** 2040-AB85

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